

1909-16

Southampton County Chancery - Burgwyn, J. A. (Gdn) vs Burgwyn, H. K.

have court approve offer of
Col. Thomas Ridley concerning sale
of Timber at "Bonnie Doon & Buckhorn
Farms

Burgwyn, H. K.
" , G. Pollak
" , W. H. S.
" , M. S.

Burgwyn, J. R.

Burgwyn, G. Pollak
" , W. H. S.
" , Mr. G.
By McLennan, J. L. (G. A. L.)

-1909-

✓ Bengtson m

as } Bill

} Enlist

Bengtson

To The Honorable C. W. Hill judge of the
circuit court of Southampton County in
chancery sitting

Humbly complaining your Orator
J. A. Burgoyne guardian of four infants
~~Edw. K.~~ K. Burgoyne, J. Pollak Burgoyne, W. H. S.
Burgoyne and M. G. Burgoyne and J. R.
Burgoyne shew unto your Honor that sometime
since Mrs E. M. Burgoyne departed this
life having an interest in two tracts of
land lying in Southampton County known
as the Bonnie Doone and Buckhorn
Tracts and leaving your Orator J. R. Bur-
goyne and the four above named
infant children to wit Edw. K. Burgoyne,
J. Pollak Burgoyne, W. H. S. Burgoyne
and M. G. Burgoyne her heirs at law
They shew further unto your Honor
that their interest in the said tracts
of land is one fifth but that by
an arrangement among the heirs and
distributors of Colonel Thomas Ridley
who devised these tracts of land to
his widow Mrs M. A. B. Ridley for life
with Remainder to his children
that all the timber on the said
tracts of land was to be cut and
sold and that one sixth of the

proceeds of the sale was to be allotted
to the widow Mrs M. A. B. Ridley and
the other five shares to J. W. Ridley
N. T. Ridley Mrs E. A. Wigham who was
Ridley, Mrs M. F. Wigham who was
Ridley and to the above five named
Burgwyns who are the heirs at law
of Mrs E. W. Burgwyn, Your Coators
state that Mrs E. W. Burgwyn had
made this arrangement in her life-
time but she died before the same
could be consummated

Your Coators state further that J. W.
Ridley one of the parties interested
in this land and timber as an heir
at law of Col Thomas Ridley
has ^{made} an offer and binds himself
by a written agreement dated the
1st day of January 1894 and herewith
presents to court marked exhibit A
and prayed to be taken as a part of
this bill to purchase the one sixth
interest of the late Mrs E. W. Burgwyn
in all the standing timber trees down
to 12 inches in diameter on the stump
on the Bonnie Doon and Buckhorn
farms paying therefor the sum of
\$1.25 per 1000 feet with right to cut

the same within five years from the date of his paper with the express condition that the circuit Court of Southampton shall approve and sanction the said sale giving the guardian of the infants authority to execute such deeds and papers as may be necessary to ratify the same. Your Orator states further that the guardian of the infants J. A. Burgoyne has signed the said paper writing of J. W. Ridley approving the sale as will appear by his endorsement thereon and that the adult child J. R. Burgoyne a party plaintiff to this suit desires this sale

In Tender consideration whereof and inasmuch as your Orator is without adequate relief at law and only entitled to full relief except in a court of equity where such matters are peculiarly cognizable they therefore pray that the four infants B. K. Burgoyne, T. Pollock Burgoyne, W. H. S. Burgoyne, and M. J. Burgoyne by some fit and proper person their guardian ad litem appointed for that purpose may be made parties defendant to this bill and that the Court would

compel them as full and perfect answer
make to the allegations therein contained
as if they had been themselves more
fully and specially interrogated but
answer under oath to the said
bill is hereby expressly waived, that
the court would direct all proper
accounts to be taken that may be
necessary and that the court would
approve of the sale made on the
timber of the infant defendants by
their guardian J. A. Burgwyn and
direct ^{him} to execute such deeds and
conveyances to J. W. Ridley as may be
necessary and that the court would grant
such other and general relief the
prerogative conscience as equity may
dictate and the nature of this case
may require and as in duty bound
your Oration will ever pray he
Thomas R. Long.

Burgwyn states?

(tr) { Stat Rules

Burgwyn et al

J. A. Burgwyn
Guardian of H
H. Burgwyn &
Oscar Burgwyn
W. H. S. Burgwyn Olffs
and M. S. Burgwyn
four infants and
J. R. Burgwyn
Dr" In Chancery

H. H. Burgwyn &
Oscar Burgwyn, W
H. S. Burgwyn and M. S.
Burgwyn four infants Defts
by J. L. McLenore
their guardian ad
litem.

1894 Mch 30. Process to 1st Apt Rules
" 1 Apt Rules, Process ret & returned
on lsdn ad litem
Bill & Ex filed, J. L.
McLenore Appt lsdn
ad litem, answer of
lsdn ad litem filed
gene. rep. & decree nisi
1894. 2 Apt Rules, cause set for
hearing.

Know all men by these presents, that I J. Wm. Ridley of the County of Southampton & State of Virginia do hereby agree and bind myself to purchase the 1/6 interest of the late Mrs. E. W. Burgoyne in all the standing timber trees down to 12 inches in diameter on the stump which may now be standing on the "Bonny Boon" or "Buck Horn" Farms situated near Pope's Station in this County, paying therefor to her legal representative or representatives the sum of \$125 per 1000 feet for her 1/6 interest ^{for five years to cut the said timber}. And I shall also. But this agreement is made upon the express condition, that the Circuit Court for Southampton County, shall approve of the sale as herein outlined and have executed to me a deed with special warranty for the property herein mentioned with such stipulations and conditions as are above set forth. Witness my hand this the 1st day of January 1894. J. W. Ridley

I approve of the offer made by J. Wm. Ridley as above recited, and recommend to the Hon. Judges of the Circuit Court, that the same be approved and a deed ordered to be executed. J. A. Burgoyne Guardian of the children of E. W. Burgoyne

++++++
Weekly
One Year, \$1.00.
++++++

—OFFICE OF—

R. I. LEARY,

—Publisher of—

++++++
Weekly
Six Months, 50c.
++++++

THE BLACKWATER COURIER,

Lock-Box No. 42.

FRANKLIN, VA.

Office: Main St.

—{ THE COURIER is the cheapest and best advertising medium in the State of Virginia. }—

Franklin, Va.,.....189...

By, Goodman & Barrett.

NOTICE TO ALL WHOM IT MAY CONCERN

Having qualified as guardian of four infant children to wit T. Wiley Burgess, Henry K. Burgess, G. Pollak Burgess and M. G. Burgess, residing in Northampton County, N. C., and also as guardian of the said children in Southampton Co., Va., I hereby give notice to all parties interested that I shall by my attorneys, Messrs Shands & Son, at September term 1896 of the Circuit Court of Southampton ask the said Court to enter an order permitting me to transfer the sum of \$2,766.03 which I now hold as guardian of the above said infants in Southampton County Va., to myself as guardian of the said children in Northampton County N. C., where both I and the said children reside, I having accounted for the above said sum of money in my guardian account in Northampton N. C., there being no debts due by my wards in Virginia and all the parties residing in North Carolina.

J. A. BUNOWEN, Guardian.

Shands & Son, p. q.

State, Virginia
Southampton County } Clerk

This day R. I. Leary appeared before me R. E. Matthews
a Notary Public in and for said county and state
and made oath that he had published the within
notice four times successively in the Black-
water Courier. Given under my hand this 14th
day of May 1896.
R. E. Matthews
Notary Public

Order of Publication

#4

Burgwyn et al.
Or 3 Sum.

Burgwyn et al.
1894, 1 April Rules.

Cin. let.

Jim McLean

Shands & Son, Jr.

Executed Apr. 2nd. 1894 by deliver-
ing a copy of this "Sum."
to J. L. McKeown their guardian
and return J. V. Williams & Co. Clk.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*H. K. Burgwyn, G. Oallack
Burgwyn, W. K. S. Burgwyn and M. S. Burgwyn
four infants by J. A. Burgwyn their 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

*J. A. Burgwyn guardian
of H. K. Burgwyn G. Oallack Burgwyn W. K. S.
Burgwyn and M. S. Burgwyn four infants
and J. A. Burgwyn.*

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

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *30th* day of

March, 189*4*, in the 11.*th* year of the Commonwealth.

TESTE:

T. M. Howard., C. C.

Southampton Circuit Court
May Term 1894.

Burgwyn et al

~~vs~~ } Decree.

Burgwyn -

This day this cause
came on to be heard on the
plaintiffs bill and exhibits
therewith filed answer of the four
infant defendants, W.K. Burgwyn,
E. Oakes Burgwyn, W.K.S. Burgwyn
and M.G. Burgwyn, by J.L. McDermott
their guardian ad litem and 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 into and
report whether it would be to
the interest of the infant defendants
above named for the Court to ratify
and approve of the sale to be
made by J.C. Burgwyn of the
timber owned by them in the
Bonnie Doon and Beechhorn
Tracts of Land and the Court
Authorized and directs the enquirer

to be made and report made to
the Court in order to a further
decree, And by consent of adult
parties to this suit given in open
Court by their Counsel the Court
consenting for the infants, ordered
that this be made a vacation
cause.

A Copy

Test: T. M. Howard 3.3

Commissioner's Office,

Jerusalem, Va., May 9th 1894.

To J. A. Burgwyn,
J. R. Burgwyn and
H. K. G. P. M. H. S., &
M. H. Burgwyn, Joint
infants, by J. D. McLenore
their Guardian ad litem.

You are hereby notified that I have fixed upon the 9th day of May 1894
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office,
the following accounts, to wit:

Whether it will be to the interest of the infants
above named for the Court to ratify and approve the
sale to be made by J. A. Burgwyn of the timber
owned by them in the Bonnie Doon and Buckhorn
tracts of land.

required to be taken by a decree of Southampton Circuit Court, rendered at the May
term, 1894, 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. McLenore

Commissioner.

To the Sheriff of Southampton County to execute.

We acknowledge legal service of the
within Notice, this 9th day of May 1894.

Shanda K. Lee for
Plaintiffs

J. L. Moore

for defendant for
H. K., & P. Mrs. M. S. Hargrave

Burgwyn & als:
or ^{Wm} Report.

Burgwyn

filed May 7-1894

Commissioner's Office -
Courtland, Ga

May 9th 1894.

To the Circuit Court of Southampton Co.
In obedience to a decree of the Circuit Court
for the County aforesaid. entered on the 8th
day of May 1894. in the Chancery Cause
of "Burgwyn &als vs Burgwyns", the under-
signed Commissioner, to whom said decree
stands referred. reports to Court, that pursu-
ant to Notice herewith filed. he has
made inquiry & Examined sundry witnesses
(two of whom are experienced Lumber Dealers)
as to whether it would be to the interest
of the infant defendants to have the
sale of the timber on the Bonnie Doon
& Buckhorn tracts of land, in this County,
(referred to the above mentioned decree),
ratified. Submits the following:
That the price agreed upon, to wit: one &
25/100 dollars. per thousand feet. is fair
value for the timber. And, in as much
as the Adults have sold their respective
interest in said timber, at the above
stated price. Your Commissioner res-
pectfully recommends a Confirmation
of the sale agreed upon between the
Parties and mentioned in the Plaintiffs
bill. The Infant Defendants own one

part of the timber described herein,
and should the present opportunity to sell
not be accepted or taken advantage of. They
are not likely have a chance to sell, on
as good terms as they are now offered, for a
long time to come, if ever. After five-sixths
of the timber has been cut and removed
from the land. the remainder ($\frac{1}{6}$) will be
too small a quantity to attract the atten-
tion of buyers. The Commissioner is of
opinion that it will be to the interest of
the infants for the sale of the timber to
be ratified and confirmed.

Respectfully Submitted.

B. F. McLenne,
Clerk in Chancery.

Commissioner
S. C.

Burgoyne

ads 3

Burgoyne to also

Admission to infant left
by for and letters

The joint answer of the four infant
defendants, O. K. Burgwyn, J. Pollok
Burgwyn, W. H. S. Burgwyn and M. J.
Burgwyn by J. L. W. Lemore their
guardian ad litem to a bill in chancery
in the circuit of Southampton by ~~vs~~ J. L.
Burgwyn is als vs them

This defendant for answer to
the said bill or as much thereof as he is
advised answering, says of his own know-
-ledge he knows but little of the facts set
forth in the plaintiffs but submits the
interpret of his words to the care of this
court whose peculiar duty it is to protect
the rights of infants and having freely
assumed prays them to be dismissed with
his costs

Signed J. L. W. Lemore
Guardian ad litem

GUARDIAN BOND BOOKS—WITH JUSTIFICATION AND CERTIFICATE—200 BONDS IN BOOK—PRICE \$3.00—Printed at Harrell's Printing House, Weldon, N. C.

State of North Carolina, *Northampton* COUNTY

KNOW ALL MEN BY THESE PRESENTS, that we *J. A. Burgwyn and Geo P Burgwyn*

all of said County, in the State aforesaid, are held and firmly bound unto the State of North Carolina, in the sum of

Six thousand Dollars, current money,

to be paid to the State of North Carolina, in trust for the benefit of the child *here* hereinafter named, committed to the tuition of the said *J. A. Burgwyn* to which payment well and truly to be made we bind ourselves, and each of us, each and every of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this

8 day of *July* A. D., 18*93*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bounden

J. A. Burgwyn is constituted and appointed Guardian to *N. K. Burgwyn, Geo P. Burgwyn, W. H. S. Burgwyn and Mariah G. Burgwyn*

minor *Sophia*:

NOW, if the said *J. A. Burgwyn*

shall faithfully execute *h. i.* said Guardianship, and particularly shall well and truly secure and improve all the estate of the said *Minor Children*

until *they* shall arrive at full age, or be sooner thereto required, and shall render a plain and true account of *h. i.* said Guardianship, on oath, before the Clerk of Superior Court for *Northampton*

County, and obey the law in all cases as required by Act of Assembly, and deliver up, pay or possess the said *Minor Children, above mentioned*

of all such estates as *they* ought to be possessed of when lawfully required by said *Children*

or to such other persons as shall be lawfully empowered or authorized to receive the same and the profits arising therefrom, then this obligation to be void; otherwise to remain in full force and virtue.

Signed, sealed and delivered in the presence of

J. N. Myche
Clerk Superior Court.

J. A. Burgwyn (Seal.)

Geo P. Burgwyn (Seal.)

(Seal.)

(Seal.)

Geo P Burgwyn { Maketh oath that he is a resident of N. C. and is worth over and above his liabilities, and his property exempted by law, the sum of \$ *6000.00*
 { Maketh oath that he is a resident of N. C. and is worth over and above his liabilities, and his property exempted by law, the sum of \$
 { Maketh oath that he is a resident of N. C. and is worth over and above his liabilities, and his property exempted by law, the sum of \$
 { Maketh oath that he is a resident of N. C. and is worth over and above his liabilities, and his property exempted by law, the sum of \$
 { Maketh oath that he is a resident of N. C. and is worth over and above his liabilities, and his property exempted by law, the sum of \$

Sworn to and subscribed before me, this *8* day of *July* 18*93*

J. N. Myche C. S. C.

NORTH CAROLINA, *Northampton* County--SS.

I, *J. N. Myche C. S. C.* hereby certify that *J. A. Burgwyn and Geo P Burgwyn*

who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal, this *8* day of *July* A. D. 18*93*

J. N. Myche C. S. C.

The foregoing is a true copy of the Bond of *J. A. Burgwyn* as Guardian for the Children *above mentioned* as said Bond appears of record in the office of the *Register* of said County.

J.A. Burgoyne Recd
for
E.W. Burgoyne
Recpt

W.B. Shands

30.² May 25 1894

May 21-1893 Received from J. A. Burroughs
receipt of Mrs E. W. Burroughs infants Thirty
dollars in full of fee for chancery suit
brought by him in Southampton County Va
to confirm a sale made by him of the
timber on the Bonis Downs or Buckhorn
Tract of land belonging to the infant
children of Mrs E. W. Burroughs

Wm B Shandas
attorney at Law

Burgoyne, als

vs }
Burgoyne

Deane

This day This cause came on to be heard on the plaintiffs bill and exhibit therein the filed answers of the four infant defendants, B. B. & Burgoyne, J. Pollok Burgoyne, W. B. S. Burgoyne and M. J. Burgoyne by J. L. McLenore This guardian ad litem and general application Thinks 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 into and report whether it would be to the interest of the infant defendants above named for the court to ratify and approve of the sale to be made by ~~the~~^{of} Burgoyne of the timber owned by them in the Bonnie Doon and Backhorn Tracts of Land and the court authorizes and directs the enquiry to be made and report made to the court during this term of the court in order to a further decree and by consent of adult parties to this suit given in open court by their counsel the court

consenting for the infants ordered
that this be made a ration
course.

Burgoyne 1843

33 Dec 1843

Burgoyne

To the Antennae

end

May 8, 1894

Antennae 65%

E. H. Burwyn

J. A. B. Recs

Recpt H. B. Shands

Jan 9 1894

Jan'y 9th 1894 Received from J. A.

Burgwyn a check for Twenty dollars
on The Norfolk National Bank in
payment of fee in the case Burgwyn
vs Ridley & Co

Jno B Shands

Bingroyes

No 3 June

Bingroyes

To be entered

© M. L.

May 10, 1894

Entered 668

of this act

J. Burgwyn

vs 3

Decree

J. Burgwyn vs

This day (This
cause came on again to be heard on
the papers formerly read and the report
of Commissioner B. F. McLure made
pursuant to a decree of this court
entire at this time as to whether it
would be to the interest of the minor
children of Mrs E. W. Burgwyn to
ratify and confirm the sale of their
interest in the timber on the Bonnie
Dome and Back home tracts of land
made by their guardian J. A. Burgwyn
to J. W. Ridley and the said Commissioner
after hearing all the evidence produced
before him reporting that he thought it
would be to their interest to confirm
the said sale and was argued by
counsel on consideration whereof the
court doth adjudge order and decree
that the sale of the timber made
by a contract dated the 1st day of
January 1894 by J. A. Burgwyn
guardian of the infants named in
the bill to J. W. Ridley be ratified
and approved by the court and that
the said guardian pay the costs

J. A. Burgwyn guardian of Mrs E. W. Burgwyn infants children
emitted a deed for the property named in the paper filed (made) &
with the report being then not yet filed and that