1889-05 Southampton County Chancery - Channing, T. M. (Gdn.) Vs Picot, Rosaline E. et als

ask that sale of infants portion of inherited land be made legal.

Channing, Lou D.
Darden, E. T.
" , J. B.
Howard, R.
Darden, R. E.
Minor { Channing, Charles Edward
Shands, William - (G. A. L.)

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.

Form No 17.

Channings' Gd'n

against { Bill & Ex.

Picot et als.

To 1st Aug. Rules, 1897

1897. 1st. Aug. Rules filed.

L. A. Gay & c.

Def'ts ats to be appointed
Special Commr to take & rep.

JOHN N. SEBRELL, JR.,
ATTORNEY AT LAW,
COURTLAND, VA.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Southampton County, Virginia.

In Chancery:

Humbly complaining sheweth unto Your Honor your orator J.M. Channing, guardian of Charles Edward Channing, an infant under the age of fourteen years, that B.E.Pope, deceased, by his last will and testament devised to Martha R.Darden for life and at her death to her then living children, that certain tract or parcel of land in Southampton County, Virginia, known as the Darden and Neale Place, situate at Newsoms in the said county, containing three hundred and eleven acres more or less, and bounded by the lands of J.L.Barham, J.J.Darden, Jas.D.Darden, the Seaboard and Roanoke Railroad and others; that sometime during the year 1895 the said Martha R.Darden departed this life leaving the following children then living, towit:- Rosaline E. Picot the wife of G.C.Picot, Lou D.Channing the wife of your orator, E.T.Darden, John B.Darden, and F.D.Channing, nee Channing; that sometime thereafter, towit, during the month of June 1897 the said F.D.Channing died, intestate, leaving as her only heir at law, her son, the said Charles Edward Channing, and that therefore the said Charles Edward Channing is seized of an undivided one-fifth interest in the said tract of land, which he inherits from his mother.

That at the July term of the County Court of Southampton County your orater qualified as the guardian of the said Charles EdwardChanning as will appear from a copy of said qualification herewith filed as Exhibit "A" and prayed to be read as a part of this bill.

Edward

Your orator has conditionally sold the interest of the said infant, Charles Edward Channing, in the said land to R. Howard, for the sum of eleven hundred dollars ($1100.00) which he believes to be a fine price for the same. Your orator believes and here states that it would be to the interest of the said infant to sell the said interest at the price above named for many reasons. In the first place as it now stands no rental is received by the said infant whatever. Repeated efforts have been made to rent the said property, but as yet no renter is found. Even if the property could be rented out at a fair rental your orator believes and here states that such rental would not amount to as much as the income of the purchase price would be if the same were properly invested. Besides this the other parties who are seized in common with the said infant, Charles Edward Channing, of the said land have also sold their interest in the said land at the same price provided the Court will confirm the sale herein mentioned, indeed the said J. R. Darden has sold his interest at $900.00. If this Honorable Court should refuse to confirm the sale of the said infant's interest the other parties interested in the said land would immediately institute suit for the partition of the said land which would entail greater cost upon the said infant, and as your orator believes would cause the interest of the said infant to be sold for a less sum than $1100. as your orator does not believe that the interest of the said infant would sell for as much as $1100 at public auction, for these and many other reasons your orator states that the interest of the said infant would be promoted by the said sale. The interests of no person would be violated by such sale.

The said infant has little or no personal property, and he therefore has no fund with which to be supported and educated than this interest in the said land.

Edward

Should the said infant, Charles Channing depart this life before arriving at the age of twenty one years, his grand-father, R.E.Darden, would be his sole heir at law.

In tender consideration whereof and inasmuch as your orator is without remedy save in a court of Equity where all such matters are alone and properly cognizable, he prays thatthe said Rosaline E.Picot, Lou D.Channing, E.T.Darden, J.B.Darden R.Howard, R.E.Darden and the said Charles Edward Channing be made parties defendants to this bill and required to answer the same though answer under oath is hereby expressly waived, that a proper person be assigned as guardian ad litem for the said infant to protect his interest in this suit,who shall also answer this bill; that the said sale made by your orator to the said R.Howard be confirmed; that all necessary ***** orders and decrees be made and enquiries directed and that all such other further general and special relief may be granted your orator as the nature of his case may require or to equity may seem meet. And your orator will ever pray &c.

May it please the Court &c. J.H.Channing

Jno.Whitaker Jr. p.q. Gdn of Charles Edward Channing

Virginia, Southampton County, towit:

This day personally appeared before the undersigned a Justice of the Peace in and for the County in the state aforesaid J.H.Channing,guardian of Charles Edward Channing,whose name is signed to the foregoing bill, and made oath that the statements therein contained so far as made of his own knowledge he knows to be true and so far as made from information derived from others he believes to be true. Given under my hand this 2 day of aug 1897.

J.A.Bishop J.P.

Channing's Gdn.

vs. First Decree.

Picot et als.

Enter this decree Sep 14th 1897.

Robert R. Prentis

Entered Page 152

Cyd.

Circuit Court of Southampton County. In Vacation, September 4th 1897.

Channing's Guardian } (First decree and all the names of parties should be written out in full on the Order Book)

vs.

Picot et als.

This day this cause came on to be heard, after due and legal notice to all the parties, on the bill of the complainant, and the exhibits therewith filed, taken for confessed as to the adult defendants, on whom process has been duly served, and they still failing to appear and plead, answer or demur, and the answer of William Shands, guardian ad litem of Charles Edward Channing, the infant defendant, duly appointed at Rules according to law, with general replication thereto, and was argued by counsel. On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the commissioners of this Court to enquire and report to Court,

First,- Whether the interest of the said infant defendant would be promoted by ~~confirmation of~~ the sale of the land in the bill and proceedings mentioned.

Second,- Whether the interest of any person would be injured or violated thereby.

Third,- ~~[illegible]~~ The interest of the infant defendant in the said land and the fee-simple value thereof.

Fourth. What other estate is owned by the said infant defendant.

Which enquiries the said commissioner will make and report, returning the evidence upon which his conclusions are based, together with any matter deemed pertinent by the said commissioner, or required by any interested party to be so stated.

To the Clerk of the Circuit Court of Southampton County

Robt R. Travis

Channings bdn.

vs. } Statement of evd.

Pecot et als.

Channing's Adm.

vs. } Statement of Costs

Pieck et als.

Summons 25. 7 Copies 91. Receipt 18. Atty. 10. Docket 18= 1.62

Rules 1.00. entering return 35. filing bill 15= 1.50

Do. Et. 15. Copy Et. 25. fil. answer of Gradillum 15= .55

replication 15. filing notice Et. 15 = .30

fil. Comrs report 25. 2 Decrees & Copy 1.44 = 1.69

Special Comrs bond 1.40, Adm bond 50. recording 30= 2.20

filing Summons 15. Jay Costs &c. 40. fil. subpoena papers 25= .80

Future Costs about 1.50 = 1.50

Paid L. A. Gay Clerk $10.16

Stff. 0.00

Paid Jno. Strudwick Jr. Atty Law &c. 16.50

$26.66

Fee of Comr J. B. Parker 5.00

$31.66

Received Nov. 30th. 1877 of L. J. Darden Comr. $31.66 payment in full of above Statement of Costs

L. A. Gay C.C.

Form No. 309.

Channing Gdn
vs.
Pieat et als.

E. T. Darden

to } COMMISSIONER'S BOND.

Commonwealth.

1897. 27th Oct. Filed
L. A. Gay C.C.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 309.

Know all men by these Presents, That we, E. J. Darden

Ind Richard Howard

are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($ 1500.00)

One Thousand Five Hundred & no/100 Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 27th. day of October one thousand eight hundred and ninety Seven.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound E. J. Darden

shall faithfully perform the duties of his office or trust, as Special Commission

under a decree of the Circuit Court of the County of Southampton

pronounced on the 27th. day of September, 1897, in the suit therein depending under the name and style of Manning's Adm. Vs. Peete, Exr. als. or any further decree in this cause

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

E. J. Darden SEAL.

Richard Howard SEAL.

SEAL.

In the Clerk's Office of the Circuit *Court of the* County *of* Southampton.

This day Richard Howard

surety on the above bond, made oath before me, L. A. Gay Clerk

of the Circuit Court of the County of Southampton

that his estate, after the payment of all his just debts, and those for which he is bound as security for others and expect to have to pay, is worth the sum of $ 1500.00

dollars.

Given under my hand this 27th day of October, 1897.

Teste: L. A. Gay Clerk.

Form No. 309.

Cumming Gov.
vs.
Pickett et als.

J. H. Cumming

Guardian

to } COMMISSIONER'S BOND.

Commonwealth.

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 309.

Know all men by these Presents, That we, J. H. Channing

& Fidelity & Deposit Company of Maryland

are held and firmly bound unto the Commonwealth of Virginia, in the sum of ($ 1500.00)

Fifteen Hundred Dollars,

to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office. post or trust, with coupons detached from bonds of this State. Sealed with our seals, and dated this 18th. day of Oct. one thousand eight hundred and ninety Seven.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound J. H. Channing

shall faithfully perform the duties of his office or trust, as Guardian of Charles Edward Channing

under a decree of the Circuit Court of the County of Southampton

pronounced on the 27th. day of September, 1897, in the suit therein depending under the name and style of Channing's Guardian vs. Pierce et als. or for the faithful application of the funds, and for the management and preservation of any property or securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether such rights be vested or contingent.

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

J. H. Channing SEAL.

Fidelity & Deposit Company of SEAL.

Maryland, by Jas. L. McLemore SEAL.

Attorney in fact

In the Clerk's Office of the Court of the of .

This day

suret on the above bond, made oath before me, Clerk

of the Court of the of

that estate, after the payment of all just debts, and those for which bound as

securit for others and expect to have to pay, worth the sum of

dollars.

Given under my hand this day of , 189.

Teste: Clerk.

Channing, Chas.
vs
Report B
Comm in Chancy
Circt, et als.

1899 Sept Jury
2 A Boy & L

J. C. PARKER,
ATTORNEY-AT-LAW,
Main St., Franklin, Va.

Channing Bros.

v. 3 3 Notice

Pioneer Chemicals.

We acknowledge legal service of within notice.

E. J. Darden

R. E. Darden

R. H. Irvine

Rosalind E. Pioneer.

Jno. B. Darden

J. H. Channing.

Wm. H. Channing.

Wm. Channing Gibbons & Gibbons for Interpleaded defendant

Commissioner's Office,

~~Jerusalem~~ Courtland, Va., Sept. 10th 1897

To

J.H.Channing guardian of Charles Edward Channing, Rosalind E.Picot Lou D.Channing, E. T. Darden, J. B. Darden, R. Howard, R. E. Darden, and Charles Edward Channing, by William Shands his guardian ad litem.

You are hereby notified that I have fixed upon the 15th *day of* September *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

First,- Whether the interest of the said infant defendant would be promoted by the sale of the land in the bill and proceedings mentioned.

Second,- Whether the interest of any person would be injured or violated thereby.

Third,- The interest of the said infant defendant in the said land and the fee-simple value thereof.

Fourth,- What other estate is owned by the said infant defendant.

required to be taken by a decree of Southampton Circuit Court, rendered ~~*at the term, 188*~~ Sept 4th 1897 *, in a suit in chancery depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.*

Given under my hand, as Commissioner in Chancery of said Court, the day and year first aforesaid.

J.D.Porter

Commissioner.

To the Sheriff of Southampton County to execute.

Circuit Court of Southampton County - In Vacation. September 4th. 1897

J. H. Channing. Gdn. of Charles Edward Channing. Plaintiff

vs. } Decree.

Rosaline E. Pieat. Lem D. Channing. E. T. Darden. J. B. Darden. R. Howard and Chas. Edward Channing the last being an infant &d R. E. Darden. Defendants.

This day this cause came on to be heard, after due and legal notice to all the parties, on the bill of the Complainant, and the exhibit therewith filed, taken for confessed as to the adult defendants, on whom process has been duly served, and they still failing to appear and plead, answer or demur, and the answer of William S Sands, guardian ad litem of Charles Edward Channing, the infant defendant, duly appointed at rules according to law, with general replication thereto, and was argued by Counsel.

On Consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to enquire and report to Court,

First.- Whether the interest of the said infant defendant would be promoted by the sale of the land in the bill and proceedings mentioned.

Second.- Whether the interest of any person would be injured or violated thereby.

Third.- The interest of the infant defendant in

the said Land and the fee-simple value thereof.
Fourth. What other estate is owned by the said infant defendant.

Which enquiries the said Commissioner will make and report, returning the evidence upon which his conclusions are based, together with ~~with~~ any matter deemed pertinent by the said Commissioner, or required by any interested party to be so stated.

A copy.

Teste: L. A. Gay C.C.

Cleaning's Fee.
75 cts
Piece 2 folios.

Entered Sept 4th 1897
Page 157

The depositions of J.R. Dorden. A.R. Pryzicke and E.T. Dorden taken before J.C. Parker, me, a Commissioner in Chancery of the Circuit Court of Southampton County, in Courtland. Va. on the 16th day of Sept: 1897. Va., to be read as evidence in a certain suit in equity now pending in said court in which J.H. Channing. Exr. of Charles Edward Channing is Plaintiff. and Caroline E. Pecot and others are defendants, and to be filed with the report required to be made by one of the Commissioners of said Court by decree entered in said cause Sept- 4th 1897. and in support thereof.

Present Wm Shands. Guardian ad litem for infant defendant Chas. Edward Channing. and Jno. N. Lebrell Jr. Atty for Plaintiff.

The witness, J.R. Dorden, being duly sworn, deposes as follows:

Ques. 1. What is your name, age, residence and occupation & do you know the parties to this suit?

ans. J.R. Dorden - 36 years old - residence Newsoms. Va

occupation former - I know the parties to this suit.

Ques. 2. State whether or not in your opinion the interest of the infant, Chas. Edward Channing, would be promoted by the sale of the land in the bill and proceedings in said suit, mentioned, and state your reasons.?

ans. I think his interest would be promoted. His is a one fifth undivided interest in said land, and none of the owners will make any effort ~~any effort~~ to keep up or improve it as long as it is held in that shape, and hence I am satisfied that the income from the purchase price that will be paid for his share will be greater than the average income that he could get from the land as it stands.

Ques. 3. State whether or not the interest of any person would be injured or violated by a sale of his interest in said land?

ans. No. On the contrary I think it be to the advantage of the other joint owners by enabling them to make advantageous sale of their shares, and I know of no person anywhere whose interest could be hurt by said sale.

Ques. 4. What is the interest of said infant in said land & the fee simple value thereof?

Ans. He owns one fifth of said land, and I think $1000, is a very fair value Cash for his interest.

Ques. 5. Do you know of any other suits pending by said infant?

Ans. No.

And further this deponent saith not.

Jno. R. Darden

The witness A. R. Mynick, being duly sworn deposes as follows:

Ques. 1 What is your name age, residence, and occupation & do you know the parties to this suit?

Ans. A R Mynick - age 33 - residence, near Newsome. Va - occupation farmer - & know the parties?

Ques. 2. Have you heard the questions propounded to J. R. Darden and his answers thereto, & and do you concur with his views expressed in said answers?

Ans. I have heard them and fully concur with his views; as to the value of

the land I do not think the interest of the infant would hardly sell for $1000. if put up at public auction. I know of no other property owned by said infant.

And further this defendant saith not.

A.R. Myrick

The witness, E.J. Dorden, being duly sworn, deposes as follows—

Ques. 1. What is your name, age, residence & occupation & do you know the parties to this suit?

Ans. E.J. Dorden - age 26 - residence, Newman Va. - occupation farmer buyer and I know the parties to the said suit.

Ques. 2. Have you heard the questions above propounded to J.R. Dorden and do you concur in his answers thereto?

Ans. Yes.

Ques. 3, What relation are you the infant defendant?

Ans. He is my nephew.

Ques. 4. What other estate is owned by said infant defendant besides the land in this suit mentioned?

Ans. Nothing except - a little household furniture worth at the outside $100.

And further this deponent saith not.

E. J. Dorden

County of Southampton - to wit:

I, J. C. Parker, a Commissioner in Chancery of the Circuit Court of Southampton County in the said State of Virginia, do hereby certify that the foregoing depositions of J. R. Dorden, A. R. Mynick, and E. T. Dorden, were duly taken sworn to and subscribed before me, at the time and place and for the purpose in the caption herein mentioned.

Given under my hand this 15th Day of Sept: 1897.

J. C. Parker

Comm'r in Chancery.

Commissioner's office,Courtland,Va. Sept.15th 1897.

To the Circuit Court of Southampton County :-

Pursuant to a decree of the Circuit Court of Southampton County,rendered on the 4th day of September 1897 in a suit in chancery depending in the said court between J.H.Channing,Gdn. for Charles Edward Channing,plaintiff and Rosaline E.Picot and other are defendants,the undersigned,one of the Commissioners of the said Court,to whom was refered the enquiries required to be made by the said decree,reports to the court that on the 10th day of September 1897 he issued notices against the several parties to the said suit requiring them to attend the making of said enquiries before him,at his office in Courtland,Va.,on the 15th day of September 1897,and that legal service of the said notice has been acknowledged by all the parties and is herewith filed. At the said time and place John N.Sebrell Jr. appeared as attorney for the plaintiffs and Wm.Shands appeared as Guardian ad litem for the infant defendant,Charles Edward Channing. And thereupon your Commissioner proceeded to make the enquiries he was required by said decree to make and took the depositions of J.R. Darden,A.R.Myrick and E.T.Darden,three gentlemen of good standing and reputation in the neighborhood in which they live and fully acquainted with the land in the bill and proceedings mentioned,which depositions are herewith filed in support of this report.From the evidence produced in said depositions your Commissioner begs to report as follows :

1st,He thinks that the interest of the infant,Charles Edward Channing,would be promoted by a sale of his interest in the land in the bill and proceedings mention.

2ns.That the interest of no person will be injured or violated by the said sale.

3rd. That said infant owns one-fifth fee-simple interest, undivided, in the said land and the value thereof is, in the opinion of your Commissioner not to exceed one thousand dollars.

4th, That the said infant has no other property except a very small lot of household furniture, about enough to furnish one bedroom, and worth not to exceed one hundred dollars.

Your Commissioner recommends that the sale be made. From all that he can ascertain the price offered is a good one and will be worth more to the infant than his share of the land as it is held and situated.

Reppectfully submitted,

J. C. Parker
Comr. in Chancery.

Comr's Fee,
$5.00

Channing's Bdr.

vs } Exhibit A.

Pacif. Ex. Ass.

In the County Court of Southampton County.
July Term 1897.
The Court doth appoint J. H. Channing Guardian of Charles G. Channing - a minor under the age of fourteen years - whereupon the said J. H. Channing made oath according to law. and together with E. J. Darden and R. Howard as his securities who justified on oath as to their sufficiency. entered into and acknowledged a bond in the penalty of Two Thousand Dollars - conditioned as the law directs which bond is ordered to be recorded.

A Copy.

Teste: B. F. McLemore C.C.

Channing's Exrs.

vs.

Dicat et als.

1897. 1st. Aug. Rules.

Lis. Pet.

We acknowledge legal service of the within process.

Sept 20

Jno. D. Channing

R. Howard

E. J. Darden

Rosalind E. Picot

R. E. Darden

Jno. B. Darden

M. Schaul p.q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon Rosalie G. Ficot, Lou D. Channing, E. T. Darden, J. B. Darden, R. Nevard & Chas. Edward Channing, the last being an infant & R. L. Darden 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 1st Monday in August next, to answer a bill in Chancery exhibited against them in our said Court by J. N. Channing gdn. of Chas. Edward Channing.

And this they shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 27th day of July, 1897, in the 122 year of the Commonwealth.

Teste: L. A. Gay C. C.

Given under my hand this 2d day of August 1897

Teste: Southampton County, to-wit:

At rules held for the said County on the 2d day of August 1897

This day personally appeared before me, the undersigned, a

for the said county, William Shands guardian ad litem of

Charles Edward Channing and made oath that the statements made in the

foregoing answer are true to the best of his knowledge and belief.

Given under my hand this 2d day of August 1897

Teste: Southampton County, to-wit:

At rules held for the said County on the 2d day of August 1897

This day personally appeared before me, the undersigned, a

for the said county, William Shands guardian ad litem of

Charles Edward Channing, and made oath that the statements made in the

foregoing answer are true to the best of his knowledge and belief.

In the Circuit Court of Southampton County, Virginia:

Channing's Guardian

In Chancery:

Channing's Guardian ad litem.

vs.

Answer of Guardian ad litem.

Pitot et als.

The answer of William Shands, guardian ad litem to the bill

of complaint of Edward Channing, and the answer of the said infant

defendant, Edward Channing, by William Shands his guardian ad

litem to the said bill and cross bill of complaint of the said

defendant, Edward Channing, by William Shands his guardian ad

litem.

Southampton County, to-wit:

I, [illegible] Clerk of the Circuit Court for the County aforesaid, do certify that William Shands, who has signed the foregoing answer as guardian ad litem of Charles Edward Channing, an infant defendant to the bill and cross bill of complaint of the said Edward Channing, has been duly appointed by the said Court guardian ad litem of the said infant defendant, and has given bond with security as required by law.

Given under my hand this 2d day of August 1897.

[illegible] Clerk.

Southampton County, to-wit:

At rules held for the said County on the 2d day of August 1897

This day personally appeared before me, the undersigned, a

Notary Public in and for the County aforesaid, William Shands guardian ad litem of Charles Edward Channing, an infant defendant to the bill and cross bill of complaint of the said Edward Channing, and made oath that the statements made in the foregoing answer are true to the best of his knowledge and belief.

Given under my hand this 2d day of August 1897

Notary Public.

In the Circuit Court of Southampton County, Virginia:

In Chancery:

Channing's Guardian

Vs. Answer of guardian ad litem.

Picot et als.

The answer of William Shands, guardian ad litem to the infant defendant, Charles Edward Channing, and the answer of the said infant defendant, Charles Edward Channing, by William Shands his guardian ad litem, to the bill in equity exhibited against him and others in the Circuit Court of Southampton County by J.H.Channing guardian of the said Charles Edward Channing.

For answer to the said bill the said guardian ad litem answers and says that he knows nothing about the allegations in the said bill contained; and the said infant defendant by his guardian ad litem answers and says that being an infant of tender years he knows nothing about the matters mentioned in the said bill and commits the protection of his interests to the Court. And now having answered they pray hence to be dismissed &c.

William Shands

Gdn.ad litem to Charles Edward Channing and the said Charles Edward Channing, an infant defendant, by the said William Shands his guardian ad litem.

Virginia, Southampton County towit:

This day personally appeared before me, the undersigned, a Clerk of the Circuit Court for the said county, William Shands guardian ad litem of Charles Edward Channing, and made oath that the statements made in the foregoing answer are true to the best of his knowledge and belief.

Given under my hand this 18th day of August 1897

L. A. Gay C.C.

Chamney's Exr.

vs. } Statement of Rents

Picot et als.

J. H. Channing, Guardian }
Charles Edward Channing } Plaintiff

vs.

Rosaline E. Picot, Lou D. Channing, E. J. Darden,
J. B. Darden, R. Howard and Chas. Edward Channing
the last being an infant by R. E. Darden - Defendants

1897. 27th. July. Process Issued 1st Aug. Rules.

" 1st. Aug. Rules. Process returned executed
Bill and Exhibits filed
Wm Shands appointed Gdn-ad-litem
to infant defendant.
Answer of infant defendant by
his Gdn. ad litem filed, Decree Nisi

1897. 2nd. Aug. Rules. Bill taken for Confessed
as to adult defendants and
Cause set for hearing.

Channing Gdn
v. } Notice
Picot et als.

To Rosalind R.Picot, Lou D. Channing, R.T.Darden, J.B.Darden, R.R.Darden, R.Howard, and Charles Edward Channing by William Shands his guardian ad litem.

Take notice that I shall on the 4 day of September 1897 at the office of the Honorable Robert R. Prentis, in the town of Suffolk, Va., move the Judge of the Circuit Court of Southampton County for a decree in the chancery cause of Channing's Guardian vs. Picot et als, pending in said Court in which you are defendants and I am plaintiff referring it to one of the commissioners of the said Court to ascertain and report to Court whether the interest of the infant Charles Edward Channing would be promoted by a sale of the land mentioned in the said proceedings in said suit and whether the interests of any person would be violated by the same. Together with any matter deemed pertinent by the said commissioner or required by any interested party to be stated.

Very respectfully,

Jo. H. Channing, Gdn of Chas. Ed. Channing

By Counsel

We acknowledge legal service of written notice
L. D. Darden
Lou D. Channing
R. R. Darden
R. Howard
Rosalind R. Picot
Jas. R. Darden
Wm. Shands Gdn ad litem

TO Rosalind R.Picot, Lou D. Channing, E.T.Darden, J.B.Darden, R.E.Darden, R.Howard, and Charles Edward Channing by William Shands his guardian ad litem.

Take notice that I shall on the 4th day of September 1897 at the office of the Honorable Robert R. Prentis, in the town of Sugfolk, Va., move the Judge of the Circuit Court of Southampton County for a decree in the chancery cause of Channing's Guardian vs. Picot et als, Pending in said Court in which you are defendants and I am plaintiff, referring it to one of the commissioners of the said Court to ascertain and report to Court whether the interest of the infant Charles Edward Channing would be promoted by a Confirmation of the sale of the land mentioned in the said proceedings in said suit and whether the interests of any person would be violated by the same. Together with any matter deemed partinent by the said commissioner or required by any interested party to be stated.

Very respectfully.

Jno. F. Channing
Gdn of Chas. Edwd Channing

By Counsel.

Channing Glen
W. 3 Deeds
3
Pieck ck Eds.

Entered this Sept 11 1877
Robert R. Prentiss

Cold Page 150

Channing's Gdn.

vs.

Picot et als.

This day this cause came on to be further heard on the papers formerly read and the report of Commissioner J.C.Parker, filed September 17th 1897, 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 it appearing to the Court that the interest of the infant, Charles Edward Channing, would be promoted by the sale of his interest in the real-estate in the proceedings mentioned, as therein set forth, the Court doth adjudge, order and decree that the offer of R. Howard of $1100.00 for the interest of the infant defendant in the land in the bill described, be accepted ~~said sale be and the same is hereby confirmed and declared to be valid and binding between the parties~~. And in order to carry this decree ~~fully~~ into effect, the Court doth appoint E. J Darden a special commissioner to receive the purchase money, to pay over same to the lawful guardian of the said Charles Edward Channing and take his receipt therefor, and to execute to the purchaser a deed, with special warranty, for the interest of the said infant in the said real estate, towit, an undivided one-fifth interest in that certain tract of land in Southampton County, Virginia, known as the Darden and Neale Place, situate at Newsoms in the said County, containing 311 acres more or less and bounded by the lands of J.L.Barham, J.J.Darden, James D.Darden, The Seaboard and Roanoke Railroad and others. But before the said commissioner shall proceed to execute this decree he shall enter into bond, with approved security, before the Clerk of this Court, in the penalty of $1500., conditioned for the faithful discharge of his duties under this or any future decree in this cause. And the said commissioner will report to Court. But before the said commissioner shall receive any money from the purchaser to the said guardian, said guardian shall enter into bond with approved security, before the Clerk of this Court, conditioned for the faithful application of the funds, and for the management and preservation of any proper securities in which the same may be invested, and for the protection of the rights of all persons interested therein, whether vested rights be vested or contingent

P O W E R O F A T T O R N E Y,

VIRGINIA : COUNTY OF SOUTHAMPTON:

KNOW ALL MEN BY THESE PRESENTS, That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, by H. Crawford Black, Vice President, and Herman E. Bosler, Secretary, acting in pursuance of a certain Resolution of the Board of Directors of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, duly passed on the 4th day of September, A. D. 1895, a copy of which is hereto attached, does hereby make constitute and appoint J. L. Mc Lemore, of Suffolk, Nansemond County, Virginia, its true and lawful Attorney in fact for the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, in its place, and stead, to make, sign, seal, execute, acknowledge and deliver on its behalf as surety, of J. H. Channing, duly appointed Guardian of Chas. Edward Channing, minor, in such penalty as may be required by the Circuit Court of Southampton County, Virginia, or the Judge thereof in vacation, of said J. H. Channing, upon his qualification as such Guardian, with all the usual and proper stipulations for the due performance by the said J. H. Channing of his duty as Guardian aforesaid, (provided the penalty of the bond shall not exceed Two Thousand Dollars) and the execution and acknowledgement of said bond by the said J. L. Mc Lemore attorney in fact shall be as binding upon said Company as fully and

amply and to all intents and purposes as if the said Company by its proper officers were present or it had been duly executed by the regularly elected officers of the Company at its office in Baltimore City, Maryland, in their own proper persons.

IN TESTIMONY WHEREOF, the said H. Crawford Black, Vice President, and Herman E. Bosler Secretary, have hereunto subscribed their names and affixed the Corporate Seal of the said Company this 15th day of October, A. D. 1897.

Attest : - FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

H. E. Bosler — SECRETARY.

H. Crawford Black — Vice- PRESIDENT.

WHEREAS, the FIDELITY AND DEPOSIT COMPANY OF MARYLAND has heretofore entered the State of Virginia for the transaction of business therein; And

WHEREAS, it is necessary, in order to facilitate the business of the Company in said State, to have all classes of bonds executed and acknowledged with promptness;

NOW, THEREFORE, BE IT RESOLVED, at a *Regular* and *Lawful Meeting* of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, held at its office in the City of Baltimore, State of Maryland, on this Fourth day of September, Anno Domini, eighteen hundred and ninety-five, that the President or either one of the Vice-Presidents, by and with the concurrence of the Secretary or Acting-Secretary, be, and he is hereby authorized to make, constitute and appoint, by a good and sufficient instrument of writing under the Corporate Seal of this Company, any person or persons in the State of Virginia, to execute and acknowledge on its behalf as surety, any bond on which this Company is authorized to become surety in the State of Virginia, and the execution and acknowledgment of said bond by such person or persons, so made, constituted and appointed, shall be as binding upon this Company as fully and amply, to all intents and purposes as if said bond had been executed and acknowledged by the regularly elected officers of this Company, in their own proper persons in its behalf, at its Home Office in the City of Baltimore, State of Maryland.

WE, H. CRAWFORD BLACK Vice President, and HERMAN E. BOSLER Secretary, of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, hereby certify that the aforegoing is a true copy taken from the Records of Proceedings of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

IN TESTIMONY WHEREOF, we have hereunto subscribed our names as Vice President and Secretary, respectively, and affixed the Corporate Seal of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 15th day of October A. D., 1897.

H. Crawford Black
Vice *President.*

H E Bosler
Secretary.

STATE OF MARYLAND,
CITY OF BALTIMORE, } S. S.

On this 15th day of October A. D. 1897, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came H. CRAWFORD BLACK, Vice, President, and HERMAN E. BOSLER, Secretary, of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in, and who executed the annexed power of attorney and subscribed their names to the preceding certificate, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposeth and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the annexed power of attorney and certificate is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instruments by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Baltimore, the day and year first above written.

Fred A. Axt
Notary Public.

Everett Waddey Co.,
Stationers and Printers,
Richmond, Va.

Form No 17.

Channing's Exr
against { Report of
Comm. Darden
Pleas &c.

To ..... *Rules, 189* .....

JOHN N. SEBRELL, JR.,
ATTORNEY AT LAW,
COURTLAND, VA.

RICHARD HOWARD. JAMES D. DARDEN.

R. HOWARD & CO.

DEALERS IN

GENERAL MERCHANDISE

$1037 34/100

Newsoms, Va., November 26th 1897

Received of E. T. Darden Special Commissioner in the Chancery Cause of Channings Guardian &c Pltf ex ale, One Thousand & Thirty Seven & 34/100 Dollars Proceeds from Sale of Real Estate mentioned in said cause

J. H. Channing
Guardian &c
of Charles Edward Channing

Witness
Richard Howard

Channing's Guardian
vs.
Picot et als.

TO Honorable Robert R.Prentis Judge of the Circuit Court of Southampton County,Va.,

The undersigned your commissioner in the above style cause would respectfully report that in obedience to a decree entered in the said cause on the 27th day of September 1897, he has received of Richard Howard the sum of eleven hundred dollars,the purchase price of the interest of the infant Charles Edward Channing in the land in the bill and proceedings mentioned, that out of the same he has paid the cost of this suit towit: the sum of $31.66,as will appear from the statement of cost thereon and receipt filed herewith; the commissions of your commissioner towit the sum of 31.00; that the balance of $ 1037.34 he has paid to the guardian of Charles Edward Channing as directed by the said decree, as will appear by a receipt of the said guardian herewith filed as a part hereof. Said guardian having first given bond as required by decree

Your commissioner would also report that he has executed to R.Howard the purchaser a deed for the interest of the infant Charles Edward Channing in the land in the bill and proceedings mentioned,with special warranty of title.

Respectfully submitted,

E. T. Darden

Special commissioner.

Channing Gale

vs.

Proctor et als

Entered Apr. 5. 1848

Robert C. Ellis

Entd. 200

Channing's Guardian

vs.

Picot et als.

This day this cause came on to be further heard on the papers formerly read and the report of Special Commissioner E.T.Darden, this day filed with leave of the Court, showing a proper performance of his duties under decree entered in this cause on the 27th day of September 1897, 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 it appearing that nothing further remains to be done in this cause it is ordered that the same be removed from the docket. ~~with leave to interested party to reinstate the same thereon upon motion.~~