

1872-026 Chancery Causes: John Driver Waile, by v c vs Joseph Goodwin, extor of Josiah Waile, 1
Isle of Wight County Mary Driver Jordan Waile & Josiah Waile, by v c

other SURNames: Jordan,
Wail

some fit person to defend their interest and
 that they and the said Joseph Goodwin's exors.
 of record may be compelled to answer this
 bill fully and satisfactorily - that the said
 exors. shall set out the value of the estate of the
 testator as far as practicable and the annual
 value thereof with a view to advising you
 whether or to the proper sum to be decreed
 for your orator's support and education that
 you will order and direct the said exors.
 to disburse out of the said estate what you
 seem to your honor to be right, until your
 said orator shall arrive to the age of 14
 years, and that you will make any other
 and further orders in the premises which
 may comport with equity and he prays the
 Court's writ of subpoena coram and j. d.
 directed -

G. Atkinson atty.

for plff

(signed,

Sam^l P. Lawrence)

Waile by fa^{de}

" 3 (Bills)

Waile exors^{de}

May 2^d 1830 By consent
 this cause was dock^d & Bill &c
 filed & interlocutory decree
 ent^d & cause cont^d for opt.

Apr. 6th 1840. Decree for
 \$75 up to 8th Apr. 1840.

Jan. 4th 1841. decree
 for \$75. filed with

Atty: P. S.

To the County Court of Wm of Wight in Chancery sitting
humbly complaining, shew to the Court your orator
John Brinn Mail an infant ^{about 18 years of age} ~~to whom~~ ^{by} ~~his~~ ^{his} friend
Jordan his next friend, that his father Josiah
Mail departed this life about the day of March
1835, after making and publishing his last
will and testament which has been admitted
to record in the County Court of Wm of Wight for
official copy whereof is hereto annexed marked
A and is prayed to be considered & taken as
part of this bill - whereby the testator appointed
as his executor, one Joseph Goodwin, who before
the County Court of Wm of Wight, took upon himself
the burden of the execution thereof, and has re-
solved by due diligence might have paid a large sum
real and personal in the said estate: having
the entire control of the real and personal
estate of the testator and which estate after the
payment of debts & amounts to the sum of \$
or upwards - By the said will among other things
the testator says, "I give and bequeath unto my
son John Brinn Mail a sufficient sum of
money annually to board, school & clothe him
until he shall arrive to the age of 14 years, &
then it is my wish ~~that he should go to a~~
trade" - John orator is the same John Brinn Mail
alluded to in the said clause of the testator's will,
and although a year has expired, and no
debts are due by the estate of the testator and
although an abundance of assets are in the hands
of the executor he yet refuses to make any ad-
vance towards the support, board, schooling and
clothing of your orator, he alleges that the
terms of the will which make this provision
for your complainant, are so indefinite, that
he can't undertake to fix on the proper sum
which he can lawfully pay, and insists that
he can't make such an advance out of the
estate except under and by authority of a decree
or order of this Court, which is contrary
to equity and tends to the ruin & oppression
of your orator. Inasmuch as he is residing
in the premises except by the intervention
of your Honor, he prays that the Court will
grant him aid and that the said Joseph
Goodwin executor of the said Josiah Mail and
Mary Brinn Mail and ~~Charles~~ ^{David} ~~Charles~~ ^{Charles} ~~David~~
the two other devisees of the testator may be made
answerable to this bill - that as the said devisees
are under the age of 21 years, your will appoint

Goodwin, Mr.

ad: Zanyer
Goodwin

To the County Court of Idaho Territory at the City of Boise
The undersigned of Joseph Groves is answerer
of Josiah Wails and to the bill of complaint
against him and others in the said Court
exhibited by John Driver Wails an infant
suing by name of executor his next friend.

The undersigned for answerer says, that
the error of Josiah Wails - he rents the
land of the testator this year for \$40,
and considers the judicial value to
be about \$500 but it is more than he has
been offered for it and he has not yet
sold because he can't get what he
thinks the land worth. He thinks the
debts are paid, ~~with the proceeds of the sale~~
and he has settled his account but
~~it is not yet reported.~~ Of the balance
in his hands is \$939.90 as will appear
by the report of the Comptroller to the Co.
ct. of Idaho Territory his main point
of his answer - and says answered
he prays to be dismissed &c

signed Joseph Groves -

Wails infant
and: ~~James~~
Wails ~

To the County Court of Shof Wright sitting in
Chy. - The joint and separate answers of
May, David Jordan, Wails and of ~~John Jordan~~
^{David Wails} ~~infants~~ by Joseph Goodwin, who by the said
Court was appointed their guardian ad litem
in this suit, to the bill of complaint against
them and Joseph Goodwin error of which
Wails exhibited in the said Court -

The defendants say &c. for answer say
that they are under the age of 21 years, and
of tender infancy, and totally incapable of
guarding their own interests which they
most respectfully submit to the care of
this Court - and have answered they
may never be dismissed -

(Signed,

Joseph Goodwin

Not to be allowed to pay for the support of the infant John & William
 the same being the property of the eighth of April 1837
 and the 1st of the month May, 1837, in order
 to secure further or circumstances
 may require to

Waile ppe.
 " 3/20
 Waile word.

Waile ppe.
 " 3/20
 Waile word

John Brown Wail an infant sue by law of Jordan
his next P. vs Joseph Goodwin et al. 21st.

This cause came on this day to be heard
by consent of parties on the plea, answers
and exhibit filed and was argued by
Counsel and the Court has appointed
Joseph Goodwin executor to the infant
defendants and they have accepted,
the 1st 25th day. and decreed
that the defl. Joseph Goodwin in error of
Isiah Wail, out of the assets of his testator
in his hands, to be administered, pay the sum
of ~~\$70~~ \$62.63—

for the board, ~~board~~ and clothing of
the said John Brown Wail for one year
ending the 8th day of April 1836, &

Maile
L

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ouu

5 Nov. 1878

John Diner Waile an infant suing by Saml. Jordan his
next friend vs Joseph Goodwin and other defendants -
This cause came on this day to be ^{again} heard by consent of parties
on the papers heretofore read and was argued by Counsel,
on consideration whereof the court doth further advise order
and decree that the defendant Joseph Goodwin executor of
Josiah Waile out of the assets of his testator in his hands
to be administered pay the sum of ^{seventy five} ~~half two~~ dollars and
~~sixty three cents~~ for the board and clothing of the plaintiff
John Diner Waile for one year ending on the 8th day of
April 1838 - And the parties are at liberty to ask for
further relief as the case may require -

in the suit

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To the Hon. J. J. Jones

upon the application of Joseph
Goodwin executor of Josiah
Wails, and it appearing to the
Court that the testator intended
his son John D Wails to be
supported and educated out
of his estate - & it being necessary
to us - ~~the~~ a part of the princi-
-pal of the estate to carry
into effect the object of the testator,
the Court doth order that the said
Joseph Goodwin take from
the principal of the estate of the
said ~~testator~~ Josiah Wails, the
sum of \$75, to be appropriated
to support of said John D Wails
for ~~about~~ the year ending May
1841 -

Josiah Wails, M.D.
a copy for a ~~letter~~
Review

fee 44/-

In the name of God amen, I Josiah Nail of the county of Isle
of Wight and state of Virginia, being weak in body but of
a sound mind and perfect memory do make and ordain
this my last will and testament, in manner and form as
followeth (to wit). — I give and bequeath unto my daughter
Mary, Davis, Jordan, Nail, the sum of forty dollars annu-
ally until my son John Davis Nail shall arrive to the age
of fourteen years old. —

I give and bequeath unto my son Charles Robert Nail the
sum of one hundred dollars annually until he shall
arrive to the age of fourteen years old, then it is my
wish he should go to a trade. —

I give and bequeath unto my son John Davis Nail a
sufficient sum of money annually to board, school and
cloth him, until he shall arrive to the age of fourteen
years old, then it is my wish he should go to a trade.

It is my will and wish that all my chattel estate
should be sold after my death and it is also my
will and wish that all my real and Personal estate
should be sold at the discretion of my Executor,
and after paying all my just debts & Legacies and my
son John Davis Nail shall arrive to the age of
fourteen years old, then it is my will and wish that
the balance of money remaining in the hands of my
if any, to be equally divided between my son Josiah
Jordan Nail, my Daughter Mary Davis, Jordan,
Nail, my son ^{Charles Robert} ~~John Davis~~ Nail and John Davis
Nail — Lastly I nominate and appoint my friend
Joseph Goodwin to this my last will and testament
in witness whereof I have unto set my hand &
affix my seal this fifth day of November eighteen
hundred & thirty four. — Josiah Nail

Witness
Sam^d. P. Jordan } at a court held for Isle of Wight County the 6th
William Davis } day of Apr. 1835. the above will was proved by
Mr. P. Charnock } the witnesses and ordered to be recorded —
A copy test - M. Young. Sec.