

1890. 21

Southampton County - Chancery

Williams, H. K.
vs

vs

Gardner, George J, et al

Careless sale, of
part interest of the two
minor children

Williams, Maynard
Williams Sarah) joint

To Hon: Geo. Blaw, Judge Circuit Ct. for Donhampton Co.:-

Humbly complaining sheweth unto your Honor your complainant H. K. Williams that in or about the year 1867 he intermarried with Sarah A. Gardner, a daughter of one Arrington Gardner of said County of Donhampton, and that there was borne to him from this said marriage one child, viz: Maynard L. Williams; that your complainant's wife the said Sarah A. Williams, formerly Gardner, having died in or about the year 1869, your complainant sometime thereafter, to-wit, in or about the year 1873 was married to Margaret M. Gardner, also a daughter of the said Arrington Gardner, who also bore to your complainant one child, viz: Sarah D. Williams, and then departed this life; that during the year 1882 the said Arrington Gardner died intestate, leaving his widow, Louisa Gardner; his four children Jos. A. Gardner, George S. Gardner, Wilson C. Gardner and Annie J. Gardner, and his two grand-children, the said Maynard L. Williams and Sarah D. Williams, as the only heirs and distributers of his estate; and leaving also among

other property a certain tract or parcel of land lying in said County of Southampton, containing 240 acres, more or less and adjoining the lands of J. D. Prellow, James Edward Lockers; that since the death of the said Arrington Gardner, his son, George J. Gardner has proposed to purchase the interests of your Complainant's two children, the said Maynard L. Williams and Sarah D. Williams in the said tract of land and has agreed & offered to pay therefor the sum of \$400.00, and your Complainant has conditionally sold the said interests of his said children, the said Maynard L. Williams and Sarah D. Williams in said land to said George J. Gardner provided your Honor will confirm the sale; that in the opinion of your Complainant the sale is a most excellent one, and would be to the interests of all parties concerned & especially to the interests of your Complainant's two minor children, the said Maynard L. Williams & Sarah D. Williams, that your Complainant is strengthened and confirmed in this opinion by the depositions of witnesses well acquainted with the land which depositions are filed in this suit, & prayed to be read as a part of this bill.

In consideration of all which your Complainant prays that George D. Gardner, Maynard L. Williams and Sarah D. Williams be made parties defendant to this bill and compelled to answer its allegations, that some fit and proper person be assigned Guardian ad litem to protect the interests of the infant defendants, and that if your Honor shall be satisfied from the evidence in this cause that the sale is a good one & to the interest of the parties concerned, an order may be given confirming said sale, & appointing a Commissioner to receive the purchase money and execute a Deed for said land, and that all such other further general relief may be given as in the premises is just and right -

And your Complainant will ever pray &c -

W. J. Shull p.p.

State of Va., County of So.ampton to wit:

This day personally appeared before me, B. F. McLemon a Comr. in Chj. for County Court of So.ampton, H. K. Williams & made oath that the allegations in the foregoing bill he believes to be true -

Given under my hand this 3rd Nov. 1883.

B. F. McLemon

Comr in Chancery

The joint and several answer of Maynard
L. Williams and Sarah D. Williams in-
fant defendants by J.B. Prince their G'dn ad
litem to a bill in Chancery exhibited against
them and others, in the Circuit Court of
Southampton County by H. K. Williams

These respondents saving and
reserving, for answer to said bill say that
they are infants and being such know noth-
ing of the facts alleged in said bill. They
therefore submit their rights to the protection
of this Court and having answered pray
hence to be dismissed &c,

J.B. Prince, G'dn ad litem.

Williams
vs. Chancery
D. M.
Gardner

Bice &c.

To Hon. Geo. Bloro, Judge of Circuit Court for
Sonthampton County.

In Chancery.

Humbly complaining sheweth unto Your Honor
by way of Amended Bill, your complainant
H. K. Williams, guardian of Maynard L.
& Sarah D. Williams that in or about
the year 1867 he intmarried with Sarah
A. Gardner, a daughter of one Arrington
Gardner of said County of Sonthampton, And
that there was born to him from this said
marriage one child, viz - Maynard L.
Williams; that your complainant's wife
the said Sarah A. Williams, formerly
Gardner, having died in or about the
year 1869, your complainant sometime
thereafter, to-wit: in or about the year
1873 was married to Margaret M.
Gardner, also a daughter of the said
Arrington Gardner, who also bore to your
complainant one child, viz: Sarah D.
Williams, and then departed this life;
that during the year 1882 the said
Arrington Gardner died intestate, leaving
his widow, Louisa Gardner, his four
children, Geo. A. Gardner, Geo. J. Gardner,
Wilson C. Gardner & Annie D. Gardner,
and his two grand-children, the said Maynard
L. Williams & Sarah D. Williams as the only

his & distributee of his estate; and leaving also among other property a certain tract or parcel of land lying in said County containing 240 acres, more or less, and adjoining the lands of J. D. Pellow, James Edwards & others; that since the death of the said Arrington Gardner, his son George O. Gardner has proposed to purchase the interests of your complainant's two children the said Maynard L. Williams & Sarah D. Williams in the said tract of land & has agreed & offered to pay therefor the sum of \$400.⁰⁰, and your Complainant has conditionally sold the said interests of his said children, the said Maynard L. and Sarah D. Williams in said land to said George O. Gardner provided your Honor will confirm the sale; that in the opinion of your Complainant the sale is a most excellent one, and to the interest of all parties concerned & especially to the interest of your complainant's two minor children, the said Maynard L. & Sarah D. Williams; that your Complainant is strengthened & confirmed in this opinion by the depositions of persons well acquainted with the land which depositions are filed in this suit & prayed

to be read as a part of this bill. That in the event of the death of said infants Jos. A. Gardner, Geo. J. Gardner, Wilson C. Gardner & Annie J. Gardner, their uncle & aunt, would inherit their interest in said land. In consideration whereof, your Complainant prays that Geo. J. Gardner, Jos. A. Gardner, Wilson C. Gardner, Annie J. Gardner, Maynard L. Williams & Sarah D. Williams be made parties defendant to this bill & compelled to answer its allegations; that some fit and proper person be assigned guardian ad litem to protect the interests of the infant defendants, & that if your Honor shall be satisfied from the evidence in this cause that the sale is a good one & to the interest of the parties concerned, an order may be given confirming said sale & appointing a Commissioner to receive the purchase money and execute a deed for said land & that all such other further relief may be given as in the premises is just right.

And your Complainant will now pray -

W. J. Sebrill, p. q.

State of O^ho,

County of Hamilton, to wit:

This day personally appeared before me W. J. Sebrill a Com^r in Chancery for County Court of said County, H. K. Williams & made oath that the allegations

in the foregoing ^{amended} bill he believes to be true.
Given under my hand this 2nd Oct. A.D. 1884.

W. J. Bruce,

Cour. in Chancery.

The joint several answer of Maynard L. Williams and Sarah D. Williams, ^{infant} defendants, by J. B. Prince, their ^{pro}ad litem to a bill in Chancery exhibited against them & others in the Circuit Court of S. Carolina by H. K. Williams, Guardian &c -

These respondents saving or reserving &c. for answer to said bill, say that they are infants & being such know nothing of the facts alleged in said bill. They, therefore, submit their rights to the protection of this Court & having answered pray hence to be dismissed &c -

J. B. Prince, ^{pro}ad litem

L

William
vs. $\frac{1}{2}$ sp^a
Gardner & Co.

Nov. 5th 1883

I acknowledge
service of the
within summons.
George Y. Gardner

The Commonwealth of Virginia

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

We command you to summon

James E. Drums

to appear before ~~the~~

~~Judge of our Court~~ *Com. B. F. McLemore* ~~Court of Southampton County, at the Courthouse~~ *his office*

in Jerusalem ~~thereat~~ on the *5th* day of *November* ~~Texa~~ to testify, and the truth to

speak on behalf of

H. K. Williams
Chancery suit Circuit Ct.
in a certain matter of controversy in our ~~said~~ Court depending and undetermined between

H. K. Williams

plaintiff and

Gardner & others

defendant, and this shall in no wise omit under penalty of law.

And have then there this writ.

WITNESS, ~~J. B. PRINCE, Clerk of our said Court, at the Courthouse, this~~

day of *1st Nov*, 188*3*, in the *108th* year of the Commonwealth.

Teste:

B. F. McLemore

Com. in Chancery

Williams & Co. re

n.

57

57

Gardner -

Report of Com'r.

W. J. Sebrill.

Williams, Geo re-

27. } Repⁿ of Comⁿ.
Gardner: } 3

In this cause, the Commissioner reports that, pursuant to decree herein entered at the November Term 1884, he has collected from Geo. J. Gardner the purchase-price of \$400.⁰⁰ for the interests of the infants, Maynard L. and Sarah D. Williams in the lands in the proceedings mentioned, which said sum of \$400.⁰⁰ the Commissioner has disbursed as shown in the subjoined statement, taking receipts from the parties which are herewith returned. The Commissioner has executed to said Gardner a deed with special warranty for said interests in said lands. There is nothing further to be done in this cause.

Respectfully submitted,

W. J. Sebrall,

Special Comⁿ.

Statement:

Amo. collected — — — —	400.00
Com ⁿ : on \$400. ⁰⁰ —	17.00
Writing due to purchaser —	5.00
Bal. paid guardian —	378.00
	<u>\$400.00</u>
	<u>\$400.00</u>

~~76~~ - ~~58~~ 154
Williams 54

vs } Stat: Rules
Gardner Jc

In Southampton Circuit Court.
Henry K. Williams Plff.

 against
Geo. T. Gardner. Maynard L. Williams } In Chancery.
Sarah D. Williams, last two
Minors - Deft.

1884.

Apr 2. Summons to Apl Rules.

Apl Rules. " ret'd Exec on G. T. Gardner. Bill filed.
J. B. Price assigned Gdn ad litem to infant
defts. Answer of Gdn ad litem filed and
Genl Replication. Deere nisi vs deft.
May .. Bill taken for Compens as to adult
 deft. and Cause set for hearing.

Williams, G. J. Jr.

$\frac{1}{2}$ } Notice

Gardner

1884. 1st day Nov^r

We acknowledge
notice of the
notice —

Amos J. Gardner

Wilson C. Gardner

George T. Gardner

John A. Gardner

To Geo. T. John A., W.C., and Annis
T. Gardner -

You are hereby notified,
that on the 1st day of November 1884. at
the Office of P. H. McLenore, in the
town of Jerusalem. ~~Between~~ the hours
of 9th A.M. and 6th P.M. of that day. I
shall proceed to take the depositions of
James Edwards, to ~~be~~ read as evidence
in my behalf in a certain Chancery
suit depending in the Circuit Court
of Southampton County, wherein I am
Plaintiff and you are Defendants,
and if from any cause, the taking of
the said deposition be not commenced,
or, if commenced, be not concluded
on that day. the taking thereof will
be adjourned from day to day, at the same
place and between the same hours
until the same shall be completed.

Your Obedt Servant.

H. K. Williams, for re.

By C. J. Seabree, atty.

Williams &c.
vs. $\frac{1}{2}$ Notice.
Gardner &als

~~We~~ acknowledge
service of the
within notice.
George Y Gardner

To ~~Mr. Alfardna~~, Geo. D. Gardner,
~~Edison B. Gardner & Maria D. Gardner.~~

You are hereby notified that on the
5th day of November 1883 at the
office of B. F. McLure in the town
of Jerusalem between the hours
of 10 am. and 5 pm. of that
day I shall proceed to take the
depositions of J. D. Drutten & others
to be read as evidence in my behalf
in a certain suit in Equity depending
in the Circuit Court for the County
of Southampton, wherein I am
plaintiff and you & others, are defen-
dants; and if for any cause the
taking of the said depositions be
not commenced or if commenced
be not concluded on that day, the
taking thereof will be adjourned
from day to day at the same
place and between the same
hours until the same shall be
completed.

Your obed^t serv^t,
H. K. Williams
By W. J. Bull, atty.

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Williams Gen

vs Estab: Rules

Gardner Jr

In Southampton Circuit Court.

H. K. Williams, Guardian of Maynard
L & Sarah D. Williams

Plffs.

against

Geo J. Gardner, Ins: A. Gardner M.C.
Gardner Annie J. Gardner, Maynard
L. Williams & Sarah D. Williams Defts

In
Chancery.

1884. Sept 23. Summons issued to Oct: Rules.

" Oct Rules

" ret'd Exec'd. Answered vice filed. L.B.

Prinice assigned Gov as tutor to infant
defts. Answer of infant defts filed.
Genl Replication. Decree nisi vs
adult defts.

" Nov "

Cause set for hearing -

W. K. Williams

vs } Summons

Geo. F. Gardner, et al.

1884. Apt. Rules

Cir. Ct.

Executed by delivering
Geo. F. Gardner a copy of
this Summons on the
4th day of Apr. 1884

W. W. Driggs Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

Geo. T. Gardner, Maynard L. Williams and Sarah D. Williams, the last two, minors, by J.B. Prince, Guardian Ad Litem.

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 *April* next, to answer a bill in Chancery exhibited against *them* in our said Court by *Henry K. Williams*

And this shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *2^d* day of *April*, 188*4*,
in the *108th* year of the Commonwealth.

Attest. J.B. Prince C.C.

The answer of Maynard L. Williams
to a bill of Complaint exhibited in the
Circuit Court of Southampton County by
J. K. Williams against himself & others.

This respondent saving & reserving to
for answer to said bill, says that he is
an infant, but over the age of fourteen
years & he is advised that it is therefore
necessary for him to answer said bill,
that being of such tender years, he is
not very well acquainted with the
facts alleged in said bill, but that
from all the knowledge he has in regard to
the same, he is of opinion that the said
sale would be greatly to the interest of
all parties concerned & especially to
himself. And this respondent denies
all fraud, unlawful combination and
confederacy & having fully answered the
Complainant's bill, prays hence to be
dismissed &c —

Maynard L. Williams.
State of Va., County of Southampton to-wit:

This day personally appeared before
me W. J. Sebrer a Comd: in Charge for
the County Court of Southampton, Maynard
L. Williams, whose answer is above
written, & made oath that the statements
contained in said answer, so far as made

of his own knowledge are true and so far as
made from knowledge or information derived
from others he believes to be true —

Witness under my hand this 5th day Nov. 1813.

W. J. DeBrell

Comm^r: in Chancery

Williams
vs. Z. Chancery
Gardner &c

Answer of
Marynard L. Williams

Received Mich 22nd 1890 of
W. J. Sebrell, special Comm^r. in suit
of Williams, Edw. vs. Gardner, Three
Hundred and Seventy Eight (\$378.⁰⁰)
Dollars, it being net amt. in his
hands coming to my wards, Maynard
L. and Sarah D. Williams from sale of
their interests in the lands mentioned
in the proceedings in said suit.

H. K. Williams

Gen of Maynard L & Sarah D. Williams

Williams' Guard

is } Sum

Gardner & others

1884. Oct. Rules

Cir. Ct.

Respectfully

stating all
the within named
parties are a copy
of said summons and
the 2^d class of orders
1884. A. B. B. B. B.
for W. B. B. B. B.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

Geo. T. Gardner. Ino. A. Gardner. W. C. Gardner. Annio T. Gardner - Maynard L. Williams and Sarah D. Williams - the last two minors, by J. B. Prince Guardian ad-litem.

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

an amended
next, to answer a bill in Chancery exhibited against *them*

in our said Court by

H. K. Williams, Guardian of Maynard

L. & Sarah D. Williams

And this *they* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this

23rd

day of

September

, 188 *8*

in the

109th

year of the Commonwealth.

Facts.

J. B. Prince C. G.

Willems

us 3 Camp Bond
Gardner &

1885. July 9. Field

Know all men by these Presents, That we

and J. L. Sebrice

H. J. Sebrice

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

Eight 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. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this 9th day of Feb'y. A. D. 1885.

THE CONDITION of the above obligation is such that if the above bound

H. J. Sebrice who was appointed a Special Commissioner by a decree of the Circuit Court of Southampton entered at the November Term 1884 in a chancery suit therein depending styled Williams vs Gardner & others - for the purposes indicated in said decree

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

Signed, sealed and delivered in presence of the Court.

H. J. Sebrice
J. L. Sebrice



and J. L. Sebrice

H. J. Sebrice

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Williams
vs. $\frac{1}{2}$ Chauncy
Gardner &c

Depositions &c

The depositions of J. Denson Peltow & others taken before me, B. F. McLeung, a Commissioner in Chancery for the County Court of Southampton State of Virginia. Pursuant to Notice hereto annexed. at Jerusalem Va, in said County, on the 5th day of November 1883, between the hours of 10th A.M. & 4th P.M. of that day. to be read as evidence in a certain Chancery suit, depending in the Circuit Court of the County of Southampton: wherein H. K. Williams is Plaintiff and George T. Gardner & others are Defendants: -

Present: J. B. Preece Esq. ad. litem

H. J. Sebrell, Counsel for Plff.

Question: What is your age, where do you reside & do you know the parties to this suit? -

Answer: I am 51 years old. reside in Southampton Co. & know the parties to the suit:

Question: Are you acquainted with the tract of land mentioned in the bill of H. K. Williams?

Answer: I am

Question: Do you consider \$400 dollars a fair price for the interest of the minors proposed to be conveyed?

Answer: I consider it a very good price -

Question: Do you think it would be to the ^{benefit of the} parties - especially to the minors, for said sale to be confirmed?

Answer: I do -

And further this deponent sayeth not.
J. D. Pretlow

The Witness James E. Edwards, being duly sworn, deposes as follows -

Q: What is your age, where is ~~you~~^{do you} reside and do you know the parties to the suit?

A: My age is fifty nine years. reside in Southampton County. near the tract of land in the proceedings mentioned and know the parties to the suit.

Q: Do you know the tract of land in the proceedings mentioned?

A: I know it well. it adjoins my farm -

Q: Do you consider \$400.⁰⁰ a fair price for the interest of the minors proposed to be conveyed?

A: I consider it the full value

Q: Do you think it would be to the interest of the minors for said sale to be confirmed?

A: I think it would

And further this deponent sayeth not.

James E. Edwards
mark

Virginia

Southampton County. To wit:

J. B. F. McLemore a Commissioner in Chancery for the Circuit Court of -

Southampton County, in the said State, do
hereby certify that the foregoing depositions
of J. D. Pretlow & others, were duly
~~sworn~~ taken, sworn to, and subscribed
before me, at the time and place and for
the purpose therein mentioned.
Given under my hand this 1st day
of November, in the year 1884.

B. H. McLenore
Clerk in Chancery

Clerk's fee \$5.00

Witness fees:

J. D. Pretlow 0.50

Jas. E. Edwards. 50

\$6.00

Ch'd to Plaintiff

Williams
W. 1/2 Channing
Gardner &c.

Answer of
George I. Gardner

The answer of George I. Gardner to a bill of complaint exhibited in the Circuit Court for Southampton County by H. K. Williams against himself & others.

This respondent saving & reserving &c. for answer to said bill says that the allegations of said bill in regard to said sale are true, and that the said purchase-money will be paid in such way as the Court may direct, whenever the said sale is confirmed.

And this respondent denies all fraud, unlawful combinations & confederacy, & having fully answered the complainant's bill prays hence to be dismissed &c.

George I. Gardner

State of Va.,

County of Southampton, to wit:

This day personally appeared before me B. F. McLeure, a Comr. in Chp. for County Ct. of Southampton, George I. Gardner, whose answer is above-written, & made oath that the statements contained in said answer, so far as made of his own knowledge are true & so far as made from knowledge or information derived from others, he believes to be true.

Given under my hand this 3rd Nov. 1883.

B. F. McLeure

Comr. in Chancery

William, Edw.
r. $\frac{3}{4}$ Seane.
Gardner &c.

May term 1890.

To be entered -

C. M. Hill

May Term 90

Entered

Prince & Seavey, p.c.

Williams & Co. &c.

v. $\frac{3}{3}$ Deane

Gardner &c.

This day this cause came on to be further heard upon the papers formerly read and upon the report of Counr. W. J. Sebrill, supported by proper vouchers, showing collection and disbursement of the purchase-price for the Realty in the proceedings mentioned, to which report there is no exception, and was argued by counsel. On consideration whereof the Court doth approve and confirm the said report, and nothing further appearing necessary in this cause, it is ordered that the same be removed from the docket.

Williams

or: $\frac{1}{2}$ Decree -

Gardner &c

This cause came on this day to be heard upon the complainant's ^{the amended bill} bill, the answer of the adult defendants, ^{taken & confirmed as to other adult defendants} the answer of the infant defendants by ^{the} J. B. Prince, their guardian ad litem, ^{answer of Maynard L. Williams, an infant over 14 yrs. of age,} the depositions of witnesses, and was argued by counsel; on consideration whereof and it appearing to the Court that the sale made by H. K. Williams to Geo. J. Gardner is to the interest of all parties concerned & especially to the minors, the Court doth adjudge, order & decree that the said sale be confirmed & declared to be binding & valid between the parties. And in order to carry out this decree, the Court doth appoint W. J. Sebrue, special Commissioner to receive the purchase-money & to pay over the same to the guardian of the minors, ^{Maynard L. & Sarah D. Williams} & take their receipt for the same, and to execute to the purchaser a deed for the said land with special warranty. But the said Commissioner will not proceed to act under this decree till he shall have entered into bond with good personal security before the Clerk of this Court in the penalty of \$800, conditioned

for the faithful performance of this
or any further decree in this cause.
And the said Commissioner will make
report to Court. But the said ~~Commissioner~~
Commissioner shall not pay the said
purchase money to said guardian,
until said guardian shall have
appeared before the Clerk of this Court
an additional bond in the penalty
of \$800⁰⁰ conditioned as the law
directs.

Williams
Or. S. Deane.
Gardner

Nov: Term 1884

To be entered

W. S. B. B. B.

Entered.

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