1893 - 78 Southampton County Chancery - White, Edward P. vs White, John R. et als (Trustee)

Sell real estate for the rearing & educations of children

infants { White, Park
" , Fairfield
" , Willie L.
" , Benj. Turner

Edwards, T. F.
G.A.L.

141

Bill in Chy.

Ed. P. White

vs

Jno. R. White et als

TO THE HON. GEORGE BLOW.

JUDGE OF THE CIRCUIT COURT

OF SOUTHAMPTON COUNTY.

HUMBLY COMPLAINING SHOW UNTO YOUR HONOR YOUR ORATOR EDWARD P. WHITE THE FOLOWING CASE, THAT YOUR ORATOR AND HIS CHILDREN ARE THE OWNERS OF A ONE THIRD INTEREST IN ACERTAIN TRACT, PIECE OR PARCEL OF LAND, WITH THE IMPROVEMENTS THEREON, SITUATE IN THE SAID COUNTY OF SOUTHAMPTON AND BOUNDED AS FOLLOWS, TO WIT, ON THE NORTH AND WEST BY THE LANDS OF BEN. POPE AND OTHERS, ON THE EAST BY THE LANDS BELONGING TO THE HEIRS OF JOHN PERSONS, ON THE SOUTH BY THE LANDS OF BEN. T. TURNER AND RCHD. HARRIS, WHOLE TRACT KNOWN AS THE N. N. THOMAS TRACT AND SAID WHOLE TRACT CONTAINING eight HUNDRED ACRES MORE OR LESS, ONE HALF INTEREST OF SAID LAND IS OWNED BY ONE J. J. WOODWARD AND THE REMAINING ONE SIXTH BY ONE M. T. DILL, THAT THIS IS ALL THE ESTATE REAL OR PERSONAL BELONGING TO YOUR ORATOR AND HIS CHILDREN, THAT THE SAID ONE THIRD INTEREST IN SAID LAND WAS PURCHASED BY JOHN R. WHITE, TRUSTEE, FOR THE BENEFIT OF YOUR ORATOR AND HIS CHILDREN WITH THE TRUST FUND WHICH CAME TO HIS HANDS, HE THE SAID JOHN R. WHITE HAVING BEEN DULY APPOINTED SUCH TRUSTEE, BY AN ORDER OF THE COURT OF HUSTINGS FOR THE CITY OF PORTSMOUTH ENTERED ON THE 24th DAY OF FEBY. 1879 IN THE CHANCERY SUIT THEREIN PENDING BETWEEN RICHARD VERMILLION SGT. AND COMMITTEE OF THE ESTATE OF MARY I. BAUGH DEC. PLTF. AND WM. WHITE ET ALS DEFTS., THAT YOUR ORATOR'S INTEREST CONSISTS OF A LIFE ESTATE WITH THE REMAINDER TO HIS CHILDREN OR SUCH OF THEM AS MAY BE LIVING AT THE TIME OF HIS DEATH AND THEIR HEIRS—ALL OF WHICH WILL MORE FULLY APPEAR BY REFERENCE TO THE DEED OF PURCHASE, BEARING DATE ON 1st DAY OF Jan 187[illegible] AND OF RECORD IN THE CLERKS OFFICE OF THE COUNTY COURT OF SAID SOUTHAMPTON COUNTY—A COPY OF WHICH IS HEREWITH FILED AS EXHIBIT "A" AND PRAYED TO BE TAKEN AS A PART OF THIS BILL. YOUR ORATOR FURTHER ALLEGES THAT AT THE TIME OF THE PURCHASE OF THE LAND AS AFORESAID HE DEEMED IT TO BE THE BEST INVESTMENT THAT COULD BE MADE OF

THE TRUST FUND, AND SO ADVISED THE SAID JOHN R. WHITE, HIS TRUSTEE, HOPING THEREBY TO MAKE THE SAME HIS HOME AND BY A PROPER CULTIVATION OF SAID LAND TO BE ENABLED TO SUPPORT HIMSELF AND FAMILY—BUT FINDING THIS DIFFICULT AND IMPOSSIBLE, YOUR ORATOR WAS FORCED TO ABANDON SAID LAND AND RETIRE FROM SAID COUNTY TO ACCEPT A MORE LUCRATIVE POSITION WHEREBY HE MIGHT MAINTAIN HIMSELF AND HIS LARGE FAMILY. SINCE WHICH TIME THE PROFITS ARISING FROM SAID LAND CONTINUED TO DECREASE UNTIL THE YEAR 1884, WHEN THEY ENTIRELY CEASED, THERE NOW BEING NO RETURN UPON THE FUND INVESTED. YOUR ORATOR THEREFORE BELIEVES AND HE ALLEGES THAT IT WOULD BE TO THE INTEREST OF HIMSELF AND ESPECIALLY TO HIS INFANT CHILDREN TO SELL THE SAID REAL ESTATE AND APPLY THE PROCEEDS TO THE EDUCATION AND MAINTENANCE OF SAID INFANT CHILDREN, THAT THEY ARE NOW AT THAT AGE AND CONDITION IN LIFE AT WHICH THE FUND ARISING FROM SUCH SALE COULD BE MOST JUDICIOUSLY INVESTED FOR THAT PURPOSE. THAT THE SAID REAL ESTATE IS DETEORATING IN VALUE—NOT BEING IN CULTIVATION IS GROWING UP IN WEEDS AND THE PREMISES ARE BECOMING MORE AND MORE DELAPIDATED.—THE TAXES ARE YEARLY INCREASING AND WILL FINALLY CONSUME THE ENTIRE VALUE, UNLESS SOME RELIEF IS OBTAINED. THAT YOUR ORATOR IS UNABLE TO GIVE THIS RELIEF—BEING A POOR MAN WITH A LARGE FAMILY IT IS IMPOSSIBLE FOR HIM TO PAY THE TAXES OR KEEP THE PROPERTY IN REPAIR. YOUR ORATOR'S CHILDREN ARE FOUR IN NUMBER VIZ: PARK, AGED 16 YEARS. FAIRFIELD, AGED, 13, YEARS. WILLIE L. AGED, 11, YEARS. BEN. TURNER, AGED, 8, YEARS [illegible]

IN TENDER CONSIDERATION WHEREOF AND FORASMUCH AS YOUR ORATOR IS WITHOUT REMEDY SAVE BY THE AID OF ACOURT OF EQUITY WHERE MATTERS OF THIS NATURE ARE PROPERLY COGNIZABLE AND RELIEVEABLE. YOUR ORATOR PRAYS THAT THE SAID JOHN R. WHITE, TRUSTEE PARK WHITE, FAIRFIELD WHITE, WILLIE L. WHITE, BEN. TURNER WHITE ~~AND CONRAD A. WHITE~~ THE LAST FOUR INFANT CHILDREN OF YOUR ORATOR, MAY BE MADE PARTIES DEFENDANT TO THIS BILL AND REQUIRED ON THEIR CORPORAL OATHS TO ANSWER THE SAME ACCORDING TO

THE BEST OF THEIR INFORMATION AND BELIEF, THAT A PROPER GUARDIAN AD LITEM BE ASSIGNED THE INFANT DEFEND—ANTS TO DEFEND THEIR INTERESTS IN THIS SUIT, THAT THE MATTERS HEREIN SET FORTH MAY BE REFERRED TO ONE OF THE COMMISSIONERS OF THIS COURT TO ASCERTAIN AND REPORT WHETER OR NOT IT WILL BE TO THE INTEREST OF YOUR ORATOR AND HIS INFANT CHILDREN TO SELL THE REAL ESTATE AS ABOVE SET FORTH, THAT THAT THE SAME MAY BE SOLD AND THE PROCEEDS THEREOF APPLIED TO THE EDUCATION, MAINTENANCE AND SUPPORT OF THE INFANT DEFENDANTS AND THAT SUCH OTHER, PROPER AND GENERAL RELIEF BE GRANTED YOUR ORATOR AS THE NATURE OF THE CASE MAY REQUIRE AND TO EQUITY SHALL SEEM MEET, THAT A FEE OF $— BE ALLOWED THE ATTORNEY FOR HIS SERVICES IN THISSUIT. AND HE WILL EVER PRAY &C.

WILLIAM H. STEWART.
P.Q.

STATE OF VIRGINIA.
CORPORATION OF PORTSMOUTH, TO WIT:

THIS 29 'DAY OF AUGUST IN THE YEAR 1886 EDWARD P. WHITE PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, FOR THE CORPORATION AFORESAID, AND MADE OATH THAT ALL THE ALLEGATIONS IN THE FOREGOING BILL, STATED AS COMING WITHIN HIS OWN KNOWLEDGE, HE KNOWS TO BE TRUE, AND ALL RESTING UPON THE KNOWLEDGE OR INFORMATION OF OTHERS, HE BELIEVES TO BE TRUE. GIVEN UNDER MY HAND THIS 29 'DAY OF SEPTEMBER IN THE YEAR 1886.

Wm H. Stewart
NOTARY PUBLIC.

This Deed made the 1st day of January 1879
between John H. Gayle, Special Commissioner,
party of the first part and John R. White, Trustee
for E. P. White and his Children, party of the
second part, Witnesseth: Whereas in a cer-
tain suit in Equity originally instituted
in the County Court of Norfolk County,
in which Hodges & Baker are Plaintiffs and
James F. Carr, the personal representative of
Fredk W. Carr dec'd. and others, heirs at Law
of the said Fredk W. Carr are Defendants, and
which suit was transferred, first, to the Circuit
Court of Norfolk County, and then to the Court of
Hustings for the City of Portsmouth, where it is
now pending - a decree was entered by the
said Circuit Court of Norfolk County at the June Term
1874 thereof, appointing the said John H. Gayle
a Special Commissioner to make sale of the
interest of F. W. Carr dec'd. in the tract of land
in the bill mentioned, situate in the County
of Southampton, and which is described in
the Report of Comr. G. T. Edwards, filed in
the said suit May 5th 1874 as an undivided
one third interest in a tract of land lying
in the County of Southampton and State of
Virginia, bounded by the lands of Mrs
Elizabeth K. Turner - Richard Harris, Ben E.
Pope and the heirs of John A. Person dec'd -
the entire tract containing eight hundred

acres, more or less.— And whereas the said John H. Gayle, after having advertised the time, place and terms of sale, as provided for by the decree of said Court, proceeded on the 5th day of Sept 1877 (which was the third time that he had offered the same for sale) to make sale, at public auction, & at said sale E. P. White became the highest bidder of the said one third interest in said land at the sum of three hundred and fifty dollars, which was paid in Cash to the said Commissioner. And whereas the said sale was on the 19th day of November 1877, reported to the Court of Hustings for the City of Portsmouth, to which Court the said suit had been transferred, and was by the decree of said Hustings Court, entered on the 19th day of November 1877, approved and confirmed, and the said Special Commissioner directed to make a deed to the said purchaser for the said one third interest in said land, with Special warranty. And Whereas the amount of the said purchase was paid in fact by John R. White who by a decree of the Court of Hustings for the City of Portsmouth, rendered on the 24th day of February 1879. in the suit of Richard Vermillion, Sergeant &c. and as such Committee of the Estate of Mary D. Baugh dec'd. against Wm. White & others, was appointed as Trustee

for the said E. P. White and his children and the said E. P. White has requested that the deed for the property so purchased by him be made to the said John R White Trustee as aforesaid. Now, therefore, in Consideration of the sum of three hundred and fifty dollars, the amount of the purchase aforesaid. the receipt of which is hereby acknowledged, and by virtue and authority of the decree aforesaid, and at the request of the said E. P. White, which is evidenced by his signature to this deed, the said John H. Gayle, Special Commissioner as aforesaid, doth grant, with special warranty unto the said John R. White, Trustee for the said E. P. White & his children, all the right, title, interest and estate of F. W. Carr dec'd, in and to the tract of land in Southampton County, above mentioned and described, the same being an undivided one third.

Witness the following signatures and seals.

John H. Gayle (Seal)
Special Commissioner

State of Virginia:
City of Portsmouth. to wit:
I, A. S. Watts, a Notary Public for the City aforesaid - in the State of Virginia, do certify

that John H. Gayle, whose name is signed to the writing above, bearing date on the first day of January A.D. 1878, has acknowledged the same before me in my City aforesaid.
Given under my hand this 20th day of December A.D. 1881.

A. S. Watts.
Notary Public

Southampton County: In the Clerk's Office.
December 29th 1881. —
This Deed of bargain and sale from Jno. H. Gayle, Special Commissioner to Jno. R. White Trustee for E. P. White & Children, was this day received, and with the certificate thereto annexed admitted to record.

Test: L. R. Edwards C.C.

A Copy. Test: J. B. Prince C.C.

"A"

Exhibit

To

Edward P. White } Plaintiff
against
Jno. R. White Emelie
Parke White, Fairfield White
Willie L. White & Ben Turner
White infant children of E.P.
White by E.F. Edwards their
guardian ad litem Defendants

You are hereby notified that I have fixed upon the 24th day of January 1887 to take and settle the following accounts
1st The amount and value of the real estate owned by the plaintiff and infant defendants in this cause -
2nd Whether in my judgment it will be to the interest of the plaintiff & infant defendants or either of them to sell said real estate and upon what terms the same could be the most advantageously sold -
3rd In the event that said real estate should be sold, how the proceeds of such sale should be invested so as to be the most beneficial to the parties in interest & whether in my judgment it would be proper to apply said fund to the education & main-

Chancery of said suit defendants.
and for the purpose of this report the
Commissioner is directed to examine
such witnesses as he may deem prop-
er and return the depositions with
and report.

required to be taken by the decree of the
Circuit Court of Southampton County pro-
duced at the November Term 1886 in
the suit in Chancery depending in
said court between you as the above named
parties = at which time & place you
are required to attend. Given under
my hand as Commissioner in Chancery for
the Circuit Court for the City of Portsmouth
this 13th day of January A.D. 1887
Portsmouth Va.

Jno W Happer
Comr in Chy

Whites
vs
Whites

Notice

Service accepted
G.T. Edwards
Guard ad Litem

John A White
Trustee

E.G. White

Office of Comr. in Chancery
Portsmouth Va. Jany. 24th 1887

To the Hon. C.W. Hill
Judge of the Circuit Court
for the County of Southampton -

The undersigned, a commissioner in chancery for the Circuit Court for the City of Portsmouth, to whom has been referred the matters and things required to be ascertained and reported to court, under the decree pronounced at the November Term 1886 of the Circuit Court of Southampton County, in the chancery suit therein depending between E.P. White plaintiff and Jno. R. White Emilie Vala defendants, did, on the 24th day of January 1887, at his office in the City of Portsmouth, pursuant to notice hereto annexed, and upon the examination of witnesses, ascertain & now beg leave to return to the court the following report -

1st That the real estate owned by the plaintiff, E.P. White, and his children, who are the infant defendants, amounts to an undivided 1/3 interest in and to a certain tract of land, containing eight hundred acres, more or less, situate

in the County of Southampton bounded by the lands of Elizabeth T. Turner and also That the said E.P. White has a life estate in said 1/3 undivided and his four children, or such as may be living at the time of his death, are entitled to the remainder -

Your commissioner thinks that $500 - is a good price and a fair value for said 1/3 undivided interest - It having been purchased by said E.P. White at public auction on Jany 1st 1878 for $350 - & there is nothing to show that it has materially enhanced in value - Of this $500 your commissioner fixes the interest of E.P. White, he being 52 years of age, at $261 23/100 and the interest of the children at $238 77/100 as a present value -

2nd Your commissioner believes it would be to the interest of all parties to sell this land - it not yielding no revenue - but being an expense by an accumulation of taxes - which the life tenant is unable to pay - And he believes that it could be most advantageously sold by private sale

in accepting the offer made by J. J. Woodard of $500 - cash - Thus the expense of auction sale would be avoided which would likely exceed any increased value.

3rd It is the opinion of your commissioner that no better investment can be made of the proceeds of sale than by applying it to the education & maintenance of the infant children. The little amount which would be due to them upon the death of their father would be too small to be of any substantial benefit - while the same used applied to their education & comfortable support would be of an inestimable value.

4th Your commissioner herewith returns to the court the examination made of the witness

Respectfully submitted

Jno. W. Hopper
Com. in Chy.

Commissioner's fee
$15 —

Depositions taken before me. Jno. W. Happer Commissioner in Chancery for the Circuit Court for the City of Portsmouth, on the 21st day of January 1887, at my office in the City of Portsmouth, to be used by me in rendering certain reports called for by a decree rendered at the November Term 1886 of the Circuit Court of Southampton County in the suit therein depending between E.P. White plaintiff and Jno. R. White Smith et als defendants

Present Wm H. Stewart attorney
for E. P. Edwards guardian ad litem
for the infant defendants

Portsmouth Va January 21st 1887

J. C. James being duly sworn deposes and saith as follows:

Ques 1

1 Ques Please state your age, residence & occupation.
Ans Age 41, residence Branchville Southampton County & occupation merchant -
2 Ques Do you know the land ~~mentioned~~ in the bill & proceedings of E.P. White vs Jno R. White now pending in the Circuit Court of Southampton County and described as the R. W. Thomas tract - and if yea - please state

so far as you can the amount and value of same

Ans I do know the land & have known it since 1862 - have been over a great portion of it - I know it is a large tract & presume the deed calling it 800 acres is correct - I should think that $2.00 per acre would be good price ~~for it~~ for the fee simple value - I think it would not rent for over $40 - per year - I do not think that as much as 100 acres is subject to cultivation and that is very poor and indifferent land -

3 Ques It is alleged in the bill that Mr. E.P. White is the owner of 1/3 of said tract undivided - What do you think that 1/3 to be worth considering it's undivided condition ?

Ans I consider it worth $2.00 per acre what ever that may amount to -

And further this deponent saith not

J. B. James

Jno. R. White being duly sworn deposes and saith

1 Ques Are you the Jno. R. White one of the parties to the suit of White vs White now pending in Circuit Court of Southampton Co - and trustee for E.P. White & children

Ans I am

2nd Q Do you know the land 1/3 of which was conveyed to you as such trustee by the deed of Jno. H. Gayle & Spl. Comrs. dated Jany 1st 1878?

Ans Only know it by representation -

3 Q Do you know the annual & yearly value of the entire tract? if so state it.

Ans I do not

4 Ques Do you know whether or not it is in an improved or dilapidated condition?

Ans Rather dilapidated condition so far as I can learn

5th Ques Are you related to E.P. White & his children?

Ans I am E.P. White's brother

6 Q Please state your views as to whether in your opinion it will be to the benefit of said E.P. White & children to sell their interest in said land - & what would be a good disposition to make of the proceeds of such sale -

Ans I think it would be to their interest to sell the land & apply the proceeds to the education & maintenance of E.P. White's children. I do not think his financial condition is such as to enable him to educate his children - that he has not

means for this purpose. The children are at that age at which they should be educated & ~~[illegible]~~ the money could be best expended, according to my opinion, in that direction.

7 Ques Please state what you think would be the most ~~[illegible]~~ advantageous way of disposing of the interest of E.P. White & his children in said land -

Ans I think public sale at the Real Estate Exchange in Norfolk Va would be the best way to dispose of it -

8 Ques In the event of sale how do you think the proceeds of sale should be invested so as to be the most beneficial to the parties in interest -

Ans By disposing of the same for the education & maintenance of the children.

9 Ques As trustee as above stated have you ever received any rents & profits from said land? & can you state what the present rents are & what the taxes are & what is the present ability of Mr E.P. White to pay said taxes?

Ans I never received any rents & proceeds from the land - I put Mr. White there & he culti-

valid title to said land upon the taxes - I do not know that there is any present rent or profits & I do not think Mrs. White is able to pay the taxes. I have never received any thing from said land nor do I expect to receive anything and now oppose the wish that the court will relieve me as trustee & appoint some other person in my stead if necessary

And further this deponent saith not

John R White

E. P. White being duly sworn deposes & saith

1st Ques Please state if you are the E. P. White mentioned as the plaintiff in the suit against White & als now pending in the Circuit Court of ~~Bath~~ Appomattox County ~~& as trustee~~.

Ans I am

2 Ques Please state the amount and value of your & your children's interest in the land in the bill & proceedings mentioned -

Ans I own 1/3 interest in the whole tract of 900 acres more or less. I paid $350 - and am offered $500.- cash for it, which I consider a good price & same - it being undivided - It now yields no revenue

but is a source of expense in taxes &
& is constantly diminishing in value

3 Ques Do you think it will be to your &
your childrens interest to sell said
land & if sold what in your opinion,
is the best way to invest & dispose
of the proceeds of sale?

Ans I think it best to sell it & use the
proceeds in education & maintenance
of the ~~children~~ ~~ages~~. If this land
is not sold in this proceeding it is
certain that the state will sell for
taxes as I am unwilling & unable to
pay same

4 Ques What in your opinion is the best way
to sell this land?

Ans To sell it at private sale for cash
& this much expense may be avoided.
I have a standing offer of $500. ~~cash~~
which I think should be accepted
at once by the court. J. J. Woodard
is the person who makes this offer
& will pay the money upon deed
being made to him.

5 Ques How many children have you & what
is your
and their ages?

Ans Four children aged respectively about 9, 11, 14 & 16 years ~~my~~ age is 52 years

6 Ques What business are you now engaged in & what is your present ability to educate & maintain your children?

Ans None whatever -

E. P. White

Park White one of the infant defendants over 14 years of age being duly sworn deposes & saith

1 Ques What is your age & residence

Ans Park White, aged 16 years

2 Ques Are you willing to have your interest in the land in Southampton sold & the proceeds used in your education & maintenance?

Ans Yes sir -

3 Ques Do you think that the sale of said land & the use of the money arising therefrom for your education & support would be to your interest?

Yes sir -

And further this deponent saith not

Parke White

White 82

vs

Ira Chamberlain

White et als

Deposition of

Parke White

Com. in Chy

Answer of

Park White

ED. P. WHITE, PLAINTIFF.

VS.

JOHN R. WHITE, TRUSTEE, ET ALS. DEFENDANTS.

THE ANSWERS OF PARK WHITE, FAIRFIELD WHITE, WILLIE L. WHITE, BEN. TURNER WHITE ~~AND CONRAD A. WHITE~~, INFANTS UNDER THE AGE OF TWENTY ONE YEARS, BY G. F. EDWARDS, THEIR GUARDIAN AD LITEM, ASSIGNED TO DEFEND THEM IN THIS SUIT, TO A BILL EXHIBITED AGAINST THE SAID PARK WHITE, FAIRFIELD WHITE, WILLIE L. WHITE, BEN. TURNER WHITE ~~AND CONRAD A. WHITE~~, BY EDWARD P. WHITE, IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY.

THESE DEFENDANTS NOW AND AT ALL TIMES HEREAFTER, SAVING AND RESERVIND UNTO THEMSELVES AND EACH OF THEM ALL BENEFIT AND ADVANTAGE OF JUST EXCEPTIONS TO SAID BILL OF COMPLAINT, FOR ANSWER THERETO, OR UNTO SO MUCH AND SUCH PARTS THEREOF AS THESE DEFENDANTS ARE ADVISED ARE MATERIAL OR NECESSARY FOR THEM TO MAKE ANSWER UNTO, BY THEIR SAID GUARDIAN AD LITEM, ANSWER AND SAY, THAT THEY ARE INFANTS OF TENDER YEARS, AND BY REASON OF THEIR INFANCY ARE INCAPABLE OF UNDERSTANDING AND TAKING CARE OF THEIR RIGHTS AND INTERESTS, THEY THEREFORE BY THEIR SAID GUARDIAN AD LITEM COMMEND THEMSELVES AND THEIR RIGHTS AND INTERESTS TO THE PROTECTION OF THE COURT AND PRAYS THAT NO DECREE MAY BE PRONOUNCED THAT WILL TEND TO THEIR PREJUDICE. AND NOW, HAVING FULLY ANSWERED THE BILL OF THE COM-PLAINANT, THESE DEFENDANTS PRAY HENCE TO BE DISMISSED WITH THEIR REASONABLE COSTS IN THIS BEHALF EXPENDED, AND THEY WILL EVER PRAY, &C.

G. F. Edwards.

GUARDIAN AD LITEM.

STATE OF VIRGINIA,—CORPORATION OF PORTSMOUTH, TO WIT, THIS DAY PERSONALLY APPEARED BEFORE ME, WM. H. STEWART, A NOTARY PUBLIC, FOR THE CORPORATION AFORESAID, G. F. EDWARDS, GUARDIAN AD LITEM, WHOSE ANSWER IS ABOVE WRITTEN, AND MADE OAT THAT THE STATEMENTS CONTAINED IN THE SAID ANSWERS, SO FAR AS MADE OF HIS OWN KNOWLEDGE ARE TRUE, AND THAT SUCH STATEMENTS AS ARE MADE THEREIN FROM KNOWLEDGE OR INFORMATION DERIVED FROM OTHERS, HE BELIEVES TO BE TRUE.

GIVEN UNDER MY HAND THIS FIRST DAY OF OCTOBER, IN THE YEAR 1886.

William H. Stewart

NOTARY PUBLIC.

MEMORANDUM.

EDWARD P. WHITE. PLAINTIFF.

VS.

JOHN R. WHITE, PARK WHITE.
FAIRFEILD WHITE, WILLIE L. WHITE,
BEN. TURNER WHITE & CONRAD A. WHITE, DEFENDANTS.

} IN CHANCERY.

TO THE CLERK OF THE CIRCUIT COURT
OF SOUTHAMPTON COUNTY.

ED. P. WHITE, PLAINTIFF.

VS

JOHN R. WHITE, TRUSTEE, ET ALS. DEFENDANTS.

THE ANSWER OF PARK WHITE, AN INFANT UNDER THE AGE OF TWENTY ONE, BUT OVER THE AGE OF FOURTEEN YEARS IN HIS OWN PROPER PERSON AND IN THE PRESENCE OF G. F. EDWARDS, HIS GUARDIAN AD LITEM, TO THE BILL OF COMPLAINT EXHIBITED AGAINST HIM & others IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, BY EDWARD P. WHITE, COMPLAINANT.

THIS DEFENDANT RESERVING TO HIMSELF ALL RIGHT OF EXCEPTION OF THE SAID BILL OF FOR ANSWER THERETO SAITH, THAT HE IS AN INFANT OF TENDER YEARS, AND BY REASON OF HIS INFANCY IS INCAPABLE OF UNDERSTANDING AND TAKING CARE OF HIS RIGHTS AND INTERESTS, HE THEREFORE COMMENDS HIMSELF AND HIS RIGHTS AND INTERESTS TO THE PROTECTION OF THE COURT AND PRAYS THAT NO DECREE MAY BE PRONOUNCED THAT WILL TEND TO HIS PREJUDICE, AND NOW, HAVING FULLY ANSWERED THE BILL OF THE COMPLAINANT, THIS DEFENDANT PRAYS HENCE TO BE DISMISSED WITH THEIR REASONABLE COSTS IN THIS BEHALF EXPENDED, AND HE WILL EVER PRAY, &C.

but so far as he is advised he believes it will be to his interest to sell the real estate and apply the proceeds to the education & support of himself, brothers & sisters

Parke White

STATE OF VIRGINIA.
CORPORATION OF PORTSMOUTH, TO WIT.

THIS DAY PERSONALLY APPEARED BEFORE ME, WM. H. STEWART, A NOTARY PUBLIC, FOR THE CORPORATION AFORESAID, PARK WHITE, WHOSE ANSWER IS ABOVE WRITTEN, AND IN THE PRESENCE OF G. F. EDWARDS, HIS GUARDIAN AD LITEM, AND MADE OATH THAT THE STATEMENTS CONTAINED IN THE SAID ANSWER, SO FAR AS MADE OF HIS OWN KNOWLEDGE ARE TRUE, AND THAT SUCH STATEMENTS AS ARE MADE THEREIN FROM KNOWLEDGE OR INFORMATION DERIVED FROM OTHERS, HE BELIEVES TO BE TRUE.

GIVEN UNDER MY HAND THIS 9th DAY OF OCTOBER IN THE YEAR 1886.

William H. Stewart
NOTARY PUBLIC.

Received March 19. 1887 of I. B. Parrish
Comr. in Ch'y Suit E. R. White vs Jno. R. White
Hunter &c. Circuit Court Southampton
Talbert decease- Commissioners fee due
me in said suit-.

Jno. W. Happer

Answer of

John R. White, Master

ED. P. WHITE, PLAINTIFF.

VS

JOHN R. WHITE, TRUSTEE, ET ALS. DEFENDANTS.

THE ANSWER OF JOHN R. WHITE, TRUSTEE, ONE OF THE DEFENDANTS, TO THE BILL OF COMPLAINT EXHIBITED AGAINST HIM & others IN THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, BY EDWARD P. WHITE, COMPLAINANT. THIS DEFENDANT RESERVING TO HIMSELF ALL RIGHT OF EXCEPTION OF THE SAID BILL OF COMPLAINT. FOR ANSWER THERETO SAITH, THAT THE ALLEGATIONS OF THE COMPLAINT & IN HIS BILL ARE TRUE AND CORRECT SO FAR AS HE KNOWS AND BELIEVES. THAT HE APPROVES OF THE PRAYER IN SAID BILL.

AND NOW HAVING FULLY ANSWERED THE BILL OF THE COMPLAINANT, THIS RESPONDENT PRAYS HENCE TO BE DISMISSED WITH HIS REASONABLE COSTS IN THIS BEHALF EXPENDED, AND HE WILL EVER PRAY &C.

John R White, Trustee

STATE OF VIRGINIA.
CORPORATION OF PORTSMOUTH, TO WIT,

THIS DAY PERSONALLY APPEARED BEFORE ME, WM. H. STEWART, A NOTARY PUBLIC, FOR THE CORPORATION AFORESAID, JOHN R. WHITE, WHOSE ANSWER IS ABOVE WRITTEN, AND MADE OATH THAT THE STATEMENTS CONTAINED IN THE SAID ANSWER, SO FAR AS MADE OF HIS OWN KNOWLEDGE ARE TRUE, AND THAT SUCH STATEMENTS AS ARE MADE THEREIN FROM KNOWLEDGE OR INFORMATION DERIVED FROM OTHERS, HE BELIEVES TO BE TRUE.

GIVEN UNDER MY HAND, THIS FIRST DAY OF OCTOBER IN THE YEAR 1886.

William H. Stewart
NOTARY PUBLIC.

To the friend
in Christ
who is or who is
to be

Portsmouth Va. Mch 18th 188

Dear Sir

Mr White is a personal friend & I did not charge him the regular fee - so only asked the Ct. to allow me $25 - The $15 I say fee you can turn over to him - He says mail the check to him at Gt. Bridge, Va

Yours truly

Wm H Stewart

P.O. Great Bridge
Norfolk Co. Va.

Edi. P. White

Mr. Woodard.

The enclosed I have just received. I write make you deed & close matter. Return these papers to me.

I B Price

Mch 2. 1887

Portsmouth Va 28th Feb'y

My Dear Sir

You will see by the endorsement of Mr White on the enclosed letter that he agrees to pay the Tug $5.50/00 Due to Mr Woodward. So you can close this sale. Please do so as early as you can.

Very truly
Wm H Stewart

Say to Prince
that Kay act
will have to
be Paid and
close sale

Yours Truly
E P A Lite

J. B. PRINCE, CLERK.

B. F. McLEMORE, D. C.,
AND COMMISSIONER IN CHANCERY.

Clerk's Office of the
Circuit and County Courts of Southampton County.

Jerusalem, Va., Feby 21 1887

My Dear Sir—

Mr J. J. Woodard has called to see me today and offers to pay the $800. provided you will accept in part payment an asst he holds for $5.50 which he claims is the part due by E. R. White for delinquent tax on the land which he Woodard has to pay. As I had no authority to accept the same, I thought it best to write you. Let me hear from you.

Yours truly,

Col W. H. Stewart

J. B. Prince

The above note is from Mr Prince you can write to me what to say to him

Resp

Wm H Stewart

Say to Prince

Received March 19. 1887 of I. B. Spencer Comr
in Chy suit E. P. White vs Jno. R. White Trustee
&c. - Circuit Court Southampton - twenty five
dollars - fee ordered to be paid me
by decree of January 26. 1887.

William H. Stewart

" " p. q.

Received April 1887 of I. B. Spencer Comr
in Chancery suit White vs White's
Trustee. fifteen dollars, in lieu of
taxed atty fee - not claimed by
the atty in suit - In paying this amt
I. B. Spencer paid me an acct due
J. J. Woodard for $5.50 for back taxes on
land sold him - and $1.25 amt over paid
me in settlement of March 16. 1887.

E. P. White

Received March 18. 1887 of I. B. Lewis
Com'r in Chancery suit White vs
Whites Trustee $261.^{23}/$_{100}$ in full of
amt decreed to be paid him under
decree in said suit rendered in
vacation Jany 26. 1887.

E. P. White

Received March 18. 1887 of I. B. Lewis
Com'r in Chancery suit White vs
Whites Trustee one hundred and
fifty-four ^{67}/$_{100}$ dollars. in full
of balance in his hands from
sale of land to J. J. Woodard
after paying costs of suit & other
charges provided for in said
suit.

E. P. White
Trustee

White
vs } Return
White Trustee &c.

1887. March 31.
Filed. S.B. Pac

White
vs
White Trustee &c.

Report of J. B. Lamica Comr.

In this cause your Comr submits the following report. I have sold the land in the proceedings mentioned to J. J. Woodard for $500.- and he has paid in Cash $500.00

I have paid out as follows-

To Commissions	$19.00	
" deed -	5.00	
" Clks fees	4.60	
" Comr. Hopper	15.00	
" atty W. H. Stewart	25.00	
" Writ tax	1.50	
" Taxed atty fee	15.00	85.10
		$414.90

To pd E. P. White, amt under decree $261.23

" same as Trustee 153.67 414.90

I have made a deed to J. J. Woodard. There is nothing further to be done in this cause, and I recommend it be removed from the docket.

Respectfully submitted

J. B. Lamica Comr.

March 31. 1887

To Judge Circ. Ct.
So'ampton Co.

White
vs 3 Decree.
Whites Trustee &c.

This day this Cause came on to be further heard on the papers formerly read, the report of Comr. I.B. Price filed March 31. 1887. shewing sale of the land in proceedings mentioned to I.J. Woodard for $500 - Collection of the purchase money. disbursement of same, supported by proper Vouchers - and Execution of deed to the purchaser with Special Warranty - to which report there is no Exception and now signed by Counsel. On Consideration whereof, the Court doth confirm the said report. And nothing further appearing necessary to be done in this suit, it is ordered to be removed from the docket with leave &c -.

94 ~~102~~

White ~~96~~

" 3. Deer

~~White Hunter 4.~~

~~90~~ ~~87~~

8

May Term

1887.

To be Enlisted

White

vs ½ Comes Bros

White Tartar Co

1887. March 1

Know all men by these Presents, That we I. B. Prince,
J. E. Prince & G. O. Sledge

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of
One thousand 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, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this 1st day of March A. D. 1887.

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

I. B. Prince, who was appointed a Special Comr. in the Chancery suit of White vs White Trustee &c. to sell certain real Estate

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.

I. B. Prince SEAL
J. E. Prince SEAL
G. O. Sledge SEAL
SEAL

PARTIES IN INTEREST AND WHETHER IN HIS JUDGMENT IT WOULD BE JUDICIOUS TO APPLY SAID FUND TO THE EDUCATION AND MAINTENANCE OF SAID INFANT DEFENDANTS, AND FOR THE PURPOSES OF THIS REPORT THE COMMISSIONER IS DIRECTED TO EXAMINE SUCH WITNESSES AS HE MAY DEEM PROPER AND RETURN THE DEPOSITIONS WITH SAID REPORT.

Nov Term 1886
To be entered
Decree

Nov Term 1886
Let be entered
Geo. F. Bruce
J.

EDWARD P. WHITE, PLAINTIFF,
VS.
JOHN R. WHITE, TRUSTEE, PARK WHITE
FAIRFIELD WHITE, WILLIE L. WHITE,
AND BEN. TURNER WHITE, DEFENDANTS,

G. F. EDWARDS IS ASSIGNED GUARDIAN AD LITEM TO THE INFANT DEFENDANTS, PARK WHITE, FAIRFIELD WHITE, WILLIE L. WHITE AND BEN. TURNER WHITE, TO DEFEND THEIR INTEREST IN THIS SUIT

THEREUPON THE SAID G. F. EDWARDS AS SUCH GUARDIAN AD LITEM FILED HIS ANSWER TO THE BILL OF THE PLAINTIFF TO WHICH ANSWER THE PLAINTIFF BY COUNSEL REPLIED GENERALLY AND THIS CAUSE BEING THEN PLACED UPON THE DOCKET CAME ON THIS DAY TO BE HEARD ON THE BILL AND EXHIBITS, THE ANSWER OF JOHN R. WHITE, TRUSTEE, ONE OF THE DEFENDANTS, THE ANSWER OF THE THE INFANT DEFENDANT PARK WHITE IN HIS OWN PROPER PERSON HE BEING OVER THE AGE OF 14 YEARS, AND THE ANSWER OF THE SAID GUARDIAN AD LITEM, WITH GENERAL REPLICATIONS THERETO AND WAS ARGUED BY COUNSEL, ON CONSIDERATION WHEREOF, IT APPEARING TO THE COURT THAT IT WOULD BE TO THE CONVENIENCE OF ALL PARTIES TO THIS SUIT THAT THE ACCOUNTS AND REPORTS HEREIN REQUIRED TO BE STATED SHOULD BE TAKEN IN THE CITY OF PORTSMOUTH THE COURT DOTH ADJUDGE ORDER AND DECREE THAT ONE OF THE COMMISSIONERS OF THE CIRCUIT COURT OF SAID CITY OF PORTSMOUTH DO ASCERTAIN AND REPORT TO THE COURT,

FIRST---THE AMOUNT AND VALUE OF THE REAL ESTATE OWNED BY THE PLAINTIFF AND THE INFANT DEFENDANTS IN THIS CAUSE.---SECOND---WHETHER IN HIS JUDGMENT IT WILL BE TO THE INTEREST OF THE PLAINTIFF AND THE INFANT DEFENDANTS IN THS SUIT OR EITHER OF THEM TO SELL SAID REAL ESTATE AND UPON WHAT TERMS THE SAME COULD BE THE MOST ADVATAGEOUSLY SOLD---THIRD---IN THE EVENT THAT SAID REAL ESTAE SHOULD BE SOLD, HOW THE PROCEEDS OF SUCH SALE SHOULD BE INVESTED SO AS TO BE THE MOST BENEFICIAL TO THE

Know all men by these presents that I
Thomas W. Boyt Norfolk County have made
ordained and constituted and do hereby
make, ordain and constitute Ed. P. White
of the County of Norfolk, to be my true, suf-
ficient and lawful attorney for me
and in my name, place and stead
to sign and acknowledge a bond
for the sum of four hundred dollars
as surety for the said Ed. P. White re-
quired by a decree entered on the
12, day of March 1887 in the Circuit
Court of the County of Southampton
before the Clerk of said Court in the
suit of Ed. P. White vs John R. White
Trustee et als for his, the said Ed. P.
White, faithful discharge of said decree
and any other decree which may
be entered in said suit depending
in the said Circuit Court of South-
ampton County; hereby ratifying
and confirming all lawful acts
done by my said attorney by virtue
hereof and I hereby justify under
oath that I am worth the sum
of four hundred dollars after the
payment of all my just debts
and liabilities and I hereby waive

the benefit of my homestead exemption as to said bond. In witness whereof I hereto set my hand and seal this day of March A. D. 1887.

Thos. W. Budd (Seal)

Bruce Simmons (witness)

State of Va. Norfolk city to wit:

I Bruce Simmons, a Notary Public for Norfolk city in the state of Va. do certify that Thos. W. Budd, whose name is signed to the writing above bearing date on the 12th day of March, has acknowledged the same before me in my corporation aforesaid.

Given under my hand this 12th day of March 1887.

Bruce Simmons
Notary Public

To the Clerk of the Circuit Court of the County of Southampton in vacation

Entered thus

Entered by Consent.
Wm. H. Stevens p.q.
atty for
G. F. Edwards
Guard. ad Litem.
John R. White
Trustee

January 26th 1887
C. W. Stevens
Judge

E. P. White vs J. R. White, Instructions

This cause came on this day to be again heard upon the papers formerly read herein, the resignation of John R. White, Trustee and the report of John W. Napper, Special Commissioner, to which report there are no exceptions and was argued by Counsel. On consideration whereof the Court doth confirm the said report and it appearing by said report that it will be to the interest of all parties that private sale be made of the tract of land mentioned in the bill and proceedings doth adjudge order and decree that Jos B. Bruce who is hereby appointed Special Commissioner for that purpose do proceed to make sale privately of the said real estate for not less than the sum of $500 cash and that upon the payment of the purchase price, that he make the purchaser a deed with special warranty for the same and that said Special Commissioner do out of the proceeds of the sale, pay

costs of this suit and expenses of sale including a fee of ~~$25 dollars~~ to Wm. H. Stewart, Atty, for his services in this proceeding and that out of the balance he pay to E. P. White $261 23/100 dollars, (his proportion of cost of advertising & sale) in lieu of his life interest in said real estate and the balance he pay over to E. P. White, who is hereby appointed Trustee (the resignation of John R. White, the former trustee being hereby accepted) for the purpose to be held by him for the proper maintenance education and support of his said infant children upon condition however that the said E. P. White shall before he receives the said amount enter into before this Court or the Clerk thereof a bond in the penalty of $400 dollars with good security # and conditioned according to law But before the said Jos. B. Prince Special Commissioner shall proceed to execute this decree he shall enter into before this

approved & by the Clerk of the Court

this Court or the clerk thereof a bond in penalty of $1000— dollars with good security and conditioned according to law And the said Commissioner shall report all of his proceedings under this decree to Court—

White
vs 3
White Trustee &c.

Bonds of E. P. White
Trustee.

1887. March 18

Know all men by these Presents, That we E. P. White and
and Thos W Butt

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of
Four 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, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this 18 day of March A. D. 1887

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

E P White, who was appointed a trustee
for his children by a decree of the
Circuit Court of Southampton
entered in vacation Jany 26. 1887
in the chancery suit of White vs
White Trustee for the purpose of
receiving certain money directed to
be paid to him under decree
in said suit to be used by him
for the proper maintenance, Education
and support of his said Children

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.

E P White SEAL
Thos W Butt SEAL
by E P White SEAL
atty in fact SEAL