

1863-018

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BENDALL VS BENDALL, TRUSTEE & al
BENDALL TRUSTEE VS Rendall & al

1863

other surnames : Partridge, Dunn,
Saunders

Bendall

v } Papers

Bendalls

1862. May

Bendall

to } Stat. Rules

Bendall

In Southampton Circuit Court.

Lucy B. Randall wife of Richard Randall by the said Richard Randall her next friend

against
Robert T. Randall Trustee for Lucy J. Isaac L. & William P. Randall infant children
and the said Lucy J. Isaac L. & William P. Randall infant children of Richard
Randall & Lucy B. his wife and the said Richard Randall

1860 May 7. Summons up.

" June 8. Sum. Ret. Executed. Continued for bill.

" July " Bill filed. Robert T. Randall assigned Geo. and Henry to infant Defts.
Answers of Defts. & Rep. to answer of Infants.

" Aug. " Cause set for hearing on bill. answers &c.

" Nov. 3. Decree.

" Dec. 21. Report.
1861 Mar 25. Disposition T. Dunn filed

1863 Nov. Decree to exchange lands &c

57

Bendall
vs
Bendalls

1860 July Rules.

To The honorable Richard H Baker
Judge of the Circuit Court of Southampton —
In chancery
June 25th 1860

Humblly complaining sheweth unto
your honor your oratrix Lucy, C. Bendall wife
of Richard, by the said Richard Bendall her
next friend, and respectfully represents — that in
the year one thousand eight hundred and
forty nine James, C. Peters Executor of Thomas
Pattidge deceased, of the county of Southampton,
sold under special provision of the
will of said Pattidge, a duplicate of which
will is herewith filed marked, A, a tract
of land, lying in the county of Southampton,
containing three hundred and sixty five
acres more or less, and bounded by the
lands of James, C. Peters, William Harris,
Levi, C. Waller, Washington Clements,
Robert L. Parker, Powell Hall, and William
Malory, which will be shown by a copy of
the deed herewith filed marked, B, to Isaac
J. Bendall, Trustee, for the benefit of Lucy
J. Isaac L. and William P. Bendall, infant
children of Richard Bendall and Lucy, C.
his wife —, which said tract of land was to
be occupied and the profits arising there-
from enjoyed by the said Lucy, C. Bendall
wife of Richard Bendall, during her lifetime,
and remain at her death to the said, Lucy
J. Isaac, L. and William, P. Bendall, infant chil-
dren of herself and Richard Bendall, —
Your oratrix is advised that it is clearly to —

the advantage of herself and the minor children; on account of the barrenness of the soil and the dilapidated condition of the buildings thereon, to dispose of by sale the said tract of land, and purchase with the proceeds arising therefrom, another tract adjoining this, which contains nearly twice the number of acres; more fertile, and the buildings thereon in a better condition and can be purchased, as your oratrix is advised, for the supposed value of this. Your oratrix therefore humbly prays that Robert T. Bendall, who has been appointed by the County Court of Southampton, the Trustee for Lucy J. Isaac, L. and William P. Bendall, in the place of Isaac J. Bendall deceased, and Lucy J. Isaac, L. and William P. Bendall, infant children of Richard Bendall and Lucy, S. his wife, and the said Richard Bendall, may be made parties defendant to this bill, and require full and perfect answers to make to the allegations herein contained as if they had been thereunto severally and more specially interrogated, - that your honour would grant a decree appointing a commissioner to dispose of by sale the said tract of land, &c, and grant such other and general relief as equity may dictate and the nature of the case may require.

May it please the court!

Parker p g

County of Southampton

This day personally appeared before me James E. Peters a Justice of the Peace for the County of Southampton, Lucy S. Bendall plaintiff to a bill in chancery, in the Circuit Court of Southampton, by Richard Bendall as her next friend, and made oath that the statements in said bill are correct, to the best of her knowledge and belief. Given under my hand this 23rd day of May, 1860.

James E. Peters, J.P.

Lazarus D. D.

George Miskell

William B. Saunders

Robert Cleveland

Gas. E. Peters

The answers of
Robert V. Lucy, J. Isaac
L. and Wm P. Bondall.

Bondall

to 3.

Bondall

1860 July. Rules

The answer of Robert T. Bendall guardian ad litem to
Lucy J. Isaac, L. and William P. Bendall, in joint defendants
to a bill in chancery by Lucy C. Bendall, wife of Richard, by
the said Richard Bendall, her next friend.

This defendant for answer to the said bill or so much
thereof as he is advised it is material for him to answer.
Answering says that he is aware of the facts and allegations
set forth therein, and admits that they are to the advantage
of his wards, but submits the interests of his wards
to this court whose peculiar duty it is to pro-
tect the rights of infants, and having fully answered
prays hence to be dismissed with his costs &c.
R. T. Bendall

County of Southampton

This day personally appeared before me
James E. Peters a justice of the peace for the county of
Southampton. Robert T. Bendall guardian ad litem to
Lucy J. Isaac, L. and William P. Bendall, to a bill in chancery
by Lucy C. Bendall, wife of Richard, by the said
Richard Bendall, her next friend, whose answer is
above written, and made oath that the statements
contained in the answer are true.

Given under my hand this 23rd day of May
1868,
James E. Peters, J.P.

The answer of Richard Bendall, a defendant
to a bill in chancery in the Circuit
Court of Southamptn, ~~is the full and complete answer of Richard~~
~~Bendall wife of Richard by the said Richard~~
~~Bendall, his next friend,~~
Richard Bendall

This defendant for answer to the said
bill or so much thereof as he is advised
it is material for him to answer, a
Answering says that he has read the said
bill, and that the facts and allegations
therein contained are true, and that
he believes and thinks it to the advan-
tage of himself and the infant defen-
dants to this suit, to dispose of the tract
of land mentioned in the bill, and pur-
chase with the proceeds the tract alluded
to in said bill, but submits his inter-
est to this court, and having fully an-
swered prays hence to be dismissed with
his costs &c.
Richd Bendall
R. X Bendall

County of Southampton
This day personally appeared before
me E. L. Story a justice of the peace for
The County of Southampton, Richard Bend-
all, defendant to a bill in chancery in the
Circuit Court of Southamptn, by Luz, C.
Bendall wife of Richard by the said Richard
Bendall, his next friend, whose answer is
above written, and made oath that the
statements therein are true,
Given under my hand this 24th day of May 1866,
E. L. Story J. P.

The answer of Robert T. Bendall Trustee, to
Lucy J. Isaac L. and William P. Bendall, infant
defendants to a bill in chancery by Lucy S. Bendall
wife of Richard, by the said Richard Bendall,
her next friend,

This trustee, and defendant, for answer to the
said bill or as much thereof as he is ad-
vised it is material for him to answer, an-
swering says, that he has read the said bill,
and admits that the facts and allegations
set forth therein are true, and to the in-
terest of his infant wards, but submits
their interests to the care of this Court, whose
duty it is to protect the rights of infants,
and having fully answered prays hence to be dismissed
with his costs, &c,

R. T. Bendall

County of Southampton,

This day personally appeared
before me James E. Peters a Justice of the peace
for the County of Southampton Robert T. Bendall
Trustee, ~~and guardian ad litem~~ to Lucy J. Isaac
L. and William P. Bendall, infant defendants to
a bill in chancery in the Circuit Court of South-
ampton by Lucy S. Bendall, wife of Richard, by the
said Richard Bendall her next friend, whose
answer is above written, and made oath
that the statements contained in the answer
are true,

Given under my hand this 23rd day of May
1860,

James E. Peters, J.P.

Bendall

Bendall

Nov. co. 1860

To be entered

R. H. B.

Rendall v. Rendall

This cause came on this day to be heard on the bill of the complainant, ^{for the exhibits filed with the same} the answer of the defendant of Richard B. Rendall, and the answer of the infant defendants above the age of fourteen years, the answer of infant defendants by their guardian ad litem, and the answer of the said guardian ad litem, general replications to the said answers, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that Fortunatus Dunn, George Minkel, William B. Saunders, Robert Rawland, & James E. Pelay, who are hereby appointed comers. for the purpose, any three of whom may act, having been first duly sworn do examine the land & premises in the bill mentioned and report to the Court whether in their opinion the interests of the infant defendants would be promoted by a sale of the said land, and the investment of the proceeds thereof in the purchase of other property, and in what other property it would be best that such investment should be made: and whether the rights of any other person would be violated thereby, & stating the reasons upon which their opinions are founded -

Bendall

v { Co. Dene

Bendalls

Southampton Circuit Court, May 4th 1863

Lucey Bindall wife of Richard Bindall by the said Richard Bindall her
next friend
against

Plff

In Chancery

Robert J Bindall Trustee for Lucey J, Isaac L & William
P Bindall and the said Lucey J, Isaac L & William P
Bindall infant children of Richard Bindall & Lucey E his
wife and the said Richard Bindall
Defts.

This day this cause came on again to be heard on the papers formerly read and on
the report of Commissioners Miskell, Saunders and Rowland and was argued
by Counsel. On consideration whereof the Court doth adjudge, order and decree, that
the said report be recommitted to the said Commissioners with instructions to report
specially what amount the said tract of land held by the plaintiff as trustee for
Lucey J, Isaac L & William P Bindall can now be sold and for what
amount the said Waller tract of land can be purchased, and whether one
tract can be exchanged for the other, and if so, on what terms -

A Copy

Teste

J R Edwards Clk

We the undersigned Comm^s report that the aforesaid tracts
of land are of equal value and can be sold for the same
and that one tract can be exchanged for the other, even
all of which is respectfully submitted to the Honorable
the Circuit Court of Southampton County

Robt Rowland

George H. H. H.

William B. Saunders

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

*Robert T. Wendall Trustee, and Lucy
J. Isaac S. and W^m J. Wendall infant children
of Richard Wendall and Lucy O. his wife and The
Said Richard Wendall*

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for
the said Court, on the first Monday in *June next*, to answer a bill in chancery
exhibited against *them* in our said Court by *Lucy O. Wendall wife*

*of Richard Wendall by the said Richard Wendall
her next friend.*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *7th* day of *May* 1860, in the *84th* year of the
Commonwealth.

L. R. Edwards, C. C.

Bendall by J.

05

Bendall, Frederick

To June 1860

Executed May 29th 1860 on all the within named parties by delivering them copies of the within notice except Rich^d Bendall I went to ~~the~~ his residence on the same day and he being from home I delivered a copy of the within notice to Mrs Rich^d Bendall wife of Rich^d Bendall a white member of his family above the age of sixteen years and explained to her its purport

Ro. M. W. W. S. P. Y.
For Wm. W. Briggs S. H. H.

Bendall & Co

vs 3 Subp^a

Bendall Trustee.

1860 1st November

Executed Octo 9th
1860 on Wm & J
Clements & Wm B
Saunders & J. J. J. J. J.
Dumt Ro. M. Wm & J.
For Wm W Briggs

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY,—GREETING.

WE COMMAND YOU TO SUMMON *Wm. J. Clements and William B. Summers and Satisfaction Deeds*

Henry S. Howard, one
to appear before the *Commissioner* of our *Vicinia* Court of Southampton County, at the
Court House, on the *1st* day of *November* ~~Term~~ *1860* to testify and the
truth to say on behalf of *Lucy E. Bondall*

in a certain matter of controversy in our said Court depending and undetermined between *Said*
Bondall Plaintiff and
Bondall Trusts & als Defendant, and
have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House,
this *29th* day of *September* 1860, in the *85th* year of the Commonwealth.

L. R. Edwards, C. C.

Randall by.

vs 3 Salp.

Randall Trust. Co.

1860 1st November.

Octo 4th 1860

Executed On
Jas. H. Parker
Per H. Mangum
Shiff

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING.

WE COMMAND YOU TO SUMMON

Super
Joseph H. Parker.

Henry S. Howard and me
to appear before the *Commissioners* of our *Circuit* Court of Southampton County, at the
Court House, on the *1st* day of *November* Term 1860 to testify and the
truth to say on behalf of *Lucy Rendall by*.

in a certain matter of controversy in our said Court depending and undetermined between *Said*

Rendall

Plaintiff and

Rendall trustee p.

Defendants and

have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House,

this *24th* day of *September* 1860, in the *85th* year of the Commonwealth.

L. R. Edwards, C. C.

Notice to Lucy, J.
Isaac, L. & William, P.
Bendall.

Defendants in } By Lucy Bendall
Chancery to } By Richard Bendall
a suit } his next friends

Executed Octo
25th 1860 on the
within named
parties —

To M Wren Sply
For Wm W Briggs shff

To Lucy, J. Isaac, L. & William. P. Bendall

Take notice, that on the first day of November next, at the office of James T. Parker, in the town of Jerusalem we shall proceed to take the depositions of William B. Saunders, Joseph H. Parker and George Clements, to be used as evidence for us in a suit now pending in the Circuit Court of Southampton County, wherein I Lucy Bendall by Richard Bendall my next friend am plaintiff, and you the saids Lucy, J. Isaac, L. and William. P. Bendall are defendants; And if, from any cause, the taking of the saids depositions shall not be commenced, or, being commenced, should not be completed on that day, the taking of the same will be adjourned from time to time, until the saids depositions are completed,

Given under our hands this fifteenth day of October Eighteen hundred and sixty.

Lucy Bendall by Richard Bendall her next friend

By James T. Parker her attorney

To the Sheriff of Southampton
County to execute }

Bendall vs.

vs } Depositions.

Bendalls

Transd. in by H. J. Howard
Com. Nov. 3. 1860
JRE

The Depositions of William B. Saunders, of Fortunate
Dunn. — witnesses of lawful age, taken at the
Office of James S. Dacker, in the town of Jerusalem,
in Southampton County, Virginia, on the first day of
November 1860, in pursuance of notice, before
me, Henry S. Howard, one of the Commissioners in
Chancery of the Circuit Court of said County of
Southampton, to be read as evidence on behalf
of the plaintiff in a certain suit pending in
the said Circuit Court of Southampton County,
in which Lucy Wendall by Richard Wendall
her next friend is plaintiff (and Lucy J., Isaac
L. & William S. Wendall & others are defendants

The Dependent William B. Saunders being first duly sworn,
deposes and says: "I am well acquainted with the tract
of land conveyed by Thomas Partidge's Executor to
Mrs Lucy Wendall for the benefit of herself &
her children and think it would be greatly to the
advantage of all the parties interested to sell
the same and purchase another; for that tract
(the Partidge tract) is a small tract and poor
(and the buildings are much out of repair
and unless they are repaired, they must go down
in a few years. This tract of land is not large
enough to work the hands of the parties
& I should think from the barrenness of the soil
it would be impossible for the parties to make
a support in it. I think that with the purchase
money of this tract they could purchase a larger
& better tract. In fact I understand they have been
offered a larger and what I consider much
better tract in exchange for this."

And further this Dependent saith not.

W B Saunders

Sworn to and Subscribed before me
Henry J. Howard Com.

The Defendant Fortunatus Dunn being first duly
Sworn deposes and says: "I am well acquainted
with the tract of land conveyed to Isaac J.
Bendall for the benefit of Mrs. Lucy Bendall
& her children and I heard the testimony of
Mr. William B. Sanders and I concurred with
him in his testimony of every thing & particular
and think it would be greatly to the benefit
of the parties to sell & purchase a larger
tract."

And further this Defendant says not.

Fortunatus Dunn

Sworn to and Subscribed before me
Henry J. Howard, Com.

Commissioner's fee \$360
Charged to Plaintiff

William B. Sanders is entitled to one day's attendance	\$50
Fortunatus Dunn " " " "	50
5 miles coming & same in returning	40
	<u>90</u>

Henry J. Howard, Com.

Bendall

} Ex. with bill

Bendall V^o

"e4"

In the name of God, Amen. I Thomas Partridge of the County of Southampton and State of V^a. do make and ordain this my last Will and Testament in manner and form as follows -

Item 1st. I give to my beloved wife two first choice beds and good and sufficient clothing to her and her heirs forever - I also give her my single barrel gun -

2^d. I loan my wife during her life the use of my negro man Peter, woman Ramey and girl Harriett.

It is my will and desire that my Executor herein named do sell the plantation whereon I now live and with the proceeds of such sale buy some place with the consent of my wife, which place so purchased I loan my wife during her life. I also give my wife the interest on all moneys that may arise from the sale of my perishable estate after the payment of my debts and funeral expenses -

I all the property herein loaned my wife, at her death I give to my daughter Mary Frances to her and her heirs forever provided she lives to the age of twenty one or leaves a lawful heir of her body -

In the event of my daughters death before arriving to the age of twenty one or without heir I give all the property herein named to the children of my wife if she has any, and if she has no child, then I give the whole of the above ~~of the above~~ property to James E Peters to him and his heirs forever - And lastly I do hereby constitute and appoint my friend James E Peters Executor of this my last Will and Testament - In Testimony of which I have hereunto set my hand and affixed my Seal this 30th day of December 1848.

Acknowledged in the
presence of

Thomas Partridge (Seal)

R. F. Parker

James E McGlamre

William P Harris

At a Court held for the County of Southampton on the 15th day of January 1849.

This last Will and Testament of Thomas Partridge was proved by the oath of R. F. Parker, James E McGlamre and William P Harris the subscribing witnesses thereto and ordered to be recorded. And on the motion of James E Peters the Executor therein named who made oath and together with Saml Drury, Jos H Parker and Joel Prince his securities entered into and acknowledged above on the penalty of three thousand dollars. conditioned as the law directs Certificate is granted him for

obtaining a probat of said will in due form

Teste

JR Edwards *clerk*

A Copy

Teste

JR Edwards *clerk*

Bendall

~ } Exp. with bill

Bendall P

This Indenture made this 30th day of February in the year one thousand eight hundred and forty nine between James E Peters Executor of Thomas Partridge dec^d of the County of Southampton sold under a special provision of the Will of said Partridge of the one part and Isaac J. Bendall Trustee for the benefit of Lucy J. Isaac S. and William P. Bendall infant children of Richard Bendall and Lucy E his wife of Sussex County of the other part. Witnesseth that the said James E Peters Executor as aforesaid in consideration of the sum of Three hundred and seventy \$100 Dollars to him in hand paid by the said Isaac J. Bendall for the benefit of the said Lucy J. Isaac S. and William P. Bendall infant children of the said Richard Bendall and Lucy E his wife and their heirs and assigns the receipt whereof is hereby acknowledged and for the further consideration that the said Lucy E Bendall the wife of the said Richard Bendall shall be permitted to live on the tract of land hereby intended to be conveyed unto the said Isaac J. Bendall for the benefit of the said Lucy J. Isaac S. and William P. Bendall infant children of the said Richard Bendall and Lucy E his wife and their heirs and to receive and enjoy the profits thereof during her life - hath bargained and sold and by these presents doth bargain and sell unto the said Isaac J. Bendall all for the benefit of Lucy J. Isaac S. and William P. Bendall infant children of Richard Bendall and Lucy E his wife and their heirs a certain tract of land lying and being in the County of Southampton containing Three hundred and sixty five acres, be the same more or less and bounded by the lands of James E Peters William Harris Levi C Waller Washington Clements Robert F. Parker Ephraim P Hale and William Malory - To have and to hold the said tract of land with all and singular the premises and appurtenances unto the said Isaac J. Bendall for the benefit of Lucy J. Isaac S. and William P. Bendall infant children of the said Richard Bendall and Lucy E his wife and their heirs and assigns forever - And the said James E Peters Executor as aforesaid for himself and his heirs the said tract of land with all and singular the premises and appurtenances thereto belonging unto the said Isaac J. Bendall for the benefit of Lucy J. Isaac S. and William P. Bendall infant children of the said Richard Bendall and Lucy E Bendall his wife and their heirs and assigns forever free from the claim of him the said James E Peters Executor as aforesaid and his

heirs and of all and every person or persons whatsoever, shall will and doth
by these presents forever warrant and defend. In Witness whereof the said
James E Peters Executor as aforesaid hath hereunto set his hand and seal the day
and year first above written.

Signed Sealed and
delivered in presence of }
Witness

James E Peters Executor (Seal)
of Thos Partridge de^d

W. H. Mangrum
Robt. Rowland
B. C. Everett

Southampton County In the Clerks Office the 19th day of March 1849
This deed of bargain and sale from James E Peters Executor to Isaac
J Wendall was acknowledged by said Peters and admitted to record.

Teste

JR Edwards Clk

a Copy

Teste. JR Edwards Clk

To The Honorable Richard H. Baker
Judge of the Circuit Court of Southampton —
In Chancery
June 2nd 1860

Humbly complaining sleweth unto
your honor your orator Robert T. Bendall, Trustee,
for Lucy J. Isaacs, S. and William P. Bendall infant
children of Richard Bendall and Lucy E. his wife, and
respectfully represents — that in the year one thou-
sand Eight hundred and forty nine, James E. Peters
executor of Thomas Partridge deceased of the coun-
ty of Southampton sued under special provision
of the will of said Partridge, a copy of which
will is herewith filed marked A. A tract of land
lying in the county of Southampton, containing
three hundred and sixty five acres more or less,
and bounded by the lands of James E. Peters,
William Harris, Levi E. Waller, Washington Cle-
ments, Robert F. Parker, Powell Hales, and William
Mallory, which will be shown by a copy of the
deed herewith filed marked B. To Isaac J. Bend-
all Trustee, for the benefit of Lucy J. Isaacs, S. and
William P. Bendall infant children of Richard
Bendall and Lucy E. his wife — which said tract
of land was to be occupied and the profits arising
therefrom enjoyed by the said Lucy E. Bendall
wife of Richard Bendall, during her lifetime, —
and remain at her death, to the said Lucy J.
Isaacs, S. and William P. Bendall, infant children
of herself and Richard Bendall, —
Your orator is advised that it is clearly to
the advantage of the minor children on account
of the parsimony of the said and the delapidation

= ted condition of the buildings thereon to dispose
of by sale the said tract of land and premises,
with the proceeds arising therefrom another tract
adjoining this, which contains nearly twice
the number of acres, more fertile, and the
buildings thereon in a better condition, and
can be purchased, as your Orator is advised for
the supposed value of this,

Your Orator therefore humbly prays that Lucy
J. Poore, S. and William, P. Bendall, infant children
of Richard Bendall and Lucy E. his wife, and the
said ^{who upon their death should be their heirs} Richard Bendall may be made parties
defendant to this bill and required full and
perfect answers to make to the allegations here-
in contained as if they had been themselves
severally and more specially interrogated - That
your Honor would grant a decree appointing a
commissioner to dispose of by sale the said
tract of land &c and grant such other and
general relief as equity may dictate and
the nature of the case may require,

May it please the court;

Parker p. 9

Bundall

to { An. Isaac S. S. W. P. Bundall

Bundall

1860 July Rules-

The answer of ~~Isaac S.~~ Isaac S. and William P. Bendall, infant defendants over the age of fourteen, to a bill in chancery in the Circuit Court of Southampton, by ^{Robert S. Bendall} ~~Isaac S. Bendall~~ wife of Richard; by the said Michael Bendall her next friend.

These defendants for answer to the said bill, or so much thereof as they are advised it is material for them to answer, answer my say, they are aware of the facts and allegations set forth in said bill, and admit that the decree asked for is to their advantage, but submit their interest to the care of this court, whose duty it is to protect the rights of infants, and having fully answered pray hence to be dismissed with their costs.

J. S. Bendall

County of Southampton W. R. Denhall

This day personally appeared before me Jas E Peters a justice of the peace for the county of Southampton ~~Isaac S.~~ Isaac S. and William P. Bendall, infant defendants over the age of fourteen to a bill in chancery, in the Circuit Court of Southampton, by ~~Isaac S. Bendall~~ wife of Richard, by the said Richard Bendall, her next friend, whose answer is above written, and made oath that the statements contained in the answer are true. Given under my hand this 26th day of June 1860

Jas E Peters, J.P.

Bendall

to } Aspx. Lucy J. Bendall

Bendall

1860 July Rukes

of the infant ~~L. J. Bendall~~

The answer of Lucy J. Bendall as defendant, to
a bill in chancery in the Circuit Court of
Southampton ^{and filed against her by Robert T. Bendall}
Richard, ~~the said~~ Richard Bendall, her next
friend, Robert T. Bendall their guardian
ad litem -

This defendant for answer to the said bill as
so much thereof as she is advised it is ma-
terial for her to answer, answering say she is
aware of the facts and allegations set forth
in said bill, and admits that the same asked
for is to her advantage, but submits her
interest to the care of this court, whose duty
it is to protect ~~her~~ rights, and having fully answer-
ed prays hence to be dismissed with her costs &c.
Lucy J. Bendall.

County of Southampton

This day personally appeared before
me Jas E. Peters a justice of the peace for
the County of Southampton, Lucy J. Bendall
a defendant to a bill in chancery in the Circuit
Court of Southampton of Lucy J. Bendall, wife of
Richard of the said Richard Bendall her next
friend, whose answer is above written, and
made oath that the statements contained in
the answer are true.

Given under my hand this 26th day of June
1860.

Jas. E. Peters, J.P.

Randall's Trustee

vs 3 Copy Deed

Randall

1860 Dec 21st 3d

Southampton Circuit Court November Term 1860.
Robert T. Wendall, trustee for Lucy J. Isaac S. (and
William S. Wendall

Plaintiff
against

Lucy J. Wendall, Isaac S. & W^m S. Wendall
children of Richard Wendall & Lucy E. his wife,
& Richard Wendall

Defts

This cause came on this day to be heard on the bill of the
Complainant, and the exhibits filed with the same, the
answers of the defendant Richard Wendall, and the answers
of the infant defendants above the age of fourteen
years, the answers of infant defendants by their guardian
ad litem, and the answers of the said guardian ad litem
general replications to the said answers, and was argued
by counsel. On consideration whereof the Court doth
adjudge, order and decree that Fortunatus Dunn, George
Whiskell, William B. Saunders, Robert T. Rowland &
James E. Peters, who are appointed Commissioners for
the purpose, any three of whom may act, having been
first duly sworn, do examine the land & premises in the
bill mentioned and report to the Court whether in their
opinion the interests of the infant defendants would
be promoted by a sale of the said land and the invest-
ment of the proceeds thereof in the purchase of other
property, and in what other property it would be
best that such investment should be made, and
whether the rights of any other person would be
violated thereby, & stating the reasons upon which
their opinions are founded.

Attest

Henry J. Howard, D.C.

Brundalls Trustees }
vs } Deceased
Brundalls }

Bendalls Trustee
vs
Bendalls

} Decree

This day this cause came on again to be heard on the papers formerly read and on the report of commissioners Mistel, Saunders & Howland, made pursuant to the decree of November Term 1860, to which report there is no exception, and was argued by counsel, on consideration whereof the court doth adjudge, order, and decree, that James S. Peters who is hereby appointed a special commissioner for that purpose, proceed, after giving twenty days notice by advertising at the court house door and at two or more public places in the said county, to sell the said land purchased from James S. Peters as executor of Thomas Partidge, by Isaac Bendall, Trustee, for Lucy S. Bendall &c, at public auction, to the highest bidder, for cash, and that he invest the proceeds of the said sale, in the purchase of the tract of land owned by Levi Waller, and report his proceedings, to court. But this decree shall be suspended until the said James S. Peters, shall execute bond, with security in the clerks office of this county, in the penalty of \$ conditional faithfully to

discharge the duties herein assigned him,

Bensall
to
Bensall

to
Bensall

To be entered

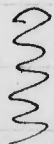
R.H. Baker

May Co. 1868

Bendall

vs

Bendall



Issue

This day this cause came on again to be heard on the papers personally read and on the report of Commissioners Mitchell Saunders and Norland and was argued by counsel on consideration whereof the court doth advise, order and decree that the said report be recommended to the said Commissioners with instructions to report specifying for what amount the said tract land held by the Plaintiff as Trustee for Lucy J. Isaac & William R. Bendall can now be sold and for what amount the said Walter Isaac's land can be purchased and whether one tract can be exchanged for the other and if so on what terms

Rendall
is } Scorer
Rendall

To be entered

R. H. B.

Nov. 1863.

Bendall Trustees

vs

Bendall & Co

This day the Court came on again to be heard on the papers formerly read on the report of Counsel Messrs. Saunders & Morland made pursuant to the order of the May Term 1863 to which report there is no exception and was agreed by Counsel. On consideration whereof the Court doth adjudge order and decree that the Plaintiff Robert Bendall Trustee for Lucy J. Isaac S. and Wm Bendall is permitted and authorized to exchange on equal terms the tract of land belonging to the Defendants for the land belonging to Levi C. Waller and to execute and receive such deed as may be necessary for that purpose.

To Bendalls
Notice to Take
Depositions
" " "

Executed March 12th
1861. on all of the within
named parties except -
Isaac S Bendall he is and
inhabitant of my
County

Ro. M. Wrenn Sply
For Geo. W. Vick Shff

To Lucy, E. Lucy, J. Isaac, S. William, P. & Richard Wendall

Take notice that I shall on the 23rd day of March, at the office of James T. Parker in the town of Jerusalem between sunrise and sunset of that day proceed to take the depositions of William B. Saunders and Fortunatus Dunn, to be read as evidence in my behalf, in a certain suit in equity depending in the Circuit Court for the county of Sanibel, Arizton, wherein you are defendants and I am plaintiff, And if from any cause the taking of the said depositions be not commenced, or commenced and not completed, the taking of the same shall be continued from day to day at the same place until they are completed.

Respectfully

Robert T. Wendall
By James T. Parker, his attorney

Robert T. Wendall must be present at my office on that day, when the depositions are taken

J. T. Parker

Bendall's Trust.

& } Depositions.

Bendall

Handed in by H. P. Howard Com
March 25th 1861

The Deposition of Fortunatus Dunn.

Taken before me, Henry G. Howard one of the Commissioners in Chancery of the Circuit Court of Southampton County, pursuant to annexed notice, at the office of James S. Parker in the Town of Jerusalem on the 23rd day of March 1861, between the hours of Sunrise and Sunset of said day to be read as evidence on behalf of Robert T. Randall Trustee for Lucy J., Isaac S., and William S. Randall infant children of Richard Randall and Lucy E. his wife, in a certain suit in equity depending in the said Circuit Court of Southampton County, wherein the said Robert T. Randall Trustee for Lucy J., Isaac S., and William S. Randall infant children of Richard Randall and Lucy E. his wife, is plaintiff and Lucy J., Isaac S. and William S. Randall infant children of Richard Randall and Lucy E. his wife and the said Richard Randall are Defendants.

Present: Robert T. Randall Trustee and guardian ad litem for Lucy J., Isaac S., and William S. Randall infant children of Richard Randall and Lucy E. his wife.

The Deponent Fortunatus Dunn being first duly sworn on the Holy Evangelists of Almighty God, deposes and says: "I am well acquainted with the tract of Land conveyed by Thomas Partridge's Executor to the parties in this suit and think it would be greatly to the advantage of all the parties interested to sell the same and purchase another tract. for that tract, (the Partridge tract) is a small tract and poor and the buildings are much out of repair, - and unless they are repaired in a few years they must go down - This tract of land is not large enough to

work the hands of the parties & I should think from
the barrenness of the soil it would be impossible
for the parties to make a support on it. I
think that with the purchase money of this tract
they could purchase a larger & better tract. In fact
I understand they have been offered a larger, and
what I consider a much better tract in ex-
change for this.

And further this Deponent saith not

Fortunatus Denny,

State of Virginia;

County of Southampton, Court;

I, Henry J. Howard, Commissioner in Chancery for the
Circuit Court of Southampton County, in the said State, do
hereby certify that the foregoing Deposition was duly
taken and sworn to and subscribed before me at the times
and place mentioned therein.

Given under my hand, this 23rd day of March 1861.
Henry J. Howard, Clerk.

In obedience to the above order we the Commrs named being well acquainted with the land named in said order, after being duly sworn do say, that we think it would be to the interest of the infant children of Lucy E. Bendall to sell the land named in said order, and invest the proceeds in the land owned by Levi C. Waller, called Parker; our reasons for said opinion are that there are 615 acres of the Waller land, and only 365 acres of the Bendall land, and we consider the quality of the lands as nearly equal; All of which is respectfully submitted.

Dec^r 14th 1860

George Michael
W^m B. Saunders

Robt. Rowland

Stannard