1884-34 Southampton County Chancery - Story, Mollie F. et als vs Williams, Jos. G. (adm)

petitioning for ruling on said investment of money.

Pltfs { Story, E.F. ; " , R.B. ; " , W.J.

Williams, J.H. ; " , Martha ; Worrell, B.E.

No. 29

Story

re

Story's

} Papers

~~1~~ ~~5~~ ~~7~~ ~~6~~ ~~8~~ ~~9~~ ~~50~~ ~~51~~

Story §

Stat. Rules

Williams

In Southampton Circuit Court.

Mollie F. Story, E. F. Story, R. B. Story, & W. I. Story the last three being infants by Mollie F. Story their next friend Plaintiffs

against

Jos. G. Williams in his own right and as administrator of J. H. Williams dec'd & Martha Williams Defendants

1877 Sept. 15. Summons issued

" Oct. 8 Sum's ret'd Executed. Bill filed. Decree Nisi vs Defts.

" Nov. . Bill taken for confessed & Cause set for hearing

" " T. Ans'r Defts - Rep: & Decree for acct.

1879 May 1 Report and decree Confirg Same

Story & others
vs
Cowis Reph
Williams Admrs

1879: April 25th

Story & others
vs
Williams Admr

In Chancery

Commissioner's Office
Jerusalem: Apl 25th 1879.

To the Circuit Court
of Southampton County:

Pursuant to a Decree of the Circuit Court of Southampton County, rendered Nov: Term 1878, in a suit in Chancery depending in the said Court, between Story & others and Williams Admr the undersigned, one of the Commissioners of said Court, to whom was referred the enquiries in said Decree, reports to Court that on the 15th day of February 1879, at his Office, he proceeded to take the depositions of James R. West, Dr. E. C. Barrett and Joseph G. Williams, herewith filed as a part of this report - and from the facts elicited from their depositions he reports as follows: viz - "That the investment of Five Thousand, One hundred dollars, ($5100.00), in the Real Estate mentioned in Complainants bill

Report:

amt: invested

was both judicious and proper.
That the whole sum thus invested
$5100.00 belonged to the Estate of
E. R. Story, dec'd, -

amt: from personal Est - 4200.00

That of this amount Four Thousand, Two hundred dollars was realized from sale of personal Estate and from money on hand at time of the death of said E. R. Story, dec'd,

amt from Real Est 900.00

and that the sum of Nine hundred dollars ($900.00) was realized from sale of Real Estate, belonging to said E. R. Story, dec'd, since his death.

That from these facts he is satisfied that the interest of Mollie F. Story in said Farm is nearly 1/3 in fee simple - inasmuch as she was entitled to $1400.00 which is 1/3 of $4200.00 amt realized from sale of personal Estate and from money on hand at the time of E. R. Story's death - besides her Dower interest in the ($900.00) from sale of Real Estate which in fee simple, according to rules prescribed by "Matthews and Robinson's Forms, she being 30 - years of age - is worth $212.00 making amount of widow's money

Interest of Mollie F. Story 1612.00

invested $612.90 — leaving the sum of Three Thousand Four hundred and Eighty Eight dollars ($3488.00) the amount of the interest of the Orphan Children of said E.R. Story deceased —

Interest of Children 3488.00

All of which is respectfully submitted —

J.N. Sebrell
Com'r in Chancery

Com'r's fee for taking Depositions &c. $15.00

Story & others
vs. In Chancery
Williams Admr

The depositions of Joseph G. Williams James R. West and Dr E. C. Barrett taken in Jerusalem Va, on Saturday Feby. 15 1879. before me J. N. Sebrell, a Comr in Chancery for the Circuit Court of Southampton County, to be read in behalf of the Plaintiffs in the Chancery suit of Story & others vs. Williams admr.

James R. West being duly sworn, deposes & says as follows.

Ques: How old are you and where do you live?
Ans. I am 44 years old, and live within one mile of Jerusalem.

Ques: Do you know the parties to this suit?
Ans: I know them all —

Ques. What is your opinion about the investment of the sum of, $5000.00 belonging to the Estate of E. R Story, dec'd in the purchase of a farm formerly belonging to Benj. E. Worrell, for the benefit of the wid and and orphan Children of said E. R Story

Ans: I think it a judicious and proper one. & further this deponent saith not.

James R Mcat

Joseph G. Williams being sworn, deposes and says as follows.

Ques: How old are you, and where do you reside?
Ans: I am 28 years old, and live near Jerusalem—

Ques: Do you know the parties to this suit?
Ans. I do.

Ques: What is your opinion about the investment of the sum of $3500.00 belonging to the Estate of E. R. Story dec'd, in the purchase of a farm formerly belonging to Benj. E. Worrell, for the benefit of the widow and orphan Children of E. R. Story—

Ans: I think, that although the property might not sell for that amount at this time, at the time the investment was made, it was altogether a judicious and proper one. The farm contains

about 800 acres, of land, in very good condition, and has upon it a good dwelling, with all necessary outbuildings.

& further this deponent saith not.

Jos. C. Williams

Dr. E. C. Barrett being duly sworn, deposes & says as follows:

Ques: How old are you, and where do you live?
Ans: I am 44 years of age and live in Jerusalem.

Ques: Do you know the parties to this suit?
Ans: I do.

Ques: What is your opinion about the investment of the sum of $5000.00 belonging to the Est. of E. R. Story dec'd in the purchase of a farm, formerly belonging to Benj. E. Worrell, for the benefit of the widow and orphan children of E. R. Story—.

Ans. At the time the purchase was made I think it very judicious, and I know other parties who would have paid $1000.00 more for it at that time.

& further this deponent saith not.

E. C. Barrett

Southampton Circuit Court: Nov. Term: 1878-

Story & others
vs
Decree
Williams Admr

This day this cause came on to be heard on the bill of complainants, exhibits filed - the answer of Jos. G. Williams filed by leave of court - and was argued by counsel - On consideration whereof the court doth adjudge, order & decree that a commissioner of this court Enquire & report - whether the investment as set forth in complainants bill was a judicious & proper one - The said Comr will also report how much money belonging to estate of E. R. Story has been used in paying for said farm - how much of it was money arising from sale of personal estate belonging to E. R. Story & money on hand at time of his death & how much of it was money realized from sale of real estate belonging to E. R. Story since his death - the said Comr will also report what interest Mollie F. Story & the heirs of E. R. Story should have in said farm - All of which enquiries with his reasons therefor the Comr will report with any other matter specially stated deemed pertinent by himself or required by any of the parties -

A Copy:
Teste:
T. E. Gebell D.C

Story & others
vs
Decree
Williams Admrs

15th Feby 1879

Copy

Executed by delivering Dor: G Williams & Martha Williams each a Copy of this Summons on the 13th day of September 1877

W W Driggs Shff

Story &c
vs
Summ. Ch
Williams ass &c
1877 October Rules

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON Jos. G. Williams in his own right and as admr. of James S. Williams dec'd & Martha Williams

if they be found within your bailiwick, 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 October next — to answer a bill in Chancery exhibited against them in our said Court by Mollie F. Story, E. F. Story, R. B. Story & W. J. Story the last three infants by Mollie F. Story their next friend

And have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 15 day of September, 1877, in the 102 year of the Commonwealth.

L R Edwards clk

Story

v } Sum. Chy.

Story

1874 May Rules

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon E. F. Story, R. B. Story, & W. S. Story,

if they be found within your bailiwick, 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 May next to answer a bill in Chancery exhibited against them in our said Court by Mollie F. Story

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 22 day of April A. D. 1874, in the 98 year of the Commonwealth.

L. R. Edwards clk

Sun Job print, Suffolk, Va.

Story
v } Comrs. Bond
Story's v

Know all men by these Presents, That we I B Prince

and Joseph H Prince

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of

twenty five hundred dollars

to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our Seals, and dated this 16 day of November A. D. 1874

The condition of the above obligation is such that if the above bound I B Prince who was appointed Commissioner by a decree of the Circuit Court of Southampton County in a certain suit in Chancery therein pending in which Mollie F. Story is Plaintiff & E F Story R B Story & W. I Story infants & Defts for certain purposes therein mentioned - Said decree entered October 27 1874

under said decree and any further decree in said cause

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered in presence of ~~the Court.~~

I B Prince (Seal.)

J. H. Prince (Seal.)

(Seal.)

(Seal.)

Jas. H. Williams

Note

$2000.—

Exhibit

(A)

"

$2000.-

On demand with interest from date I owe and promise to pay to Mollie F. Story, Admin'trix of E. A. Story the just and full sum of Two thousand dollars. For value received, and for the true payment of which I hereby waive the benefit of the home stead and all other laws exempting either real or personal property. I further agree to give grant & Convey to the said M. F. Story and her children Eddie F. Story. Robt B. Story and Willie J. Story an interest in the plantation on which I now live or in that recently bought of B. C. Worrell by me, in Consideration of and payment for the said Two thousand dollars in any manner that the Circuit Court of Southampton County State of Va may decree.

Given under my hand and Seal this (2nd) Second day of January A.D. One thousand eight hundred and Seventy four (1874.

Jas. H. Williams (Seal)

Test-
J. E. Williams

Exhibit 6

Received of Jos G Williams
Admr of Jas A Williams Nine
hundred dollars in part of
a bond I hold against the
said Jas A Williams. Said
amount being proceeds of
R R Stock laid near Cypress
Bridge
Nov - 18th 1874

Benj. E Worrell
"

$1440.00

On demand Jan 1st 1875 I owe and promise to pay unto Benj. D. Worrell or order the just and full Sum of One Thousand Four Hundred and forty Dollars, it being a payment to be made on the farm upon which he now resides which I have this day purchased of him. And I hereby waive the benefit of the Homestead exemption as to this debt.

In Witness whereof I have hereunto set my hand and affixed my Seal this 6th day of Nov A.D. 1873

James H. Williams Seal

Witness

J R Ryle

Nov. 18th 1874 Recd of the within bond Nine Hundred Dollars which I have given a duplicate receipt for

Benj. E. Worrell

"

Jan 18th 1875 Recd through the hands of Jos. G. William Four Hundred and Fifty Dollars ($450.00) in part payment of the within bond

Benj. E. Worrell

Recd the amt due on this bond of Jos. G. Williams admr. of Jas. H. Williams Decd - Feb. 15th 1875

Benj. E. Worrell

James H. Williams
Bond
$1400.00
Exhibit
(B)

Due Sept 15th 1875

Received June 3. 1844 of J. B. Prince Comr
in Chancery Suit of Story v Story &c
fifteen Dollars in full of fee for
professional services in said suit

Wm H. Parker.

Mr C E Prince please pay to Mr G H Storey the sum of one Hundred and fifty dollars out of a sum you have in hand belonging to the Children of C R Story with myself as Guardian

Jos G Williams

May 19th 1884

Statement of money collected by J. B. Dunn Comr in Chy suit of Story vs Story &c. Circuit Court of Southampton - from sale of land to T. A. Bishop - in favor of E. R. Story's orphans.

1879.

Jany 20 By amt paid me. $430.00

Costs &c.

To fee Stay	16.50	
" Comrs	21.00	
" Costs as bill.	2.94	
" Deed	5.00	45.44
		$384.56
By Int to May 20. 1884.		123.04
		$507.60

To ps your order	$150.	
" " Wm H Parker atty	15.00	
" " recording deed	6.25	$171.25
		$336.35

Received June 20. 1884 of J B Dunn atty & Comr Three Hundred & thirty six 35/100 dollars in full of above Statement.

Jos G Williams Guardian
of E R Story Orphans

Jos G. Williams Gdn
of
E K Story's orphans

to ⅔ Restinsfull

J B Prince

Story
&
Story

Depositions

The depositions of Benj Bryant & others taken before me Jos. R. Tyler a Commissioner in Chancery for the Circuit Court of Southampton pursuant to notice hereto annexed at the office of D. B. Bruce in the village of Jerusalem on the 19th day of October 1874 between the hours of 6 A.M. and 6 P.M. to be read as evidence on behalf of Mollie Story in a certain suit in Equity depending in the Circuit Court for Southampton wherein Mollie Story is plaintiff and E. F., R. B. & W. J. Story — are defendants.

Present. D. B. Bruce. Atty for pltff.
" R. R. Edwards. Esq as Atty for

B. J. Bryant being duly sworn, deposes & says as follows
What is your age. 49 years.
Do you know the parties to this suit?
I do.
State whether in your opinion it would be to the interest of all the parties concerned to sell the separate lands of E. F. Story dec'd, and invest the proceeds in one tract of land near where the parties now live?
My opinion is that it is to the advantage of all the parties to sell the lands where

E. Story died seized & possessed in a tract near where the parties now live. And further this Deponent saith not.

Signed.
Benja I Bryant

P. H. Sykes being also sworn deposes & says.

You have read the last question above what is your answer.
My answer & opinion is the same
Signed P H Sykes

Elvin Rhein being also sworn deposes & says.

You have read the last question answered by Mr. Bryant above — What is your answer?
My answer is the same of Mr. Bryants.
Signed E. R. Fiery

Virginia. Southampton County Court.

I James R. Tyler, a Commissioner in Chancery for the Circuit Court of Southampton in the said State do certify that the foregoing depositions were duly taken sworn to, and subscribed before me at the time & place mentioned therein. Given under my hand oct 19. 1874.

James R Tyler
Commissioner in Chancery

~~120~~ 60

Story
Ev } Stat Rules
Story

In Southampton Circuit Court

Mollie F. Story Pff.

against

E. F. Story, R. B. Story & W. J. Story infants by L. R. Edwards their Guardian ad litem Defts

1874 April 22 Summons issued

" May 6 Bill filed - L. R. Edwards assigned Guardian ad litem

ans: of infants G. Rep & Cause set for hearing

June Referred to Comr

Oct Report & decree for Sale

Story
vs
Story's

Decree.

This day this cause came on to be further heard on the papers formerly read & the report of Commissr Tyler, with the depositions filed therewith, filed during the term and was argued by Counsel. On consideration whereof, the Court confirming said report, no Exceptions being filed to the same doth adjudge order & decree that I. B. Prince be & he is hereby appointed a special Commissioner for the purpose, that he sell to the highest bidder the real Estate whereof E. R. Story died seized, after twenty days public notice of time place & terms of said sale, upon the following terms, Cash to pay Expenses of said Sale; the balance on a Credit of one & two years equal annual instalments, the purchaser to Execute bonds with approved security, carrying interest from day of sale, and the title to be retained for the further order of Court. But the said Prince will not proceed to Execute this order, until he shall have entered into bond in the Clerks office of this Court in the penalty of twenty five hundred dollars, conditioned to faithfully Execute this or any further

order in this Cause. And the said Prince is ordered to make report to Court of his proceedings under this order.

Story
vs
Bellers

Story's

Order Jan 1814

To be Entered.

Yes Torrey.

Story
vs
Story & Deane

D
Story
vs
Williams & c.

May Term 1884
To be Entered.

Geo. P. Scott.

Story
vs
Story & al
and
Story
vs
Williams & al

Decree.

It appearing to the Court that these Causes are intimately Connected, it is ordered that hereafter they be heard together. And this day they Came on to be heard on the papers formerly read, the report of Comr. L. Bethea filed during the term reporting sale and disbursement of money of the land belonging to E.R. Story near Cypress Bridge - and also the sale of said Story's interest, an undivided 2/5, in the land near Joynersville.. and was argued by Counsel. On consideration whereof, no Exceptions being filed to said report the same is hereby Confirmed. And the said Comr. is directed to Execute deeds of Conveyance to said purchasers with Special Warranty. The said Comr. will pay the sum of $1430, after first paying the costs of these suits, to the legally appointed Guardian of E.F. B.B. & W.D. Story, take his receipts for same & report to Court, having first ascertained that the Guardian's bond is good and sufficient.

Story
in
Stories

June Term
1814

To be ruled,
Geo. Story

Story
vs
Story

Decree.

This day this cause came on to be heard on the Complainants bill, the answers of the infant defendants, by J.R. Edwards their Guardian ad litem, general replication thereto, and was argued by Counsel. On consideration whereof, the Court doth adjudge ordered decree that a Commissioner of this Court enquire & report to this Court, whether in his opinion, the interests of all parties interested would be promoted by a sale of the real estate whereof E.K. Story died seized & the reinvestment of the proceeds of such sale in other real estate; and for the purpose of making such enquiry, the said Commissioner may take the evidence of parties living in the neighborhood of the lands whereof E.K. Story died seized - & return said evidence to Court with his report.

24425.

Story
vs
Story & al } Decree
&
Story
vs
Williams & al

Nov: Term 1884
To be Entered.

Geo Bacon

Entered
74

Story vs Story
&
Story vs Williams &c } Decree.

This day these Causes Came on to be further heard on the papers formerly read, & the Report of Comr. J.B. Prince filed June 20. 1884 showing Execution of deed to T.A. Bickett, E.R. Heirs & orphans of E.R. Story, and payment of balance in his hands to the legally constituted Guardian of E.R. Story orphans. and was argued by Counsel. On Consideration whereof, and no Exceptions being filed to said Report the same is Confirmed. And Nothing further appearing necessary to be done in these Causes, they are ordered to be removed from the Docket.

Story
vs
Story
&
Story
vs
Williams

Exhibit
Report
B
Comr Pence

Rec'd in office

June 20. 1884.
Filed.
J. B. Pence

Story vs Story &c.
+
Story vs Williams &c. } Report of Comr. Price

In these causes, Your Comr submits the following report.
That he has made a deed for the land sold belonging to E.R. Story, to J.A. Bishop & E.R. Freis. The deed conveying the tract of land bought by J.H. Williams from B.E. Horrell, has been executed to the orphans of E.R. Story. I have also paid the Com'r of E.R. Story' orphans the balance in my hands, as per appear from his receipt filed herewith. There is nothing further to be done in these causes, and I recommend they be removed from the docket. All of which is respectfully submitted.

June 20. 1884.

J.B. Price
Special Comr.

To the Judge of the
Circuit Court of
Southampton Co

5 Copy
vs 3

Story

Report of Com^r Tyler

Oct 26. 1874

Story's
ex parte Report of Commissr. Tyler.
Story's

In this Cause, your Commissr respectfully submits the following report, in pursuance of a decree rendered at the June Term 1874. That he has taken the depositions of several parties, in order the better to ascertain whether it would be to the interest of all the parties concerned to sell the real estate whereof E.K. Story died seized, and to convert the money in other real Estate, which evidence is returned with this report. That your Commissioner is of opinion it would be greatly to the interest of all concerned that said real Estate should be sold and the proceeds reinvested, in other lands. The evidence of each party, whom your Commissioner Examined, confirms his opinion. Your Commissioner would further state, that E.K. Story owned at the time of his death one fifth interest in a tract of land, known as Jozneville, and a small tract of land near the Cypress Bridge.

Respy submitted
James R. Tyler
Commr.

Oct 26. 1874
To Judge Cir. Ct.

Commissioner's fee for Report and Depositions $3.00

Story
vs 3 Report
Story J.C.

May 5. 1884

Story
vs
Rept of Comr I B Price.

Story.

In this Cause, Your Comr Would beg leave to submit the following report. That pursuant to decree Entered in this Cause, I have Sold the land of E R Story near Cypress Bridge to T A. Bishop - It was a small tract of land and the price Obtained was $900 - a splendid Sale. The money was paid to B. E. Worrell in discharge in part of the debt of J H Williams for the land he bought of B. E Worrell, as will be seen from his receipt. filed with the bill in the Chancery Suit of Story vs Williams, to which reference is hereby specially made. I have also Sold the interest of said Story in the Joynersville land. to E R. Price for $430 - which sum he has fully paid - The interest of E R Story in this land was 2/5. This too is a good Sale and I recommend the Confirmation of both Sales - The $430 is now in my hands subject to the order of the Court. As this suit and the other suit of Story vs Williams &c are intimately connected, I recommend that they be hereafter heard together. All of which is respectively Submitted.

Apl 22. 1884.

I B Price
Comr

To Judge Cir. Ct.

So ordered.

Story Sorters

vs

Williams Adm'x

Answer of

Martha Williams

1878 Nov. 23 5/11

Story & others

vs Answer of Martha Williams.

Williams & als

This respondent for answer to said bill says - that so far as she knows & believes the facts as set forth in said bill are true - that she has no objection to and orders being made directing a conveyance of the land in question to Mollie F. Story & the heirs at law of E.R. Story - as she is satisfied that the same has been paid for with their money - and respondent will cheerfully unite in any such conveyance as may seem right & proper - respondent is further satisfied that as an investment, it was highly judicious & proper for the parties - And having answered, she prays hence to be dismissed &c -

Martha Williams

Southampton County Court.

Personally appeared before me, J.B. Pope a ~~Justice of the Peace~~ Notary Public for the County aforesaid, in the State of Virginia - Martha Williams whose name is signed to above answer - and made affidavit that the facts as therein set forth are true, so far as she knows & believes. Given under my hand Nov 13. 1878.

J.B. Pope N.P.

Story & others
vs
Decree
William Adams

Nov Term 1838

To be entered.

Geo. Bond.

Story & others
vs Decree
Williams Admr

This day this cause came on to be heard on the bill of complainants, exhibits filed, the answer of Jno T. Williams filed by leave of Court and was argued by Counsel. On consideration whereof, the Court doth adjudge order & decree that a Commissioner of this Court enquire report, whether the investment as set forth in complainants bill was a judicious & proper one. The said Comr will also report how much money belonging to estate of E.R. Story has been used in paying for said farm. how much of it was money arising from sales of personal estate belonging to E.R. Story & money on hand at time of his death & how much of it was money realized from sales of real estate belonging to E.R. Story, since his death. The said Comr will also report what interest, Mollie T. Story & the heirs of E.R. Story & shares have in said farm. All of which enquiries with his reasons therefor, the Comr will report. with any other matters & specially stated deemed pertinent by himself or required by any of the parties.

Story & others
vs
Decree
Williams & others

May Term 1879

To be entered

Geo. Blow.

Story & others
vs
Williams Admr
} Decree

This day this cause came on to be further heard on the papers formerly read & the report of Comr Sebrell, filed apl 25th 1879, with the depositions therewith filed - and was argued by Counsel. On Consideration whereof, no exceptions being filed to said report, the same is hereby confirmed. And it appearing to the Court that the investment of the sum of $5000.00 belonging to the Estate of E. R. Story decd in the tract of land, formerly belonging to Benj E Worrell, was a proper and judicious one, the same is also declared firm and binding between the parties. And it appearing to the Court that the interest of Mollie F. Story widow of E R Story, decd in the said tract of land is 1/3 in value, $1642. and that the interest of each of the three children of said E R Story in said land is ~~1/3 of 2/3~~ 1/3 in value the Court doth adjudge, order and decree, that J. B Prince, who is hereby appointed special Commissioner for the purpose together with Joseph G. Williams

and Martha Williams execute a Deed of Conveyance for the said Real Estate containing 800 acres to Mollie F. Story widow of E.R. Story dec'd and her three children all infants, to wit E. F. Story, R.B. Story & W. D. Story. That the interest conveyed to Mollie F. Story shall be equal in value to ~~the Thirds of~~ 1/3 of said lands in fee, the balance of said land to belong to the said three infant children equally, in fee

The said Prince shall execute the said Deed with special warranty and the said Jos. G. Williams, and Martha Williams shall execute said Deed with general warranty. and the said parties shall make report to Court of their proceedings.

Story & others
vs 3 ~~Deeds~~
Williams Adm'r

Summons of
Wm. G. Williams

Story & others
vs } Answer of Jos. G. Williams
Williams & Adm'r &c.

This respondent for answer to said bill says that the facts as set forth in said bill are true - that he has no objection to a decree directing a conveyance of the land in question to Mollie F. Story & the heirs of E.N. Story, according to their respective interests - That he is satisfied the investment of the money belonging to E.N. Story's estate in this farm was judicious & proper & hopes it may meet with the sanction of this Court - And having answered, he prays hence to be dismissed.

Jos G. Williams

Southampton County to wit.

Personally appeared before me J.R. Tyler a Comr in chancery for the Circuit Court of Southampton, Jos. G. Williams, whose name is signed to the above answer, and made affidavit that the facts as therein set forth, are true to the best of his knowledge & belief - Given under my hand Nov 12. 1868.

J.R. Tyler
Comr in Chancery.

Story ff.
vs } Exhibit
Williams

(Fee & Search $1.05)

Claims & demands whatsoever he may have acquired in, thereto
or by a Certain deed of trust executed by the said Williams
bearing date Nov 4 1873, and recorded in the Clerk's Office of
the County Court of Southampton, and State of Virginia, to secure
Benj E Worrell as the deferred payments of a Certain tract or
parcel of land [illegible] of Nottoway River lying in the County of Sou
aforesaid & joining the lands of Henry Ferguson, Wm Vaughan,
James T Hill & others, and containing by Old Survey, Seven
Hundred and Thirty Nine acres, be the same more or less,
together with all the appurtenances thereto belonging.
In Witness Whereof we have hereunto set our hand & affixed
our Seal this 18th day of December A.D. 1876.

Witness

Benj E Worrell, (Seal)

James K Tyler, Trustee (Seal)

Southampton County, To the Clerk's Office, December 22d 1876.
This Deed of Release from Benj E. Worrell & James K
Tyler (Trustee) to James H Williams, was this day received
& acknowledged; & on the 19th day of February 1877, the
required tax thereon being paid, was admitted to record.

Teste, S.R. Edwards C.C.

A Copy, Teste, J. K. Tyler, J.C.

(Exhibit, 2.)

This Deed Made this 4th day of November 1873, between James H. Williams of the One part & James K Tyler, Trustee of the other part, Witnesseth that the said James H. Williams doth grant unto the said James K Tyler, (Trustee) with general Warranty, the following property to wit.

A Certain tract & parcel of land lying in the County of Southampton & State of Virginia, Containing Seven hundred & thirty Nine acres (739) be the same more or less, & bounded by the lands of James T. Hill, Thos Vaughan, Henry Ridgeway & others, It being the same land the said James H. Williams this day purchased of Benja E. Worrell; in trust, to Secure the following Bonds due to Benj E Worrell, One bond of Two Thousand dollars, due & on demand January 1st 1874, One other bond of Fourteen hundred & forty dollars ($1440.00) due and on demand January 1st 1875, One other bond of Fourteen hundred and forty dollars, due and on demand Jany 1st 1876, with interest from the first day of Jany 1873. In Witness Whereof I have hereunto Set my hand & affixed my Seal this 4th day of November, A. D. 1873.

James H. Williams (Seal)

Southampton County, To the Clerk's Office, November the 4th 1873. This Deed of Trust from James H. Williams to James K Tyler, (Trustee) for the benefit of Benjamin E. Worrell, was acknowledged by the said James H. Williams, to be his act, and deed, and admitted to record.

Teste, I. K. Edwards C.C.

A Copy,

Teste, Jas K Tyler D.C.

(Exhibit "A")

$2000. On demand after interest from date, I Owe and promise to pay Miller T. Story the just & full sum of Two Thousand dollars for Value received, & for the true payment of which I hereby waive the benefit of the Insolvent & all other laws exempting either real or personal property. I further agree to give grant & Convey to the said M T. Story, & her Children, Eddie T. Story, Robt B. Story, & Willie J. Story, an interest in the plantation on which I now live or in that recently bought of B. E. Warren by me, in Consideration of the payments for the said Two Thousand dollars, in any manner that the Circuit Court of Southampton County, State of Virginia, may decree. Given under my hand & Seal this (2nd) Second day of January A. D., One Thousand Eight Hundred & Seventy four (1874).

Jas H. Williams (Seal)

Teste,
J. J. Williams

A Copy
Teste, Jas R Tyler D.C

(Exhibit "B.")

$1840.00

On demand June 1st 1875, I Owe and promise to pay unto Benj. E Warren, or Order, the just & full Sum of One Thousand Four Hundred & forty Dollars, it being for payment to be made on the farm upon which he now resides, which I have this day purchased of him. And I hereby waive the benefit of the Insolvent exemptions as to this debt. In witness whereof, I have hereunto set my hand, & affixed my Seal this 1st day of November A.D. 1873.

James H. Williams (Seal)

Witness
J. R. Tyler,

Nov 18. 1874. Rec'd of the within bound Nine Hundred Dollars, (which I have given a duplicate receipt) for

Benj E Warren,

Jan 18. 1875. Rec'd through the hands of Jos G Williams, Four Hundred & Fifty Dollars, $450.00 in part payment of the within bond

Benj E Warren

Rec'd the amt due on this bond of Jos G. Williams, Admr of Jas H. Williams, dec'd. Feby 6th 1875.

Benj E Warren

A Copy

Teste, J R Tyler D.C

(Exhibit "C")

Rec'd of Jos G. Williams, Admr of Jas H. Williams, Nine Hundred Dollars, in part of a bond & lien against the said Jas H. Williams, said amount being proceeds of E.R. Stanley's Land near Cypress Bridge

Nov 18th 1874

Benj E Warren

A Copy

Teste, J R Tyler D.C

(Exhibit "D")

Know all men by these presents, That we Benjamin E Warren & James R Tyler, (Trustee) all of the County of Southampton and State of Virginia, for and in Consideration of the Sum of Seven Thousand Eight Hundred and Eighty Dollars and interest, to me in hand paid, the receipt whereof is hereby acknowledged, do hereby grant, assign, convey, release and quit Claim unto Jas H. Williams dec. his heirs & assigns, all the right, title, interest,

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Story

v. 3 Bill.

Storys Heirs

1874 May Rules

D. B. Prince Jq.

To the Honorable Geo: Blow, Judge of the Circuit Court of Southampton County. In Chancery. Humbly Complaining Showeth unto your Honor your Complainant Mollie F. Story, that during the year 1873, E.R. Story departed this life intestate, leaving your complainant, his widow, & the following children viz E. F. Story R. B. Story & W. J. Story, all infants, his heirs at law. That at the time of his death the said E.R. Story was seized in fee simple of one fifth interest in a tract of land situate in Southampton County, commonly known as Jerusville, & containing 832 acres. also of another small tract of land, in said County, near what is known as the Cypress Bridge, containing about 174 acres, bounded by the lands of Dempsy Johnson, S. H. Bishop & others. That your Complainant is entitled to be endowed in the said lands, but owing to the fact, that her husband only owned but 1/5 interest in the Jerusville tract, and the other tract being a low, flat & unproductive tract, your complainant thinks & charges that the best interests of herself & children would be promoted by the sale of all this real Estate and the reinvestment of the proceeds of Sale under the proper order & direction of this Court. That it would be of no advantage to either your Complainant or her

her children to attempt to cultivate the aforesaid lands, as they are distant from each other, and the interest on the money for which the land would sell would far exceed the rent of the land; and that the whole of this property is annually deteriorating in value. That other & more desirable real Estate, all in a body can be easily purchased with the funds arising from a sale of the aforesaid Real Estate.

Inasmuch therefore as your complainant is without remedy in the premises, except in a Court of Equity, where such matters are alone cognizable, to the end therefore that justice may be done, she prays that the said E. F. Story, R. H. Story & W. J. Story, infants under the age of 21 may be made defendants to this bill & that they by a Guardian ad litem to be assigned them, be required to answer the several allegations thereof; that your Honor will decree the sale of the said lands, and the investment of the proceeds upon such terms, conditions & in such manner, as will best promote the interests of all parties interested, and grant such other further & general relief in the premises as may be consistent with Equity & the case may require. May it please the Court &c—

J. W. Perkins Sol.

The Joint & several answer of E. F. Story, R. B. Story
& W. J. Story, infants by D. R. Edwards, their Guardian
ad litem, to a bill of complaint, Exhibited
against them by Mollie F. Story, in the Circuit
Court of Southampton County.

These respondents, saving reserving all
pit pound of Exception to said bill, for
answer thereto, or unto so much thereof
as they are advised it is material to answer,
answering say. That they are infants and
know nothing of the facts of said bill,
& being such, they submit their rights to
the protection of this Court. and having
answered they pray hence to be dismissed
&c. -

D. R. Edwards -
Guardian ad litem

I. B. Prince p.d

To the Hon Geo: Blow. Judge of the Circuit Court of Southampton. In Chancery. Humbly Complaining Showeth unto your Honor your Complainants Mollie F. Story, E. F. Story R. B. Story & W. J. Story, the last three infants by Mollie F. Story their next friend, as follows-. That during the Year 1873, James H. Williams, a brother of the Complt Mollie F. Story, purchased a tract of land of B. E. Harrell in Southampton County for $4508- for which the said Harrell Executed to the said James H. Williams a deed of bargain & sale- & the said Williams then Executed a deed of trust on the land, dated Nov 6. 1873- for the deferred payments, all of which will more fully appear from certified Copies of the said deeds herewith filed, marked 1 & 2 & prayed to be taken as parts of this bill-. That soon after this purchase & before any of the purchase money was paid, the said James H. Williams, borrowed of your Complainant Mollie F. Story the sum of two thousand dollars, which money your Complainant held as Agent of her husband, E. R. Story- & all of which

Exhibits 1 & 2

money was used in paying for the land bought by James H. Williams of B. E. Norrell. The evidence of the borrowing of the $2000 is herewith filed marked (A) & prayed to be taken as part of this bill. That soon after this money was borrowed James H. Williams died intestate leaving your Complainant, Mollie F. Story, Jos G. Williams & Martha Williams his only heirs at law. That Jos. G. Williams qualified as the Admr of the said James H. Williams; and in paying off the deferred payments for the purchase of the aforesaid tract of land from B. E. Norrell, more money was used belonging to the Estate of E. K. Story dec'd of whom Your Complainants E. F., R. B. & W. J. Story are the heirs. As will be seen by vouchers from B. E. Norrell, herewith filed marked B & C & prayed to be taken as parts of this bill. That after all the purchase money was paid for the aforesaid tract of land Your Complainants thought it ought be conveyed to them, as their money had paid for it - but to their surprise they find that by Release deed dated 18 Dec 1876, from J. R. Dyke Trustee & B. E. Norrell, a release of the

said land is made to James H. Williams as will appear from Copy of said deed Exhibit (D) filed herewith & marked (D). That at the time of this release deed, James H. Williams had been dead some two or three years & the title to the said land must be in the heirs of the said James H. Williams. That the said Jos G. Williams & Martha Williams, two of the heirs of James H. Williams are willing for the land to be conveyed to your Complainants, provided the Court will confirm the investment of the money in the land. And your Complainants believe it to be a good investment. In tender Consideration of all which & inasmuch as your Complainants are without remedy in the premises, except in a Court of Equity where such matters are properly to be heard, they pray that Jos G. Williams in his own right and as Admr of J. H. Williams dec'd & Martha Williams may be made parties defendants to this bill & compelled to answer the allegations thereof. That your Honor will order an Enquiry by one of your Comrs as to whether the investment of this

money in the aforesaid Land is proper & judicious & that the same may be ensured to your Complainants according to their respective interests - & that your Honor will grant such other, further general & special relief as to Equity may seem meet & the nature of this Case may require - And as in duty bound &c - May it please the Court &c

J. B. Ramsey Jr.

Story & others
vs
Bill & Exhibits
Filed in Office
1877 October Rules

J. B. Ramsey Jr.