1823-009 Chancery Cause: George Applewhite, extor of Ridley Applewhite dcd vs John Holleman wife et al
George Applewhite et al vs John Applewhite et al

Isle of Wight County

other SURNames: Woodley, Taylor, McKallister, McAllister, MacAllister, Thomas, URQUHART, DEWS, Holliman

they are entitled that from the laches attributable
to the said Gentleman he is not, in any sum
remaining with proper diligence the
said Guardian, that they ought not now
to be made answerable for the consequences
& more especially, as long as any property should
be found in the hands or
under the control of the said Guardian that
can in any way, or to any extent, be made
subject to the said claim: & yr Com.ts further
pray yr Honor to order & decree that
on the filing made the said Ellen & Henry appointed
not to dispose convey or dispose of the said tract of
land — as by the said Ellen conveyed to his son,
(if proper) — until the determination of the suit
[illegible]
[illegible]
[illegible]
said when a further order & decree of this Court
shall seem expedient & proper — & that you
[illegible]
& yr orator [illegible]

August 1820 Rule filed
continuing order

March 1822 Rule of Plaintiff to
Supplemental filed Process awarded

June 1822 The Answer of Wilkinson
Knight filed. Affidavit made by Sol.
Supplemental, Williams Gray Solicitor
of Henry M. Appleton &c. The Answer
of Lewis & Richard Taylor
Exhibit of Lewis & Richard Taylor
suggested & Davis Gray appd &
filed. and Action to the Defendants
attorneys of Henry M. Appleton &c

Sept 1822 Replication to the
answer of Lewis & Richard Taylor
filed

October 1822 answer of Appleton
answer &c filed

[illegible] Gray 1823 Exhibit
[illegible]

To the worshipful court of Isle of Wight County in Chancery sitting Humbly complaining shew unto your worships your Orators and oratrices Geo. Applewhaite in his own right and as admr. of Ridley Applewhaite who was executor of Arthur Applewhaite dec'd, Andrew Woodley admr de bonis non of the said Arthur Applewhaite, Ridley Taylor widow and admx. of Travis Taylor, Joseph MacAllester Nancy his wife and Robert Taylor, Travis Taylor & Lucinda Taylor infant children of the said Travis Taylor suing by the said Andrew Woodley their next friend, that your orators and oratrices did about the month of August in the year 1820 exhibit their bill of complaint into this Honorable court against John Applewhaite, Henry W. Applewhaite and Arthur Holliman & Sally his wife formerly Sally Applewhaite defendants (amongst other things) for the purpose of vacating and setting aside, upon the ground of fraud, a deed conveying a tract of land executed by the said John Applewhaite to & in behalf of the said Henry W. Applewhaite, to restrain the said John & Henry W. Applewhaite from selling or conveying the said tract of land, and praying that the said land might be made liable for a debt or sum of money due and owing from the said John Applewhaite to the said Holliman and wife: and the court upon the presentation of the said bill decreed that the said John and Henry W. Applewhaite should be restrained & enjoined agreeably to the prayer thereof which said decree or order so aforesaid made was legally and properly executed by the Sheriff to whom said decree was delivered, since which time no other or further step has been taken in the said cause, as by the records remaining in this worshipful court, relation being thereunto had may more fully and at large appear. And your orators and oratrices further shew unto your worships that since the institution of the said suit and since the

execution and return of the restraining order aforesaid, the said Henry W. Applewhaite has since intestate, whereby the said suit as to him became and is abated: and your orators and oratrices further shew that Davis Gray has duly taken out letters of admon. to the said Henry W. Applewhaite, who left as his heirs at law the following infant children, namely, Thomas H. Applewhaite, Patsey Ann Applewhaite and Jno. W. Applewhaite, and your orators are thereby become entitled to have the said suit and proceedings revived against the said Davis Gray admr. of the said Henry W. Applewhaite together with the said children and heirs of the said Henry W. Applewhaite and to have the same benefit thereof, and relief against them as they should or might have had against the said Henry W. Applewhaite, unless good cause can be shewn to the contrary: and your orators and oratrices further shew (by way of supplement) that the said Henry W. Applewhaite having derived title to the said tract of land by deed executed by the said John Applewhaite his father for fraudulent & collusive purposes & for no valuable consideration should in justice be responsible for the debt due to the said Hollinan and wife as stated in the said original bill, nor should the court consider a decree directing the sale of the same without their proper parties & authority, and for that purpose your orators and oratrices are advised that the said Davis Gray admr. as aforesaid ought to admit assets sufficient to pay the said debt or else to set forth a particular & true account of his said intestate's estate & how the same hath been applied & disposed of. - To the End therefore that the said John Applewhaite, Arthur Hollinan & Sally his wife, Davis Gray admr. of the said Henry W. Applewhaite, Thomas H. Applewhaite Patsey Ann Applewhaite & Jno. W. Applewhaite may be made defts. to this bill, and that the said suit and proceedings may stand revived and be in the same plight and condition as they were in at the time of the death of the said Henry W. Applewhaite or that good cause may be shewn to the contrary, and may admit assets of the said intestate sufficient to pay the debt aforesaid or may set forth a particular, full & true account of the said intestate's estate & effects, & how the same hath been paid, applied & disposed of: And by your orators & oratrices may pray that the debt due the said Hollinan & wife may be paid either by decreeing a sale of the said land, or out of the personal effects of the said intestate in the hands of the said Davis Gray to be administered, and that such other or further order or decree may be made in the premises as may seem consistent with Equity &c. May it please &c.

Appleshaw Hal
Bill of
Vi. moiety and
costs —
Hollicombe Hal.

The Seperate Answer of Arthur Hollman Sally his wife to the original bill Bill of reivor filed in this court against themselves and others by George Applewhaite and others Complaints. These respondents saving and reserving to themselves any benefit and advantage of exception to the many errors insufficiencies & false allegations in the said bill contained, for answer thereto say that having some years ago commenced suit in the County court of Isle of wight against John Applewhaite in charge, they obtained on the day of in the year 18 judgment against him in the said court for the sum of £142. 10.s 2.d with 6 p.ct interest thereon from the first day of January in the year 1812 till paid and £10. 31.s 3.d costs, all of which is still due and owing to these respondents, as will appear by a copy of the said judgment hereto annexed as a part of this answer - your respondents deny that they have used any other or further delay in the prosecution of this demand than such as was unavoidable by the difficulties in the case; indeed a commendable and proper behavior towards him against whom the said judgment was recovered (he being a near relation to your respondent Sally) would have made the imputed delay right and just had no difficulties whatever occured: your respondents contend that their right to recover the several sums of money above mentioned, cannot and ought not to be affected, by the charges of neglect & delay made by the complainants: they offer no legal bar to your respondents success, and, in a moral sense, produce no conviction of mind unfavorable to their conduct in the management of the said claim - Whether John Applewhaite, one of the defendants in this case, did fraudulently convey his land to his son Henry for the purpose

of avoiding the payment of the debt due these respondents is a matter of which these respondents are altogether ignorant. If it be correct that such conveyance is founded in fraud & then be no legal objection to the sale of the land for the purpose of paying your respondents demands, your respondents would believe & therefore contend that a sale thereof should be decreed accordingly. But should the court believe that no sale of the land aforesaid can legally be decreed, your respondents are advised and therefore ask, that the proper parties all being now before the court, that a decree should be rendered in favor of your respondents for the sums of money & interest aforesaid against the representatives and legatees of the said Arthur Applewhaite, who as charged in the said bill bound himself as security for the guardianship of his brother the said John Applewhaite - to this course, as your respondents are advised, there is no legal or well-founded objection, and besides avoiding another suit & speedily putting an end to this unpleasant controversy, your respondents would be enabled finally to recover this just demand, for which in this behalf, suit has already been pending many years: without that &c. And your respondents deny all fraud &c & pray the court to decree to them the money & interest charged as above to be due them & to be dismissed with their costs in this behalf expended &c.

(Signed) Arthur Holliman

Isle of Wight County to wit:

This day the above named Arthur Holliman appeared before the subscriber a justice of the peace for the county aforesaid and made oath that the statements contained in the foregoing answer so far as they depend upon his own knowledge are true: & so far as they depend upon the knowledge of others he believes them to be true - Given under my hand & seal this 4 day of March a.D. 1822

Andw Woolley J P [seal]

Hollinan Exec dal

ads

Comm

Applewhaite dal.

Baker

Isle of Wight Co. Ca.

The answer of Davis Gray administrator of the goods and chattels, rights and credits which were of Henry Wills Applewhaite deceased, at the time of his death, to a bill of complaint exhibited against him and others in the County Court of Isle of Wight, by George Applewhaite in his own right, and as adm. of Ridley Applewhaite who was executrix of Arthur Applewhaite, and ux. Woodley adm. de bonis non of the said Arthur Applewhaite Ridley Taylor widow & adm. of Travers Taylor dec'd. Joseph McAllister and Nancy his wife and Robt. Taylor, Travers Taylor and Lucinda Taylor infant children of Travers Taylor dec'd. —

This respondent, now, and at all times hereafter, saving and reserving to himself all benefit of exception which might be taken to the allegations of the bill of the plaintiffs, for answer thereto or to so much thereof, as he is advised, is material for him to answer answereth and saith: That he admits he is the admor. of Henry W. Applewhaite deceased, and as such he hath received and gotten into his possession all the personal estate and effects of the said Henry W. Applewhaite deceased — That his intestate was considerably in debt — that he advertised and sold the whole of the chattel estate and slaves belonging to the estate of his intestate which came to his hands ~~and that he hath fully administered the same~~ but that as there are debts due from the estate and some debts are to the estate he is unable at this time to say what will be the situation of the estate upon a settlement of his administration account. He is however willing and indeed proposes that the account shall be made up as speedily as practicable for that purpose he has had an order made directing a bond to do so — This respondent cannot see upon what principle of justice, the complts can expect to recover any part of the estate

of his entitate in his hands - he cannot say
John Applewhaite he really intended or thought
in the bill his property and not Henry W.
Applewhaite ought to be subject to the
payt thereof - That John Applewhaite by deed
of gift bearing date 9th July 1795 conveyed
to Henry W. Applewhaite his son - about of
land containing by estimation one hundred
and fifty acres - but reserving ~~to himself and~~
the use thereof for securing the life time of the
said John Applewhaite - and that your respondent
knows of no fraud intended to be practised
by either the said John or Henry W. Applewhaite
and ~~knows~~ that supposes that no fraud ought
to be presumed - and that he believes that Henry
W. Applewhaite never ~~has~~ considered the land
to be his until the death of the said John -
He prays the Court to construct the extent of the
estate of his entitate & to require proof of fraud &
not to presume it - He prays &c
John Wright County Ss. This day came before me
a Justice of the peace for said County, ~~Henry~~
~~W. Applewhaite~~ Davis Gray and Henry W. Applew-
haite who made oath that the foregoing
answer contains the truth so far as known
or believes - Given under my hand this 3d day
of October 1820 -

Edmund Peden J.P.

to the County Court of Wilkinson Right in chancery sitting.
The answer of Thomas H. Applewhite, Patsey Ann Applewhite and John H. Applewhite infants under the age of twenty one years, by Davis Gray, their guardian ad litem, to a bill exhibited against them and others, in the County Court of Wilkinson Right, by George Applewhite, in his own right and as admr. of Ridley Applewhite who was executrix of Arthur H. Applewhite dec'd, and one Woodley, admr. de bonis non of the said Arthur Applewhite, Ridley Taylor widow and admx. of Travis Taylor, Joseph McAlister and Nancy his wife, and Robert Taylor, Travis Taylor and Lucinda Taylor infant children of the said Travis Taylor sueing by the said Andrew Woodley their next friend.

These respondents, by their said Guardian, for answer to the said bill, say: That they are infants under the age of twenty one years and for the protection of their rights, they have been to place themselves under the chancery of this honorable Court; and hence they pray to be dismissed with their reasonable costs in this behalf expended. —

Thomas H. Applewhite, Patsey Ann Applewhite & John H. Applewhite by Davis Gray their Guardian ad litem

Wilkinson County to wit. This day Davis Gray made oath that the foregoing answer is true as he knows or believes. Given under my hand this 3d day of Oct 1822.

Edmund Pendleton J.P.

Applin Laitz
infant
ad: Janvier
Applin Laitz dr

Oct. 1822 written answer filed

Isle of Wight County, to wit,

The Commonwealth of Virginia to the Sheriff of Southampton County greeting: We command you to summon Arthur Holleman and Sally his wife formerly Sally Applewhaite to appear before the Justices of our county court of Isle of Wight at the courthouse on the first monday in June next to answer a bill in Chancery exhibited against them, John Applewhaite Davis Gray administrator of Henry W. Applewhaite dec'd: Thomas W. Applewhaite, Patsy Ann Applewhaite, and John W. Applewhaite infant children of the said Henry W. Applewhaite dec'd: by George Applewhaite in his own right and as administrator of Ridley Applewhaite dec'd: who was executrix of Arthur Applewhaite dec'd: Andrew Woodley administrator de bonis non of the said Arthur Applewhaite dec'd: Ridley Taylor, widow and administratrix of Travis Taylor dec'd: Joseph Mac-Allister and Nancy his wife, and Robert Taylor, Travis Taylor, and Kacinda Taylor infant children of the said Travis Taylor dec'd: by the said Andrew Woodley their next friend: and this they shall in no wise omit under the penalty of £100. And have then there this writ. Witness Nathaniel Young Clerk of our said court at the courthouse the 12th day of March 1822 in the 46th Year of the Commonwealth

Nath. Young

Appleuhaite Bad.

v. Spa: in Chy:

Rotterdam Vrijse

7 Juni Leave 1022

Southampton

The Commonwealth of Virginia to the Sheriff of Isle of Wight County greeting. We command you to summon Doctor Applewhaite, David Gray administrator of Henry W. Applewhaite dec'd. Thomas H. Applewhaite, Patsey Ann Applewhaite, and John W. Applewhaite infant children of the said Henry W. Applewhaite dec'd. to appear before the Justices of our county court at the courthouse on the first Monday in June next to answer a bill in Chancery exhibited against them and Arthur Holleman and Sally his wife formerly Sally Applewhaite by George Applewhaite in his own right and as administrator of Ridley Applewhaite dec'd. who was executrix of Arthur Applewhaite dec'd. Andrew Woodley administrator de bonis non of the said Arthur Applewhaite dec'd. Ridley Taylor widow and administratrix of Travis Taylor dec'd. Joseph Mac. Allester and Nancy his wife and Robert Taylor, Travis Taylor and Racinda Taylor infant children of the said Travis Taylor dec'd. by the said Andrew Woodley their next friend. And this they shall in no wise omit under the penalty of £100 each. And have then there this writ. Witness Nathaniel Young Clerk of our said court at the court house the 13th day of March 1822 in the 46th Year of the Commonwealth

Nath'l. Young

Applewhaite & Co.

W. Hyde: in Chyf:

Hollman Vuijs & Co

Is Dunkerk 1732

Baker

Execution Amst. the 25. 1732

Mr. Hollman Vuijs & Co

at Dunkerk

The Commonwealth of Virginia to the Sheriff of Isle of Wight County greeting:
Whereas in a suit in Chancery depending and undetermined in the Court of the said County, between George Applewhaite in his own right and as Administrator of Ridley Applewhaite who was executrix of Arthur Applewhaite dec'd. Alfred Dews & Ridley his wife late widow and relict of Travis Taylor dec'd. Andrew Woodley admr. de bonis non &c. of the said Arthur Applewhaite dec'd. Joseph McAllister and Nancy his wife, Robert, Travis and Racinda Taylor infant children of the said Travis Taylor dec'd. suing by the said Andrew Woodley their next friend against John Applewhaite, and Davis Gray Administrator of Henry W. Applewhaite dec'd and Guardian ad litem of Thomas H. Applewhaite, Patsey Ann Applewhaite and John W. Applewhaite infant children of the said Henry W. Applewhaite dec'd. and Arthur Holleman and Sally his wife formerly Sally Applewhaite - was in our said Court so far prosecuted that a decree nisi was obtained but before a final decree was pronounced therein the said George Applewhaite departed this life - and Administration of all and singular the goods chattels and credits of the said George Applewhaite has been committed to Alfred Dews - Never theless the said suit still remains undetermined as by the said Alfred Dews we are informed, and because those things which in our said Court are rightly done, we would have put in execution -
We command you that you make known to the said John Applewhaite, and Davis Gray Administrator of Henry W. Applewhaite dec'd. and Guardian ad litem of the infants Thomas H. Applewhaite, Patsey Ann Applewhaite and John W. Applewhaite, and Arthur Holleman and Sally his wife formerly Sally Applewhaite - to appear before the justices of our County Court at the Court House on the first monday in October next, to shew cause if any they can why a final decree should not be pronounced for the complainants against them, if to them it shall seem expedient, and further to do and receive what our said Court shall in that part consider: And have then there this writ. Witness Nathaniel Young Clerk of our said Court at the Courthouse the 5th day of September 1822 in the 47th Year of the Commonwealth -

Nath. Young

Appleshaite & others

vs.

Seijas

Appleshaite &c.

To October Session 1832

Exhibited Sept 27. 1832

Wm. Mullowney

Jordan Mullowney

To John Applewhaite Arthur Holliman and Sally his wife Parks Gray Admor: of Henry W. Applewhaite, and as guardian and next friend of the infant defendants Thomas H. Applewhaite Patsy Anne Applewhite, and John W. Applewhaite

Take Notice that on the 19th day of February 1823 at the house of Andrew Woodley in the County of Isle of Wight between the hour of Nine o'clock in the morning and the hour of that day we shall proceed to take the depositions of Nancy Applewhaite, Samuel Thomas, and John Urquhart and others, to be read in evidence in a suit in Chancery now depending and undetermined in the County Court of Isle of Wight in which you are defendants, and we are complainants at which time and place you may attend and cross examine, if you think proper to do.

Your ob't Servants.

Isle of Wight County
February 19th - 1823.

alfred Deros adm. of
George Applewhite dec'd.
Andrew Woodley adm. de bonis non
of Arthur Applewhaite dec'd and
as next friend to the infant
pltf. Robert Travers and
Lucinda Taylor
alfred Deros in right of his
wife Ridley, late Ridley Taylor
Joseph McAllister in right
of his wife Nancy

Isle of Wight County &c. This day Henry L Tynes
appeared before me one of the Commonwealths Justices of the peace
in and for the county aforesaid who made oath, that he did
on the 11th day of February 1823 deliver a true copy of the within
notice unto John Applewhaite and that he did also de-
liver true copies of the within notice unto the within named
Arthur Hollemon and Davis Gray. The copy to Hollemon
was delivered on the 13th day of February 1823 and the copy
to Gray on the 11th day of February 1823

Given under my hand this 19 day of
February AD 1823

The Commonwealth of Virginia to Isham Ingram & Lovell Blount Gentlemen Justices of the County of Isle of Wight greeting. Given you to know by your fidelity and provident circumspection in diligently examining Nancy Applewhaite, John Urquhart, Samuel Thomas & others witnesses on behalf of Andrew Woodley administrator debonis non of Arthur Applewhaite dec'd. against Dews and Risley his wife, late widow and relict of Travis Taylor dec'd. Joseph McAllister and Nancy his wife, Robert Taylor Travis Taylor and Lucinda Taylor infant children of the said Travis Taylor dec'd. by the said Andrew Woodley their next friend against John Applewhaite, and Davis Gray administrator of Henry W. Applewhaite dec'd. and the said Davis Gray Guardian ad litem of Thomas B. Applewhaite, Patsey Ann Applewhaite and John W. Applewhaite infant children of the said Henry W. Applewhaite dec'd. and Arthur Holloman and Polly his wife formerly Polly Applewhaite - in a suit depending and undetermined in the Court of the county of Isle of Wight: command you or any two or more of you that on such certain days and places you shall appoint, you assemble yourselves and the witnesses aforesaid before you, you call and cause to come and diligently examine on the Holy Evangelist of Almighty God, and their examinations into our said Court distinctly and plainly without delay, you send and certify enclosed; returning also to us this writ. Witness Nathaniel Young Clerk of our said Court at the courthouse the 17th day of February 1823 in the 47th year of the Commonwealth

Nath'l Young

Appleworth's Admor. &c.

v.

Comm. to examine
Wits.

Appleworth &c.

The Commonwealth of Virginia to John H Pendr & Edmund Pedin
Gentlemen Justices of Isle of Wight county Greeting: know ye that we confiding in your
fidelity and provident circumspection in deligently examining Lucinda Hendrick
and Nancy Applewhaite Witnesses on behalf of Alfred H. Drew and Riley
his wife &c against John Applewhaite &c command you or any two or
more of you that on such certain days and at such places as you shall
appoint you assemble yourselves and the Witnesses aforesaid before you, you cause
and cause to come, and deligently examine on the holy evangelist of almighty
God, and their examinations into our said court distinctly and plainly without
delay you send and certify enclosed returning also to us this writ, Witness
Nathaniel Young Clerk of our said court at the Courthouse the 4th day of
March 1823 in the 47th year of the Commonwealth

Nath. Young

Memo: The within Commission is awarded by an order of Court made the 3d. of March 1823 —

Test Bar. Leightfoot Sec'y.

To John Applewhaite, Arthur Hollyman & Sally his wife, Davis Gray admor. of Henry R Applewhaite, and as guardian ad litem of the infant defendants Thomas H Applewhaite, Patsey Ann Applewhaite and John R Applewhaite —

Take notice that on the 15th day of March 1843 at the town of Mt. Nelson Parish in the town of Smithfield — in the county of Isle of Wight, between the hours of nine o' clock in the morning and one of that day, we shall proceed to take the deposition of Chauncy Applewhaite & Andrew Woodley and others, to be read in evidence in a suit in Chancery now depending and undetermined in the county Court of Isle of Wight, in which we are complainants & you are defendants. at which time and place you can attend if and cross-examine if you think proper so to do &c —

Isle of Wight County
March 7th 1843

To all Defendants —

Alfred Davis admor. of Henry Applewhaite dec'd.

Andrew Woodley, admor. de bonis non of Arthur Applewhaite dec'd & as next friend to the infant complts. Robert Travis & Lucinda Taylor

Alfred Davis, in right of his wife Ridley, late Ridley Taylor

Joseph McAllister in right of his wife Chauncy

Isle of Wight County to wit:

This day Henry L Eyres
made oath before me, a magistrate for the county aforesaid, that
on the 7th day of March 1803 he delivered to the within
named John Applewhaite, a true copey of the within notice.
And that he did also deliver two copies of the within notice
to Arthur Holliman & David Gray. The copey to Holliman
on the 8th day of March 1803 & that to Gray on
the 7th day of March 1803 - Given under my hand
this 15th day of March 1803 —

Edmund Eden J.P.

Applewhaite &c
vs
Notice
Applewhaite &c

The deposition of Nancy Applewhaite widow of George Applewhaite dec? taken upon notice, who was a complainant in this suit on the 19th day of Feby 1803 at the house of Andrew Woodley in the county of Isle of Wight, between the hours of nine O'Clock in the morning & sun-set of that day, to be read in evidence in a suit in Chancery now depending & undetermined in the county Court of Isle of Wight, in which Alfred Dewer admr. of George Applewhaite dec? Andw Woodley admr. de bonis non of Arthur Applewhaite dec? & as next friend to the infant complts Robt, Travis & Lucinda Taylor, Alfred Dewer in right of his wife Ridley, late Ridley Taylor and Joseph McAllister in right of his wife Nancy, are complainants, and John Applewhaite, Arthur Holleman & Sally his wife, Mary Gray admr. of Henry W Applewhaite dec? & as Guardian ad litem of the infant defendants Thomas, & Applewhaite, Patsy Ann Applewhaite & John W Applewhaite are defendants—

This deponent being first duly sworn on the Holy Evangelist of Almighty God, the truth to speak in the matter depending between the above named parties, deposeth & sayeth, That within the last five or six years she has frequently heard the defendant John Applewhaite say, that the deed by which he conveyed the land in dispute to his son Henry W Applewhaite, was made for the purpose of avoiding the debt which he owed to Arthur Holleman & wife, & that since the commencement of the suit against the said John Applewhaite & others, she has often heard him tell his said son Henry W Applewhaite, that he was perfectly willing that the said land should be sold to pay that debt, and further this deponent say the not—

her
Nancy + Applewhaite
mark

Isle of Wight County to wit

This day A. Ivey appeared before us and made oath that the within deposition signed by him is true. Given under our hands as justices of the peace this 19th day of Feby 1803

Jos Boush J.P. (Seal)

Jos Bland J.P. (Seal)

Rec'd Sept 1803 & Cond to Land Office

B. Ligon Cl

The deposition of Samuel Thomas taken agreeably to notice on the 19th day of Feby 1823 at the house of Andrew Woodley, in the county of Isle of Wight, between the hours of nine O'clock in the morning and sun-set of that day, to be read in evidence in a suit in Chancery now depending and undetermined in the County Court of Isle of Wight, in which Alfred Lewis admor. of Grace Applewhaite dec'd, Andrew Woodley admor. de bonis non of Arthur Applewhaite dec'd and as next friend to the infant complts Robert Travers and Lucinda Taylor, Alfred Lewis in right of his wife Ridley, late Ridley Taylor & Joseph McAllister in right of his wife Nancy, are complainants, & John Applewhaite, Arthur Holleman & Sally his wife, Davis Gray admor. of Henry N Applewhaite and as Guardian ad litem of the infant defendants Thomas & Applewhaite, Patsey Ann Applewhaite, & John N Applewhaite, are defendants—

This deponent being first duly sworn on the Holy Evangelist of Almighty God, the truth to speake in matter depending between the above mentioned parties, deposeth and saith. That some short time before the death of Henry N Applewhaite, he offered to sell to this deponent the tract of land in question, and told him that about the sum of seven hundred and fifty dollars was to be paid to Capt. Arthur Holleman of Southampton, out of the sale of said land: and further this deponent saith not—

Samuel C Thomas

Isle of Wight County, To wit.

This day Samuel Thomas, made oath before us that the foregoing deposition signed by him is true. Given under our hands this 19th day Feby 1823

Lyndon D (Seal)

Js Blunt (Seal)

March 3rd 1823 Came to hand under seal

B. Lightfoot Dc.

The deposition of John Urquhart taken agreeably to notice on the 19th day of Feby 1823 at the house of Andrew Woodley, in the county of Isle of Wight, between the hours of nine o'clock in the morning and sun-set of that day, to be read in evidence in a suit in Chancery now depending and undetermined in the county Court of Isle of Wight, in which Alfred Dunn admr of George Applewhaite dec'd, Andw Woodley admr de bonis non of Cathm ~~Hollema~~ Applewhaite dec'd and as such party to the infant complts Robert, Travis and Lucinda Taylor, Alfred Dunn in right of his wife Ridley, late Ridley Taylor and Joseph Mc Alister in right of his wife Nancy, are complainants: and John Applewhaite, Cathm Holleman & Sally his wife, Davis Gray admr of Henry H Applewhaite & as Guardian ad litem of the infant defendants Thomas H Applewhaite, Patsey Ann Applewhaite, & John H Applewhaite, are defendants—

This deponent being first duly sworn on the Holy Evangelist of Almighty God, the truth to speak in the matter depending between the above mentioned parties, deposeth & saith, That a few months before the death of ~~the~~ one of the above mentioned defendants viz. Henry H applewhaite, he the said Applewhaite offered to sell the land in question to this deponent, and expressly said that he wished to pay the debt owing by his father John applewhaite to Cathm Holleman, out of the sale of the said land— and further this deponent saith not—

Jno Urquhart

Isle of Wight County to wit— This day John Urquhart made oath before us that the foregoing deposition signed by him is true— given under our hands as Justices of the peace this 19th day of February 1823— Wm Jones — J.P. (Seal)

Jos Blunt J.P. (Seal)

March 3rd 1823 came to hand under seal

B. Lightfoot D.C.

The deposition of Nancy Applewhaite, taken agreeably to notice, on the 15th day of March 1823, at the house of M Wilson Davis, in the Town of Smithfield in the county of Isle of Wight, between the hours of nine o'clock in the morning and sun-set of that day, to be read in evidence in a suit in Chancery now depending in the county court of Isle of Wight, in which Alfred Davis admor. of Henry Applewhaite dec'd Andrew Woodley, admor. de bonis non of Arthur Applewhaite dec'd and as next friend to the infant complainants Robert, Travers & Lucinda Taylor, Alfred Davis in right of his wife Ridley, late Ridley Taylor, and Joseph McAllister in right of his wife Nancy, are complainants and John Applewhaite, Arthur Holloman & Sally his wife, Davis Gray admor. of Henry W Applewhaite dec'd and as guardian ad litem of the infant defendants Thomas H Applewhaite, Patsey Ann Applewhaite and John W Applewhaite are defendants —

This deponent being first sworn on the Holy Evangelist of Almighty God, the truth to say, in the matter depending between the parties above mentioned, deposeth and saith, that within the last five or six years, she frequently heard the defendant John Applewhaite say that the deed by which he conveyed the land in dispute to his son Henry W applewhaite, was made for the purpose of avoiding the debt which he owed to Arthur Holloman & wife, that both before and since the commencement of the suit against the said John Applewhaite & others, she has often heard him tell his son Henry W applewhaite, that he was perfectly willing that the said land should be sold to pay that debt, and further this deponent saith not —

her
Nancy + Applewhaite
mark

Isle of Wight County Virginia

This day Nancy Applewhaite made
oath that the within declaration signed by her is true
and correct. Given under our hands this 15th day
of March 1823

Edmund Bdn. Js.
W. Pierce J.P.

Sworn to & subscribed Last Mon. 17th 1823 W. Lightfoot Clk.

The deposition of Arthur Woodley, taken agreeably to notice, on the 15th day of March 1893, at the house of W. Wilson Davis in the Town of Smithfield, in the county of Isle of Wight, between the hours of nine o'clock in the morning and sun-set of that day to be read in evidence in a suit in Chancery now depending in the county Court of Isle of Wight, in which Alfred Dixon admr. of Geo. Applewhite dec'd. and Andrew Woodley admr. de bonis non of Arthur Applewhite dec'd and as next friend to the infant complainants Robert, Fanny and Lucinda Taylor, Alfred Dixon in right of his wife Ridley, late Ridley Taylor, and Joseph McAllister, in right of his wife Nancy, are complainants, and John Applewhite, Arthur Holloman & Sally his wife, Davis Gray admr. of Henry R Applewhite, and as Guardian ad litem of the infant defendants Thomas H Applewhite, Patsy Ann Applewhite and John R Applewhite are defendants.

This deponent being first sworn on the Holy Evangelist of Almighty God, the truth to say in the matter depending between the parties above mentioned, deposeth and saith, that he is well acquainted with all the circumstances respecting the matter in

between the parties aforesaid, that he has heard John Applebaugh say, that the conveyance made by him to his son, of the land in question was made for the sole purpose of avoiding the payment of the debt which he owed to Hollerman and wife; that after a judgment was rendered against the said John Applebaugh in favor of said Hollerman and an execution thereupon, he has heard both the said John & Henry R Applebaugh declare in his presence, that they were both convinced that the said debt was just and owing from the said John Applebaugh to Arthur Hollerman & wife, and that they were willing to sell the said land for the purpose of paying the said debt, and actually did offer it for sale to this deponent, and that they also offered it to the said Hollerman, & proposed to give him their bond to ~~him~~ [illegible] with a deed in trust ~~to him~~ on the land to secure the payment &c and further this deponent says not &c.

And. Woodley

Isle of Wight County, To wit:

Agreeably to a commission which issued from the clerk's office of the county of Isle of Wight and to us directed, we have proceeded to take the deposition of Andrew Woodley, and do hereby certify that the said Andrew Woodley made oath before us, that the foregoing deposition to which his name is affixed is true and correct. Given under our hands this 18th day of March 1823.

Edmund Pitt (P)
J. H. Purdie J.P.

Came to hand under seal Mar. 17th 1823. W. Lightfoot D76

Applewhaite & others vs. Applewhaite & others. Chy.

This cause came on this day to be heard by consent, as to the defts. Davis Gray adm.r of Henry W. Applewhaite decd. and Thomas H. Applewhaite, Patsey Anne Applewhaite and John W. Applewhaite infants defendants by the said Gray their guardian ad litem, and as to the defendant John Applewhaite, upon the bill decree heretofore entered and returned - upon the bills answers depositions and other exhibits, and was argued by Counsel on the consideration whereof the Court doth order, adjudge and decree, that the deed executed by the said John Applewhaite to his son Henry W. Applewhaite bearing date the 9th day of July - A.D. 1799. is fraudulent and void, and therefore is hereby declared and annulled. and the Court not deciding at this time whether they have a lien on the power of directing the sale of the tract of land in the said deed mentioned, but reserving the right to decree in relation thereto, or to them may seem hereafter necessary, do further order adjudge and decree that the injunction heretofore awarded be dissolved and the same is hereby accordingly dissolved - and that the defts. Allen Hollimon and Sally his wife, be at liberty to sue out and prosecute any writ of execution against the defts. John Applewhaite, upon the judgment referred to in the said bill in such manner &c they may think proper, and the Complainants authorize. Liberty reserved the infants to shew cause &c

At a Court holden for the County of Isle of Wight
this 7th day of May 1820. —

George Applewhite & others — Complts
Arthur Holliman & others — Defts } In Chy.

On motion of the Complts by their Counsel &
in good cause appearing to the Court —
The Court doth adjudge order & decree —
that the defendt Arthur Applewhite and
Henry Applewhite, ~~do not~~ be restrained
from selling or conveying away the
Tract of land in the Bill mentioned
as conveyed from said Arthur to s[aid] Henry
Applewhite, until the determination
of the suit now herein depending
between them — or the further order
of this Court = And it is further
ordered that the Sheriff of this County
forthwith after the service of this Court
deliver to the said defendt a true
Copy of this Order.

At a Court held for Isle of Wight County this 7th day of August 1820 —

George Applewhaite in his own right & as administrator of Ridly Applewhaite who was executrix of Arthur Applewhaite dec'd. Andrew Woodley administrator debonis non of the said Arthur Applewhaite, Ridley Taylor formerly Ridly Applewhaite widow & administratrix of Travis Taylor dec'd., Joseph McAllister & Nancy his wife formerly Nancy Applewhaite & infant children of the said Travis Taylor suing by Andrew Woodley their next friend ..... Complts.

In Chancery

against

John Applewhaite late Guardian of Sally Applewhaite now Sally Holliman, Henry Applewhaite, & Arthur Holliman & the said Sally his wife ..... Defendts.

On motion of the complainants by their Counsel & for good cause appearing to the Court. The court doth adjudge order and decree that the defendants John Applewhaite and Henry Applewhaite be restrained from selling or conveying away, the tract of land in the Bill mentioned as conveyed from said John to said Henry Applewhaite, until the determination of the suit now herein depending between them or the further order of this Court. And it is further ordered, that the Sheriff of this County forthwith after the rising of this court, deliver to the said defendants a true copy of this order.

A Copy Teste

Mack'd Young C.I.W.C.

Applewhaite & others

v.

Applewhaite & others

Copy
Order
retaining

Isle of Wight County Court Clerks Office July Rules 1822.

George Applewhaite in his own right and as Administrator of Ridley Applewhaite, who was Executrix of Arthur Applewhaite dec'd. Andrew Woodley Administrator de bonis non of the said Arthur Applewhaite dec'd. Alfred Dews and Ridley his wife, late Widow and relict of Travis Taylor dec'd. Joseph M.c Allister and Nancy his wife, Robert Taylor, Travis Taylor and Racinda Taylor infant children of the said Travis Taylor dec'd by the said Andrew Woodley their next friend Complainants

against

John Applewhaite, Davis Gray administrator of Henry W. Applewhaite dec'd. Thomas B. Applewhaite, Patsey Ann Applewhaite and John W. Applewhaite infant children of the said Henry W. Applewhaite dec'd. and Arthur Holleman and Sally his wife, formerly Sally Applewhaite Defendants. In Chancery.

The Defendants John Applewhaite, and Davis Gray administrator of Henry W. Applewhaite dec'd having failed to file their answer to an original and amended bills of complaint exhibited against them and others in this cause, by the Complainants. It is ruled therefore that unless the said John Applewhaite and Davis Gray administrator of Henry W. Applewhaite dec'd: (upon being served with a copy of this rule) appear here on the first monday in August next and file their answer, Judgment will be rendered against them for the Complainants agreeably to the prayer of their said bill.

Teste Nath.l Young Cl

Appellants Petition

&

Appellees Petition

To Aug. Court 1822.

Mr. Executor

Isle of Wight County Circuit Courts Office September Rules 1822

Alfred H. Deans and Ridley his wife, late Widow and relict of Travis Taylor dec'd. and the said Alfred H. Deans Administrator of George Applewhaite dec'd. Andrew Woodley Administrator de bonis non of Arthur Applewhaite dec'd. Joseph M.c allister and Nancy his wife & Robert Taylor, Travis Taylor and Lucinda Taylor infant children of the said Travis Taylor dec'd. suing by the said Andrew Woodley their next friend Complainants

against

John Applewhaite & Davis Gray Administrator of Henry W. Applewhaite dec'd. and Guardian ad litem of Thomas H. Applewhaite, Patsey Ann Applewhaite and John W. Applewhaite infant children of the said Henry W. Applewhaite dec'd. and Arthur Boileman and Sally his wife formerly Sally Applewhaite &c. Defendants — In Chancery — The Defendants John Applewhaite and Davis Gray Administrator of Henry W. Applewhaite dec'd and Guardian ad litem of the infants Thomas H. Applewhaite, Patsey Ann Applewhaite and John W. Applewhaite, having failed to file their answer to the original and amended bills of the Complainants as by bill in this cause — It is therefore ruled that unless the said John Applewhaite and Davis Gray Administrator of Henry W. Applewhaite dec'd and Guardian ad litem of the said infants Thomas, H., Patsey Ann, and John W. Applewhaite upon being served with a copy of this rule / appear here on the first Monday in October next and file their answer, Judgment will be entered against them for the Complainants agreeable to the prayer of their said bill —

Teste Nath.l Young) CC

Executed Mr. Whitehead & for Mr. Ballard Supt

Appraisement & others

Appraisement &

No. October Court 1822

Isle of Wight County, towit,

Arthur Holleman and Sally his wife formerly Sally Applewhaite against John Applewhaite who was guardian of the said Sally – In Debt fieri facias for One hundred and forty two pounds ten Shillings and two pence, with 6 p Cent interest thereon from the 1st day of January 1812 till paid and $10. 31 Cts —

29.10
12
349.20

A Copy Teste Nath.l Young Clk

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