

1855-009

Uncanny Causes: Mary Carroll Sadler + John Carroll vs Phineas M. Price & al

Judge of Wright County

Other SURNAMES: Young, Hall
Simmons, Wrenn, Hankins,

Octo. 1854. decm. for
sale. O. B. p. 31.

March 1855.
repts. of Com. filed
May 1855. final
decree. O. B. p. 38.

James T. Kelly atty

Cannell's advt to

in 3 Prii Vahabts

Prii et al

Nov. Rule, 1853 Bill to
file to gov. and let
aff. to info. & decm. rise

Decm. rule, 1853 Bill
taken for confid. on
to court.

Apr. rule, 1854 Adv. of publn.
in unknown debts.

May rule 1854 Set for
hearing.

May term 1854. Leave to
file and bill & make no
party to.

Jan rule 1854 Am. bill
filed & sent to adv. ip.

July rule 1854 decm. of J. Hall
adv. to return. eq. & decm. rise
and ord. publn. &c.

August rule 1854 Set for
hearing
C. J. Kelly atty

To The Hon: Richard H. Baker Judge of the Circuit
Court holden for the County of Isle of Wight

Humbly Complaining
Sheweth unto the Court your Compts: Nathaniel P. Young adm^r
debtor now with the will annexed of Gray Carroll dec^d John
Carroll, and ~~Geo. W. Carroll~~

That many years ago to wit on the 4 Janry 1843 one
Horrell Simmons ^{James Simmons} ~~was~~ indebted to your Compts in three several
bonds for \$90 each due & payable on the 1 August 1841. & dated 9
Nov 1840 and the said Horrell Simmons was also indebted to said
Carroll in one other bond for \$15.74 ^{to} dated 10 Dec 1839 and
due on Demand which original bonds your Compts may
be filed hereafter if deemed necessary and taken as part of this bill
That to secure the payment of these several sums of money
the said Horrell Simmons executed a Deed of Trust conveying
a certain tract of Land containing 440 acs to one L. B. Brown
Trustee bearing date the 4 Janry 1843 all of which more
fully appears by the original Deed of Trust marked A and
prayed to be taken as part of this bill

Your Compts Charge that on the
27 Dec 1844 after having advertised the Land as required by the deed
aforesaid the said Trustee sold the same at Public Auction
retaining the title until the purchase money was paid when
one Thomas M. Price became the purchaser at the sum of \$363⁰⁰
being the amount of the debt secured & expenses of executing the
trust that the said Price has paid at different times the sum of
\$319.77 leaving a balance due of \$93.31 ¹¹/₁₀₀ and Int from 6 Sept

Grass Hill Council
for Campers

Carroll's arm

in { amended bill

Price et al.

June 1854 filed

To The Hon. N. H. Baker Judge of The Circuit Court holden
for The County of Isle of Wight

Respectfully sheweth unto the Court
of our Compts at the P. Young adm^r de bonis non with the will
annexed of Emory Carroll dec^d. John Carroll, Nat^l trustee
to wit on the day of 1833 your Compts submitted
this bill unto this Court against P. McBride, Geo. W. Cannon
& Wm. P. Brinkins Executors of J^{es} Thomas dec^d. to them in which
said bill the personal representative of Thomas & his heirs dec^d
was intended to be made a party deft, but inadvertently
omitted, In their consideration whereof and for as much
as your Compts are without remedy to by way of
amendment to his original bill, they pray that
Thomas Hall Sheriff of Isle of Wight and as such adm^r
& Committee of the Estate of Thomas ^{deceased} may be made a
party deft. with apt and proper words to charge him
that he be compelled to answer the allegations of the
Original & amended bills in as full and ample
manner as if the same were herein repeated
and they pray particularly interrogated and that
a decree may be entered appointing a Com^r to make
title of the Land in the Bill & proceedings mentioned
with such other & further relief as his Comings
& Equities permit

Emory & Kelly for
Compts

N. P. Young adm.
de bonis non of G. Carroll,
and John Carroll

vs. $\frac{2}{3}$ Sum. in
Chy.

Wm R. Hankins & Co.
McCandl Esors. of
J. F. Meun & Co.

To Nov^r rules cir. Cor
of Isle of Wight 1853.

Geo. Kilby per

Execution

W. M. West
Att^y.

3

The Commonwealth of Virginia,

Surry
To the Sheriff of ~~Isle of Wight~~ County, GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *Thomas M. Price and*
William B. Hankins and of the Executor of *Isiah F. Wren*
decd.

to appear at the Clerk's Office of our Circuit Court for Isle of Wight county, on the first Mon-
day in *November* next, to answer *a bill in Chancery exhibited*
against them and others by N. P. Young administrator de bonis
non of Gray Carroll decd. with the will annexed, and John
Carroll
of a plea of

~~damages~~

and have then and there this Summons.

Witness, NATH'L. P. YOUNG, Clerk of our said Court, at his Office, this *5th* day of
October, 185 *3*, in the *78th* year of the Commonwealth.

N. P. Young. C.

A. F. Young adm. of
Gray's bundle, and
Am. Carroll

or by Messrs. in
clg.

P. M. Price for

To Mr. Reely, ex. col.
1133.

Graves & Kelly for
G. & W. 9th
Carroll by Mr. Young
at two copies
G. & W. 9th

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *Phineas M. Price,*
George W. Carroll and William R. Hankins Exors. of
Josiah T. Mearns decd. and the heirs of ^{Jamies} ~~Herrell~~ Mearns decd.
who are unknown
to appear at the Clerk's Office of our Circuit Court for Isle of Wight county, on the first Monday in *November* next, to answer *a bill in Chancery*
exhibited against them by N. P. Young administrator de
bonis non of Gey Carroll decd. with the will annexed,
and John Carroll.

of a ~~plea~~

~~damages~~

and have then and there this Summons.

Witness, NATH'L. P. YOUNG, Clerk of our said Court, at his Office, this *5th* day of
October, 185 *3*, in the *78th* year of the Commonwealth.

N. P. Young cl.

Deethman copy device of my (deceased).

Jan 7. 1837.

J. H. Hall 1837.

Cards and Vols.

3. Sum. to
C. W. and B. L.

Price, Simonson, Vol.

To July vol. 1834

Gravett Kelly Jr.

The Commonwealth of Virginia,

Crown
To the ~~Sheriff~~ of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *Thomas Hall* *shff.*
and administrator of Howell Simmons decd.

to appear at the Clerk's Office, of our *Circuit* Court for Isle of Wight county, on the first
Monday in *July* next, to answer *the original and amended*
bills filed against him & others in said court, by Nathl.
P. Young admor. of Gay Carroll decd. and John Carroll
of a plea of

~~damages~~

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *7th*
day of *June*, 1854, in the *78* year of the Commonwealth.

N. P. Young

Carroll adm. V. 4.

n: $\frac{3}{3}$ Report of Sale

Price V. 4.

March 6th 1855

Returned & filed:

A. P. Young admr. de bono non of Gray Canoll decd,
and John Canoll

Plff.

Against $\frac{3}{3}$ In Chancery
Thomas M. Price, Geo. W. Canoll & W. M. B. Bankins
Com. of Jacob F. Warren decd. and others $\frac{3}{3}$ Defs.

The undersigned, Commissioner appointed by decree of the Circuit Court of Isle of Wight County, pronounced in this cause on the 19th day of October 1834. makes the following report. After the rendition of the decree aforesaid, your Commissioner ascertained from the records of Surry County and, that prior to the date of the deed of trust from Howell Simmons to J. F. Warren for the benefit of Canoll, refused to in the proceedings, the said Simmons had sold and conveyed to Geo. James Clarke, five negro, thirty acres of the one hundred forty acres decreed to be sold by your Commissioner, which said 30 acres was afterward reconveyed by said Clarke to A. & W. Warren, and consequently at the time said Simmons made the deed of trust aforesaid, he held only 140 acres instead of 140. Your Commissioner therefore sold under said decree only 140 acres, which was purchased at auction, after being duly advertised, by Geo. Thomas J. Scotland for the sum of \$100.60 used for which I made to the purchaser a deed. From which your amt. has deducted for

Costs of suit

\$33.22

Commissioners on sales

5.00

38.22

A. P. Young admr. of

\$62.38

which he has apportioned and paid over to A. P. Young admr. of Gray Canoll decd. and John Canoll according to said decree as following.

To A. P. Young admr. as aforesaid \$31.12

" John Canoll

\$1.26

\$62.38

Witnessed my hand this 6th day of March 1835.

A. P. Young Comr.

^X
Carroll, adms.

vt.

Price Sal

1854

Octo^r 1st. cleared

To be entered

R. H. Baker

3
Bucks

out of the proceeds of such sale pay to the ~~Complainants~~
~~Complainants~~ the ~~is~~ all the costs of this suit
and expenses of sale, and then pay to the
Complainants the said sum of \$98.31¹⁴
with interest from 6th of Sept. 1847 till paid
and make to the purchaser a deed for the
said Land with special warranty in the
usual form, and make report to Court -

But before the said Nathl. P. Young, Comt.
aforesaid shall make such sale he shall
execute before the Clerk of this Court a
bond in the penalty of \$1000 conditioned by
the Law directly.

Carroll's adm^r & } On the motion of the Compt^r by Counsel, this
or } cause as to the unknown Defendants
Price sal. } heirs at law of James Simmons be
dr. mixed

The ^{original} Bill in this case having been taken for
confessed at rules as to the defendants, Phineas M. Price,
George W. Carroll and William S. Hawkins Executors of
or ^{as} ^{the} ^{decedent} ^{see having been taken for confessed} ^{Thomas Hall adm^r of Horace Simmons dec^d}
Josiah H. Wren dec^d, and they still failing to
appear and answer, the cause came on to be
heard on the said Bills and Exhibits filed and was
argued by counsel: On consideration whereof the
Court doth adjudge, order and decree that the
defendant Phineas M. Price, pay to the complain-
ant ^{J. P. Young} as administrator de bonis non of Gray Carroll
dec^d and for Carroll the sum of \$93:31 with
interest from 6th Sep^r 1847 till paid and the
costs of this suit; and that unless the same be
paid within ninety days from this day, that then
and in that case, Nathaniel P. Young (who is
hereby appointed a Commissioner for that purpose)
make sale at public auction, to the highest bidder
for cash the Land in the proceedings mentioned
described as a tract of land in Isle of Wight County
containing One hundred and forty acres more or less
adjoining the Land of Peter R. Jones dec^d, Nathl Gray
Jr, Gwatney and others and which land formerly
belonged to Horace Simmons and was by him conveyed
to Josiah H. Wren as trustee for Gray Carroll and John
Carroll, by Deed of Trust dated 4th Jan^y 1843, and which
was sold by said Josiah H. Wren on 27th Dec^r 1844
purchased by said Phineas M. Price, & who paid all
the purchase money except the sum aforesaid & who
never obtained a deed for the same — That
at least twenty days notice of the time and place
of such sale (which shall be fixed on by the said
Commissioner) ^{shall be given by advertisement} at the Court house of Isle of Wight
County, and at four other public places, and

A Copy

St. J. Younger

25. 3 copy Received

Wm. Price & Co.

May. 29. 1837 - land sold
to J. J. Rutland at
\$100.00

[illegible]

transferred	100.00
to small acct.	27.40
	48.40
	64.00

$$\begin{array}{r} 110 \\ 91 \cancel{1} - \\ \hline 190 \\ 990 \\ \hline 10001 \end{array}$$
[illegible]

In the Circuit Court of Isle of Wight County.

Oct. 19. 1854.

N. F. Young, administrator de bonis non of Gray Carroll dec.
with the will annexed, and John Carroll. Plffs

Against

$\frac{3}{4}$ M. Chry

Pheneas M. Price, George W. Carroll and William R. Hawkins
executors of Josiah F. Wrenn dec. and others. Defts.

On the motion of the Complainants by Counsel, this cause
as to the unknown Defendants heirs at law of James Simmons
be dismissed, The original Bill in this cause having been taken
for confessed at rules as to the defendants, Pheneas M. Price, George
W. Carroll and William R. Hawkins execs. of Josiah F. Wrenn dec.
and the amended bill having been taken for confessed as Thomas
Hale admⁿ of Howell Simmons dec. And they still failing to appear
and answer, The Cause came on to be heard on the said bill
and exhibits filed, and was argued by Counsel: On consideration
whereof the Court doth adjudge, order and decree that the defendant
Pheneas M. Price, pay to the Complainant N. F. Young as admⁿ
de bonis non of Gray Carroll dec. and John Carroll, the sum
of ninety three dollars and thirty one Cents, with interest from
the 6th September Eighteen hundred and forty seven - till paid,
and the costs of this suit, and that unless the same be paid
within ninety days from this day, That then and in that case,
Nathaniel P. Young who is hereby appointed a commissioner for that
purpose, make sale at public auction, to the highest bidder
for cash the land in the proceedings mentioned, described as a
tract of land in Isle of Wight County, containing One hundred and
forty acres more or less, adjoining the land of Peter R. Jones, Nathl.
Gray, James Swattin and others, And which land formally belonged
to Howell Simmons. And was by him conveyed to Josiah F. Wrenn
as trustee for Gray Carroll and John Carroll by deed of trust dated
the 4th January 1843, And which was sold by said Josiah F.
Wrenn on the 27th Dec^r. 1844, and purchased by said Pheneas M.
Price and who paid all the purchase money except the sum
aforesaid, And who never obtained a deed for the same, That
at least twenty days notice of the time and place of ^{such} sale, which

Canolls ad. t.

n. $\frac{1}{2}$ Decem

Pine to 9.

=

To be returned

R. H. Co.

May 10, 1880.

+

Carroll adm. tax.

^{21.} } Ch.
Prize tax.

This case came on this day to be again heard upon the papers formerly read and the report of Council. made pursuant to the decree of the 19. Octo. 1834, to which no exception has been filed & was argued by Council; on consideration whereof the Court doth confirm the said report, and adjudge and decree that N. P. Young the said Commissioner pay to N. P. Young admr. de bonis non of Gary Carroll decd. the sum of \$21. 12 cts - and to John Conall the sum of \$44. 26 the balance as per a/c^t. of said Commissioner.

Sum in the table
to the 4th of June 1843
£ 7. 10. 0

Summers
to { Due of the
Memorandum

July 6. 1843 passed
& A.R.

Recorded No 35 p 99

Canoll, adm &c
in 4, Exhibit (A)
This is the

in ...

In the Clerks office of Isle of Wright County Feby the 6th 1842. This
Indenture was proved by the oaths of Benjamin & Epps, Thomas
Thompson, and A. P. Young and admitted to records,
Teste

N P (Young) Jd

This Indenture made this 4th day of January in the
year of our Lord one thousand eight hundred and forty three
Between Howell Simmons of the first part and Josiah F. Munn
of the second part, and Gray Canoll and John Canoll of the third
part: Whereas the said Howell Simmons is justly indebted to
them the said Gray Canoll and John Canoll in the sums following
to wit, Three Bonds for ninety dollars each, made payable, one
to Mary Canoll, one to said John Canoll and the other to Susan
Millinton (being given for the purchase of the plantations whereon
said Howell Simmons now lives) and all three of said Bonds due
-ted the 9th day of November 1840 and payable the 1st day of August
1841, and one other Bond to said Gray Canoll for fifteen dollars
and 74 Cents payable the 10th day of Decr. 1841 - which Bonds he the
said Howell Simmons is willing and desirous to secure and pay:

Now this Indenture witnesseth, that for and in consideration of the
premises, and also for the further consideration of one dollar, to the
said Howell Simmons in hand paid by the said Josiah F. Munn
- and before the sealing and delivery of these presents, the receipt
whereof is hereby acknowledged, he, the said Howell Simmons, has
given, granted, bargained, sold, aliened, enfeoffed, released and confirmed,
and by these presents does give, grant, bargain, sell, alien, enfeoff,
release, and confirm to the said Josiah F. Munn his heirs and
assigns forever a certain tract or parcel of Land and plantation
lying and being in the County of Stafford - and State of Virginia,
containing, by estimation, One hundred and Forty Acres, be the same
more or less, and bounded by the Lands of Peter R. Jones dec'd.
Nathaniel Gray Jones, Quabney - and others (it being the Land
and plantation whereon said Howell Simmons now lives, and
which formerly belonged to James Canoll deceased, with all
and singularly the appurtenances to the said tract or parcel of Land
belonging, or in any wise appertaining, and all the estate, right,
title and interest of him the said Howell Simmons in and to
the said granted or intend to be hereby granted Tract of Land
and plantation. To have and to hold the said hereby granted
or intended, to be hereby granted, Land and plantation, with its,

appurtenances unto the said Isaac T. Mearns his heirs, executors,
 administrators and assigns, to the only proper use and behoof of the said
 I. T. Mearns his heirs, executors, administrators and assigns forever:
 and he the said Howell Simmons for himself, his heirs, executors, admini-
 strators and assigns, doth hereby covenant, promise and agree to and with
 the said Isaac T. Mearns his heirs, executors, administrators and assigns
 forever in manner and form following that is to say, that the said Howell
 Simmons, his heirs, executors, and administrators, the aforesaid Tract of
 Land and plantation with all its appurtenances, unto the said I. T. Mearns
 his heirs, executors, administrators and assigns, against all persons whatsoever
 shall and will warrant and forever defend by these presents: Upon Trust
 nevertheless that the said Isaac T. Mearns his heirs, executors, administrators &c
 shall permit the said Howell Simmons to remain in quiet possession of the said
 Plantation and premises with its appurtenances, and take the profits there-
 of to his own use until the first day of January eighteen hundred and forty four,
 after which time, if the said Bonds or any part of them remains unpaid, in
 their in whole or in part, and upon this further trust that he the said
 Isaac T. Mearns or his representative shall and will as soon after the
 happening of such default, or failure to pay, and also after the said 1st day of
 January 1844, as they the said Gray Carroll and John Carroll, or their heirs,
 heirs or assigns, as the case may be, may think proper to direct, at the
 said Howell Simmons may request, sell the said Land and plantation
 with its appurtenances, to the highest bidder for Cash, at public Auction,
 after having fixed the time and place of sale at his own discretion, and
 given Ten days Notice by advertisements in writing to be put up
 at ~~several~~ public places in said County & neighbourhood, And
 out of the money arising from such sale shall, after satisfying the charges thereof
 and all other expenses attending the premises, pay to them the said Gray Carroll
 and John Carroll, their heirs, executors &c the said Bonds above mentioned, together with
 such interest as may have lawfully accrued thereon, And the balance, if any,
 shall pay to the said Howell Simmons, his heirs or assigns. We witness
 whereof the parties to these presents have hereunto set their hand and
 affixed their seals the day and year first above written.

Signed sealed and delivered

In the presence of
 Emily Carroll
 Benjamin W. Epps
 Thomas Thompson
 R. P. Jones

Howell Simmons
 Isaac T. Mearns
 Gray Carroll
 John Carroll

Seal
 Seal
 Seal
 Seal

Statement of
Balance due
on P. M. Price
Land the
6th Sept 1877

B

Exhibit

Carefully examined
on 4 Exhibit (B)
This day

Amt of Howell Simmons, debt, due to
 Gray Land deed, and John Land, for
 which his land was this day sold by Josiah
 & T. Menn Trustee, in a deed of Trust from
 said Howell Simmons, in favour of said
 Gray Land deed & John Land, and
 Thomas M. Price became the purchaser
 for the sum of \$263.00 this 27th day
 of December 1844.

Subt.

3 Bonds due 1st August 1844 $\frac{2}{3}$
 for 90¢ each — is — \$270.00
 To Interest till 27th Decr 44 — 55.22
 325.22

One other Bond due 1st Decr 44 for \$15.74
 Interest till 27th Decr 44 — 2.90 18.64
 \$343.86

Commissions — — — — — 17.19
 \$361.05

Expense of making & recording deed for
 \$1.00 2.00
 \$363.05

To Interest out \$343.86 from the 27th Decr 1844 }
 till the 28th August 1846 — — — — — 34.38

Then paid by said T. M. Price to Josiah, T. &
 Menn Trustee, in part of said Land, \$150.00 \$247.43

Interest till 6th Sept 47 — 15.25
 \$262.68

Also Paid by said Price to J. T. Menn
 Trustee — in part — \$169.37

Balance due 6th Sept 47 \$93.31

John Canally
Recd for
D. M. Reese

1846 August 29th Recd. of Sarah F. Mearns

Letter to a bond from Hovee's Sons
to Gray Candell & John Candell
are Hundred & Forty Two Dollars
& fifty Cents in part of said bond
for their benefit

John Candell, for self
John Candell, adm^r of the bond
son of Gray Candell do

Mr. John Smith has received orders to go to
Cullin's over the Pacific Bay the 17th and return
at once to the 18th

L. H. G.

P. M. Pies
Order
... ..
... ..

2. To Will Francis esq Ally

Please pay to J. M. Warren or order the sum of
Two hundred & fifty ————— hundred dollars, and ————— cents, if so
much should come to his hands from the "owner" of J. B. Warren died in
abandonment to which I am entitled in right of my wife who was the daughter
of said Warren — he died intestate, being my attorney, agent &c

Witness my hand & seal this 22 March 1847

Thomas M. Price (Seal)

(Seal)

Drury Th. B.

John Canals
Recpt. for
money Recd.
of P. M. Price

18th of Nov left 5th of Josiah F. Brown
Trustee. in a deed of Trust from
Sarah Simmons. in favour of
Gray Canal, Estate, and John Canal
One Hundred & Sixty dollars and
Ninty Cents. in part of said deed of Trust
John Canal agent of
Gray Canal did

Norfolk, July 22. 1854
 Mr. N. P. Young C. Ct. Clk. of Wight
 To J. M. Cowder
 To Pub. Suit in Chancery 2 dgs. 1 a w. 4 w. \$3.25

AT RULES HELD IN THE CLERK'S
 Office of the Circuit Court of Isle of Wight
 county on the 4th day of July, 1854,
 N. P. Young, administrator de bonis non
 with the will annexed of Gray Carroll,
 deceased, and John Carroll,

Pl'fs,

against

William R. Hankins and George W. Car-
 roll, executors of Josiah F. Wrenn, de-
 ceased, Phineas M. Price, Thomas Hall,
 Administrators of Harrell Simmons,
 dec'd, and the unknown heirs of James
 Simmons, dec'd.

Def'ts.

IN CHANCERY.

The object of this suit is to appoint a Commis-
 er or Trustee, to carry into execution a deed of
 Trust in the proceedings mentioned, made by
 the said Phineas M. Price to the said Josiah F.
 Wrenn, trustee for the said Gray Carroll and
 John Carroll; and it appearing by affidavit
 that the heirs of James Simmons, deceased,
 are unknown, it is ordered that they do appear
 here at rules to be holden for the said Court,
 on the 1st Monday in September next, and do
 what is necessary to protect their interest.

A Copy—Teste;

July 22

N. P. YOUNG, C. C.

Received for payment
 Robt. J. M. Cowder
 for C. F. Harwood

Chick, for	\$11.97
atto. May	15.75
printer t.	3.50
shff. Emy	1.00
shff. J. & W.	1.00
lath.	\$33.22
leam. I.	5.00
	\$38.22

Barrell &

m. { Bic Carb

Price &

$$\begin{array}{r} 100.00 \\ 38.22 \\ \hline 62.38 \\ 52.56 \\ \hline 374.28 \\ 311.90 \\ \hline 12476 \\ 31190 \\ \hline 150 \overline{) 32786928} \quad \begin{array}{r} 62.88 \\ 211246 \\ \hline 41.26 \end{array} \\ \underline{3000} \\ 278 \\ \underline{150} \\ 186 \\ \underline{150} \\ 369 \\ \underline{300} \\ 692 \\ \underline{600} \\ 928 \\ \underline{900} \\ 28 \end{array}$$