

1909-075
Nansemond Co (Suffolk)

Chancery Causes: J.R Howell & Co] et al vs Mills A. Howell

Parker Buggy Corp]

Amendment to Corp.

2., 202,

W. B. Ferguson & E. A. Morfleet, merchants
& partners, trading as W. B. Ferguson & Co.
v

M. A. Howell & C. A. Bell, trading as
M. A. Howell & Co.

\$306.³⁷, Int on \$181.³⁷ from Aug. 1. 1894.
+ \$125. from 11 Aug. 1894. + \$7.44 costs
Homestead waived.

Rendered in Southampton Co. Court Aug 14
1894. Docketed in Nansemond May
20. 1902.

3. 44

Withers & Co.

v.

M. A. Howell

\$69.⁸⁷, Int from 27. Aug. 1906, + \$1.⁴⁰ costs;

Rendered Oct. 20. 1906

Docketed Oct. 9 1907 W. H. Jones J.P.

3. 48

E. L. Folk & Co. } \$71.²⁵ Int. from 1
v. } Dec. 1905, till paid
M. A. Howell } + \$1.⁰⁰ costs.

Rendered Sept. 27. 1907 & Docketed Oct. 22
1907. J. C. Holladay J.P.

3, 76.

E. L. Dolk & Co. } \$100. Int from 1 Dec.
v. 1905, + \$1. ⁴⁵ costs.

M. A. Howell } Homestead waived.

Rendered March 28, 1908

Docketed April 27, 1908

J. F. Deberry J.P.

3, 109. J. R. Howell & Co. } \$41. ¹¹ Int. from
v. 9 Oct. 1906, till

M. A. Howell } paid + \$1. ⁴⁵

Homestead waived.

Rendered Oct. 9, 1906

Docketed March 10, 1909.

W. H. Jones J.P.

2, 79 J. W. Lawrence & Son
v.

Mervison Howell & Mills E. Howell

\$53. ²⁶, Int. from 1st Nov. 1894, + \$1. ²⁵ costs,

Rendered Dec. 31, 1894

Docketed Feb. 21, 1895. } W. H. Jones J.P.

2, 79 Same for \$53. ²⁷, Int from 1 Jan. 1895
+ \$1. ²⁵ costs. Rendered Jan. 18, 1895, Docket
ed Feb. 21, 1895. W. H. Jones J.P.

J.R.Howell and I.E.Howell, trading as J.R.Howell & Company, and the Parker Buggy Corporation, a corporation duly incorporated under the laws of the State of Virginia,

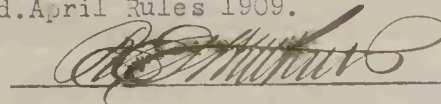
Plaintiffs

VS IN CHANCERY.

Mills A.Howell

Defendant.

Summons defendant to the 2d. April Rules 1909.



p.q.

Tax \$1.50 paid

Memorandum

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Mills A Howell

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 Third Monday in April 1909, to answer

a Bill in Chancery, exhibited against him
in the said Court by J R Howell and I E Howell trading
as J R Howell Company and the Parker Buggy
Corporation a Corporation duly incorporated
under the Laws of the State of Virginia

And have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this 16th day of April, 1909, in the 132nd year of the Commonwealth.

A copy—Teste :

Teste :

_____, CLERK. } R R Smith, CLERK.

By J P Gomer D.C.

Executed the within process this 19th day of April 1909
by delivering a true copy thereof in writing to
Miss A. Howell in person, in the County of Nansemond.

A. H. Baser Sheriff
by J. R. Bacon, deputy

R E L Watkins....., p. q.

J R Howell vaker

vs.

}

IN CHANCERY.

Mills A Howell

1909---

April

Rules.

Third

Monday.

NANSEMOND CIRCUIT COURT.

Process Book No.-----

Page-----

Commissioner's Office,

Suffolk, Va.

To

J. R. Howell and I. E. Howell, trading as J. E. Howell and Company and The Parker Buggy Corporation, Inc.

Complainants.

v.

Mills A. Howell

Defendant.

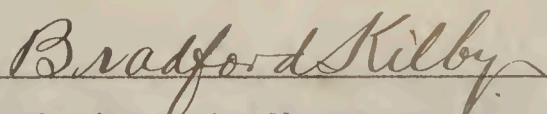
You are hereby notified that on the 5th. day of October, 1909, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 12th. day of July 1909, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the debts due by Mills A. Howell, and especially the debts due by him to the plaintiff in this cause, the dates and proofs of the same, and their priorities.

(2) An account of all real estate owned by the said Mills A. Howell, with its fee-simple and annual value, and especially the real estate conveyed to the said Mills A. Howell by Mills E. Howell and Asineth Howell by deed dated the 6th. day of July 1908, said deed being recorded in the Clerk's office of Nansemond County, Virginia, in Book No. 66 at page 98 and referred to in this cause, with its fee-simple and annual value.

(3) Whether or not the income, rents and profits arising from the said land will in five years, pay the debts that may be reported as being against the same, and any other matter deemed pertinent by the commissioner or required to be stated by any party in interest.

Given under my hand as Commissioner in Chancery of said Court the 23rd. day of September.


Commissioner in Chancery.

Howell et al,
v. } In Chancery

Howell

Commissioner's Notice

Commissioner's Office,
Suffolk, Va.

To

J. R. Howell and I. E. Howell, trading as J. R. Howell and
Company and The Parker Buggy Corporation, Inc.

Complainants.

v.

Mills A. Howell

Defendant.

You are hereby notified that on the 5th. day of October,
1909, at my office in Suffolk, Va., (at which time and place you
are required to attend), I shall take, state and settle the fol-
lowing accounts which are to be taken, stated and settled and
reported to court in pursuance of the decree of the Circuit
Court of Nansemond County, Va., rendered the 12th. day of July
1909, in the suit in chancery pending in said court to which
you are parties plaintiff and defendant, to-wit:

(1) An account of the debts due by Mills A. Howell, and es-
pecially the debts due by him to the plaintiff in this cause,
the dates and proofs of the same, and their priorities.

(2) An account of all real estate owned by the said Mills
A. Howell, with its fee-simple and annual value, and especially
the real estate conveyed to the said Mills A. Howell by Mills
E. Howell and Asineth Howell by deed dated the 6th. day of Ju-
ly 1908, said deed being recorded in the Clerk's office of Nan-
semond County, Virginia, in Book No. 66 at page 98 and referred to
in this cause, with its fee-simple and annual value.

(3) Whether or not the income, rents and profits arising from
the said land will in five years, pay the debts that may be re-
ported as being against the same, and any other matter deemed
pertinent by the commissioner or required to be stated by any
party in interest.

Given under my hand as Commissioner in Chancery of said
Court the 23rd. day of September.

Commissioner in Chancery.

Commissioner's Office,
Suffolk, Va.

To

J. R. Howell and I. E. Howell, trading as J. R. Howell and
Company and The Parker Buggy Corporation, Inc.

Complainants.

v.

Mills A. Howell

Defendant.

You are hereby notified that on the 5th. day of October,
1909, at my office in Suffolk, Va., (at which time and place you
are required to attend), I shall take, state and settle the fol-
lowing accounts which are to be taken, stated and settled and
reported to court in pursuance of the decree of the Circuit
Court of Nansemond County, Va., rendered the 12th. day of July
1909, in the suit in chancery pending in said court to which
you are parties plaintiff and defendant, to-wit:

(1) An account of the debts due by Mills A. Howell, and es-
pecially the debts due by him to the plaintiff in this cause,
the dates and proofs of the same, and their priorities.

(2) An account of all real estate owned by the said Mills
A. Howell, with its fee-simple and annual value, and especially
the real estate conveyed to the said Mills A. Howell by Mills
R. Howell and Asineth Howell by deed dated the 6th. day of Ju-
ly 1908, said deed being recorded in the Clerk's office of Nan-
semond County, Virginia, in Book No. 66 at page 98 and referred to
in this cause, with its fee-simple and annual value.

(3) Whether or not the income, rents and profits arising from
the said land will in five years, pay the debts that may be re-
ported as being against the same, and any other matter deemed
pertinent by the commissioner or required to be stated by any
party in interest.

Given under my hand as Commissioner in Chancery of said
Court the 23rd. day of September.

Commissioner in Chancery.

J. R. Howell & Co ^{and} Parlier Buggy Corporation
VS

Wm A. Howell.

This cause came on this day to be heard upon the bill taken for confessed as to the Defendant, upon whom process has been served, and he still failing to appear, plead answer or demur, and the exhibits filed, and was argued by Counsel. - On consideration whereof the Court doth adjudge, order and decree that the papers in this cause be referred to one of the Commissioners of this Court, who is directed to enquire into and report to Court.

(1) An account of the debts due by Wm A. Howell, and especially the debts due by him to the Plaintiffs in this cause, the dates and proofs of the same and their priorities, and (2) An account of all real estate owned by the said Wm A. Howell with its full simple and annual value, and especially the real estate conveyed to the said Wm A. Howell by Mills E. Howell and Aseneth Howell by deed dated the 6th day of July 1908, said deed being recorded in the Clerk's Office of Nausaumont County

Virginia in Book #66 at page 98, and
referred to in this case, with its fee
simple and Annual value.

3. Whether or not the income, rents
and profits arising from the said
land will in five years pay the
debts that may be reported as being
against the same, and any other
matter deemed pertinent by the Com-
missioners or required to be stated
by any party in interest.

J. P. Howells, Secy
and
Parker Buggy Corporation
15 ^{1st} Decrel
Mills A. Howells -

Enter,
July 12 1909.
J. P. Howells
Entered in Chy. Order
Book No. 4. Page 346

Commissioner's Office,
Suffolk, Va.

To

J. R. Howell and I. E. Howell, trading as J. R. Howell and
Company and The Parker Buggy Corporation, Inc.

Complainants.

v.

Mills A. Howell

Defendant.

You are hereby notified that on the 5th. day of October, 1909, at my office in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 12th. day of July 1909, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) An account of the debts due by Mills A. Howell, and especially the debts due by him to the plaintiff in this cause, the dates and proofs of the same, and their priorities.

(2) An account of all real estate owned by the said Mills A. Howell, with its fee-simple and annual value, and especially the real estate conveyed to the said Mills A. Howell by Mills E. Howell and Asineth Howell by deed dated the 6th. day of July 1908, said deed being recorded in the Clerk's office of Nansemond County, Virginia, in Book No. 66 at page 98 and referred to in this cause, with its fee-simple and annual value.

(3) Whether or not the income, rents and profits arising from the said land will in five years, pay the debts that may be reported as being against the same, and any other matter deemed pertinent by the commissioner or required to be stated by any party in interest.

Given under my hand as Commissioner in Chancery of said Court the 23rd. day of September.

Bradford Kilby
Commissioner in Chancery.

1909 Sept. 24th. Sufficient and legal service of the within
notice is hereby accepted by us.

The Parker Buggy Corporation, Inc. by

R. M. Miller *att'y*

J. R. Howell and I. E. Howell, trading as

J. R. Howell and Company by

R. M. Miller *att'y*

Executed this 27th day of Sept 1909
by delivering a true copy of the within
notice to *Wills & Hurl* in person

A. H. Babson *clerk*
By *H. C. Gaffin* *dt.*

Howell et al
v. J. R. Howell
Howell
Commissioner's Office

Virginia---Clerk's Office of the Circuit Court of Nansemond County.

Before *W. H. Jones, a J. P.*

~~In the Circuit Court of the County of Nansemond, at the~~ *Octo. 9th* Term, 190*6*

J. R. Howell & Co

Action of

Plaintiff.

AGAINST

M. A. Howell

Defendant.

Judgment in favor of the Plaintiff against the Defendant for the sum of

Forty-one Dollars and eleven cents

\$ *41.11*

With interest after the rate of six per centum per annum from *the 9th*
day of Octo. 1906.

Charges of Protest, \$

And the cost of suit, \$ *1.45*

until paid.

and \$1.45 costs

Upon instrument waiving Homestead Exemption

A FIERI FACIAS issued from the Clerk's Office of said Circuit Court on the *10th* day of

March

190*9*., returnable to the

June Rules - 1st Monday

W. E. Whitfield, Constable

directed to the Sheriff of the County of Nansemond, who hath made return thereon in the words and figures

following, to wit:

Teste:

, p. q.

R. R. Smith

CLERK.

By M. M. Watkins, D.C.

Circuit

This Judgment was duly docketed in the Clerk's Office of the County Court of the County of Nanse-

mond on the *10th* day of *March*, 190*9*.

Judgment Docket No. *3*, Page *109*

R. R. Smith

CLERK.

By M. M. Watkins, D.C.

Exhibit "B"

J. R. Howell & Co

vs.

} Abstract of Judgment.

M. A. Howell

Nansemond Circuit Court.

~~Process Book~~ No. ~~.....~~, Page ~~.....~~

~~Order Book~~ No. ~~.....~~, Page ~~.....~~

Oct. 9th Term, 1909-

Execution Book No. 2, Page 50

Judgment Docket No. 3, Page 109

Circuit
County Court.

Virginia---Clerk's Office of the Circuit Court of Nansemond County.

Before *E. J. P.*

In the Circuit Court of the County of Nansemond, ~~at the~~ *Sept. 14th* ~~Term~~ 190*7*.

Parker Buggy Corporation

Action of

Plaintiff.....

AGAINST

Mills Abram Hewell

Defendant.....

Judgment in favor of the Plaintiff...against the Defendant...for the sum of.....

Seventeen Dollars

\$ *17.00*

With interest after the rate of six per centum per annum from *the 14th*
day of Sept. 1907

Charges of Protest, \$.....

And the cost of suit, \$ *1.45*

until paid.

and \$1.45 costs

A FIERI FACIAS issued from the Clerk's Office of said Circuit Court on the *1st* day of

Jan'y, 190*9*, returnable to the *Mch. Rules - 3rd Monday*

directed to ~~the Sheriff~~ *W. Whitfield Constable* of the County of Nansemond, who hath made return thereon in the words and figures following, to wit:.....

Teste:

....., p. q.

R. R. Smith
By *M. M. Watkinson D.C.* CLERK.

This Judgment was duly docketed in the Clerk's Office of the ~~County~~ *Circuit* Court of the County of Nansemond on the *14th* day of *October*, 190*9*.

Judgment Docket No. *3*, Page *47*

R. R. Smith
By *M. M. Watkinson D.C.* CLERK.

Exhibit "A"

Parker Buggy Corporation

vs.

} Abstract of Judgment.

Mills Abram Howell

~~Nansemond Circuit Court.~~

~~Process Book~~ No. ~~.....~~, Page ~~.....~~

~~Order Book~~ No. ~~.....~~, Page ~~.....~~

Sept 14th Term, 1907

Execution Book No. 2, Page 46

Judgment Docket No. 3, Page 47

Circuit
County Court.

This indenture, made and executed this 6th day of July, 1908; between Mills E. Howdell & Howdell and Asenath, his wife, of the County of Hansemond, in the State of Virginia, of the first part, and Mills A. Howdell of the County and State aforesaid, of the second part;

Witnesseth: That the said Mills E. Howdell and Asenath his wife, for and in consideration of the love and esteem they have for their son the said Mills A. Howdell, they do hereby loan the lands and plantation formerly belonging to Abraham Howdell (deceased) to the said Mills A. Howdell during his life, and if he should die before leaving an heir lawfully begotten of his body, then and in that event the said lands and plantation shall belong to the estate of the said Mills E. Howdell and Asenath his wife, to be given as the residue of their estate, the said land is situated, lying and being in Holy Neck Magistral District, Hansemond County, Virginia, adjoining the lands of J. Hudson Howdell, and Estate J. Howdell, containing one hundred and thirty acres, more or less, This loan is given with the express understanding and agreement that the

said Mills A. Howell shall accept this as his whole share in the real estate of the said Mills E. Howell and Asenith his wife, to have and to hold the same, together with all and singular the appurtenances belonging thereto during his life, or until he has an heir lawfully begotten of his own body, then and in that event his heirs shall have said property in fee simple.

Witness the following signatures and seals,

Mills (his X mark) E. Howell

Asenith Howell

Virginia,

Household County, to wit: I, W. H. Jones, - a Justice of the Peace in and for the County aforesaid, in the State of Virginia, do certify that Mills E. Howell and Asenith his wife, whose names are signed to the writing hereto annexed, bearing date on the 6th day of July, 1908, have acknowledged the same before me in my County aforesaid.

Given under my hand this 7th day of July 1908.

W. H. Jones, J.P.

Virginia

In the office of the Clerk of the Circuit Court of Household County, the 18th day of July 1908.

This deed was presented, and, with the certificate annexed, admitted to record.

Teste;

R. R. Smith Clerk

By M. M. Wanklin D.C.

Copy of deed
Exhibit "A"

To the Honorable Jas.L.McLemore, Judge of the Circuit Court of Nansemond County, Virginia:

Complaining sheweth unto the Court, your complainants, J.R.Howell and I.E.Howell, trading as J.R.Howell and Company, and the Parker Buggy Corporation, that they are judgement creditors of M.A.Howell, a citizen of Nansemond County, Virginia, in the following amounts,

First the said M.A.Howell is indebted to your complainants in the sum of Forty one dollars and eleven cents (41.11) and two dollars and three cents cost due by judgement, which said judgement was rendered by W.H.Jones a Justice of the Peace in Nansemond County, Virginia, on the 9th.day of October 1906 in favor of the said J.R.Howell AND COMPANY against the said M.A.Howell.

Second, The said M.A.Howell is indebted to the said Parker Buggy Corporation in the sum of SEVENTEEN DOLLARS (\$17.00) and Two dollars and three cents costs, due by judgement, which said judgement was rendered by E.Joyner, a Justice of the Peace in Nansemond County, Virginia, on the 14th.day of September 1907, which said judgement is duly filed in the Clerk's office of Nansemond County, Virginia, abstracts of which are herewith filed marked exhibits "A" and "B" respectively and prayed to be read as a part of this bill.

Your complainants respectfully represent that on the 6th.day of July 1908, Mills E.Howell and Asenith Howell by deed of Bargain and Sale conveyed to the said M.A.Howell a life estate in the following described real estate lying, situate and being in Nansemond County, Virginia, to wit: The lands and plantation formerly belonging to Abram Howell, deceased, the said land is in Holy Neck Magisterial district, adjoining the lands of J.Husdon Howell and Everette J.Howell containing one hundred and thirty acres (130) more or less, which said deed is of record in the Clerk's office of Nansemond County, Virginia, in Deed Book #66 at page 98, a copy of which deed is hereto annexed marked exhibit "D" and prayed to be read as a part of this bill.

Your complainants are advised that by virtue of their said judgements that they have a lien on the real estate of the said M.A.Howell; that the said lands will rent for an amount sufficient to pay the liens of your complainants within five years.

Your complainants were not advised of any other liens on said land.

In tender consideration whereof and forasmuch as your complainants are remediless save in a court of equity where matters of this character are alone cognizable, they

pray that the lien of their judgements may be enforced against the said defendant;
that the said M.A.Howell may be made a party defendant to this suit and required
to answer the same,though answer on oath is hereby waived,that proper process
may issue;that all proper decrees and orders may be entered and that such other
further and general relief may be afforded your complainants as the nature of their
case may require or to equity shall seem meet.And your complainants will ever
pray &c.

R.B. Turner p.q.

By

J.R. Howell

Parker Buggy Corporation,

By

J.R. Knight President.

State of Virginia,

Southampton County,to wit:I,R.B.Turner a Notary Public in and for the County
aforesaid,State of Virginia,do hereby certify that R.B.Turner,J.R.Howell of
the firm of J.R.Howell & Company and J.R.Knight President of the Parker
Buggy Corporation,each appeared before me in person in my County aforesaid
and made oath that the facts setforth in the above bill were true.

Given under my hand this 21st.day of April 1909.

My Commission expires April 29th 1909

R.B. Turner
Notary Public.

J.R.Howell & Company AND
Parker Buggy Corporation

VS BILL

M.A.Howell.

Filed ~~APRIL~~ 21st.1909.

CLERK

R. E. L. WATKINS,
ATTORNEY AT LAW
FRANKLIN, - VA.

Wanamaker & Co., Phila., Pa.

J R Howell v others
vs In Chancery
Mills A Howell

1909. April 16th Process issued returnable
to April Rules third Monday

" " 19th. Process returned executed
on defendant. Bill filed
and decree nisi against
him

" May 3rd Decree nisi confirmed
and cause set for hearing

Chancery Notes

R E L Watkins p.g.

J R Howell Vokes
W Chancery
Mills A Howell

~~1915~~

1915