

1879-005 Chancery Causes: Herman & Company & al vs Joseph H. Dale, & al
Dsl of Wright County

Other surnames: Whitehead,
Turner, Herman, Whitley,
Wilson, Womble, Underwood
[Womble & Wilson], Young, Gay
Battin, Atkinson, [Thomas & Adams]
Thomas, Adams, Green, Jordan,
Parker son, Marrow, Bell,
Shivers, Pitt, Carroll,
Goodson, Pinhorn, Marshall

Commissioner's Office,

ISLE OF WIGHT COURT HOUSE.

To John B. Whithead and
Wm. H. Turner merchants and
partners trading under the style
and firm of Herman Hco. & others

January 27th

1860.

Plaintiffs.

and to Joseph H. Gale, and
others -

Defendants.

You are hereby notified, that I have fixed upon the 23rd day of
February 1860, to take and settle the following accounts, at my office, to wit:

First, An account of the several judgments of the
plaintiffs, showing the priority of the same.

Second, An account of the transactions of Mary H.
Gale as administratrix of Joseph Gale decd: -

Third, An account of the interest of, and the amount
to which Joseph H. Gale is entitled to, in the estate
of his late father Joseph Gale decd:, and all sums or
amounts which may be due and owing from Joseph
Gale decd: to Joseph H. Gale, in any manner or
from any source arising.

Fourth, An account of the transaction of Joseph Gale
as guardian, or quasi guardian, or as debtor
of said Joseph H. Gale.

required to be taken by a Decree of the Circuit Court of Isle of Wight County, rendered on
the 19th day of October 1859 ~~1859~~, in a suit in Chancery depending
in the 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
aforesaid.

N. J. Young

Comm.

Herrnankotali.

3/4000.
or 3/10000

Dr. H. Gale tal.

To 22nd Feb. 1860.

Not found

Thos J. Conquard
Sagunto

Commissioners Office, Isle of Wight Court house
Decr. 27th. 1859.

To Joseph H. Gale.

You are hereby notified that I have fixed upon the 23^d. day of February next, if fair, if not on the next fair day thereafter (Sunday excepted) to take and settle at my office, the following accounts required to be taken by decree of the Circuit Court of Isle of Wight County, rendered on the 19th. day of October 1859, in a suit in Chancery depending in said Court between John B. Whitehead & Wm. H. Turner under the firm & style of Herman & Co. vs. Plaintiffs, and Joseph H. Gale, Mary James P. Jordan next, Mary F. Gale administratrix of Joseph Gale decd: & others defendants. To wit: First- an account of the several judgments of the plaintiffs, shewing the priority of the same. Second- An account of the transactions of Mary F. Gale as administratrix of Joseph Gale decd: - Third- an account of the interest, and the amount to which Joseph H. Gale is entitled in the estate of his late father Joseph Gale decd:, and all sums or amounts which may be due and ~~owing~~ from Joseph Gale decd: to Joseph H. Gale, in any manner or from any source arising - Fourth- An account of the transactions of Joseph Gale as guardian, or quasi guardian, or as debtor of said Joseph H. Gale.

At which time & place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and

Year first found.

N. P. Young Comr.

Marion Co. Ark.

Mar. P. Notice

Geo. W. Gale etc.

To 22nd July 1860.

Joseph, W. Gale ~~Marion~~
to Norfolk, January
the 17-1860

W. B. Mathew

Jan. 23rd 1860

Also found. 10th to

22nd July 1860

10th to 22nd July 1860

10th to 22nd July 1860

10th to 22nd July 1860

10th to 22nd July 1860

10th to 22nd July 1860

Mar. P. Notice
Geo. W. Gale etc.
To 22nd July 1860.
Joseph, W. Gale
to Norfolk, January
the 17-1860
W. B. Mathew
Jan. 23rd 1860
Also found. 10th to
22nd July 1860
10th to 22nd July 1860
10th to 22nd July 1860
10th to 22nd July 1860

Commissioners Office, Isl of Wight
Courthouse - Decr. 27th. 1839.
To Joseph H. Gale.

You are hereby notified that I have fixed upon the 22nd. day of February next, if fair, if not, on the next fair day thereafter, (Sunday excepted) to take and settle, at my office, the following accounts, required to be taken by decree of the Circuit Court of Isl of Wight County, rendered on the 19th. day of October 1839, in a suit in Chancery depending in said Court, between John B. Whithead & William H. Turner under the style of firm of Hermon H. Gale plaintiffs, and Joseph H. Gale, James S. Jordan trustee, Mary F. Gale administratrix of Joseph Gale decd. & others defendants - to wit. First. An account of the several judgments of the plaintiffs, shewing the priority of the same. Second - An account of the transactions of Mary F. Gale as administratrix of Joseph Gale decd. Third an account of the interest & the amount to which Joseph H. Gale is entitled in & to the estate of his late father Joseph Gale, and all sums or amounts which may be due & owing from Joseph Gale decd. to Joseph H. Gale in any manner or from any source arising. Fourth - An account of the transactions of Joseph Gale

as guardian or quasi guardian, or
as debtor of the said Joseph H. Gale. at
which time and place you are required
to attend.

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

N. D. Young Comr.

A Copy.

Test

N. D. Young Comr.

for Jos. H. Gale

KNOW ALL MEN BY THESE PRESENTS, That we, *George R. Atkinson and Robert N. Whitfield*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *fifteen hundred Dollars* to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. As witness our Hands and Seals, this _____ day of _____, in the year of our Lord, one thousand eight hundred and _____

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the Circuit Court of Isle of Wight county pronounced on the *20.* day of *October 1837* in a cause depending in the said Court in which *Herman Ho, Wm. S. Melan & others are* plaintiff, and

Jos. St. Gale, said Atkinson & others are defendant, the above bound *George R. Atkinson* was appointed a special Commissioner to *sell the tract of land in the proceedings & decree mentioned, & conveyed to him as trustee by Joseph St. Gale, by deed bearing date the 11th. of November 1836, to secure a debt due to Thomas & Adams and make report together with the bond, to the Court.*

Now if the above bound *George R. Atkinson* shall faithfully discharge his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed, and delivered }

in the presence of }

A. P. Young

George R. Atkinson



R. N. Whitfield



Attestation No. 1.
in. ^{Attestation} Com. P. Bond

Gale 1. 7

Deut. 7. 1837 Ed. 1
filed.

Geo. R. Atkinson

A Circuit Court continued held for Isle of
Wight County, On the 19th day of October 1859.

No. 10. Whitehead & William H. Turner, Merchants &
partners trading under the style of firm of Hermann & Co.
Against ^{vs} In Chancery.

Joseph W. Gale, James P. Jordan, Mary F. Gale adm^t. of
Joseph Gale dec^d: Elias J. Battin & Josiah P. Gay - Shff.
of Isle of Wight County. Defts

This cause this day came on to be again heard
on the papers formerly read, & on the report of George
R. Atkinson made under a decree herein of October term
1858. the amended Bills filed at September rules 1858. &
July rules 1859. taken for- Confessed as to all the ^{adult} defendants
except Mary F. Gale, on whose process has been duly served
they still failing to appear-plead- Answer or demur,
the answers of the infant defendants thereto- by N. P.
Coring their guardians ad litem- & on the answer of Mary
F. Gale in her own right- & as adm^t. of Joseph Gale- to
the original & first amended bill- taken by consent of
of parties- as an answer to the last amended bill;
general replications thereto, exhibits & examinations of
Witnesses- & was argued by Counsel; on consideration
whereof- the Court confirming said report to which no
exception was filed, doth adjudge order and decrees
that a Commissioner of this Court take the following
accounts. 1st An account of the several judgments
of the several plaintiffs- shewing the priority of the
same. 2nd An account of the transactions of Mary
F. Gale as administratrix of Joseph Gale dec^d.
3rd An account of the interest & the amount to
which the said Joseph W. Gale is entitled in & to the
the estate of his late father Joseph Gale, & all sums
or amounts which may be due & owing from

3rd An account of any real estate to which the said Joseph H. Gale—may be entitled—or was entitled at the date or times of the several judgment of the plaintiffs.

A copy - Irish.

N. P. Young & Co.

Commissioner's Office, Isle of Wight County -

Decr. 27th. 1839,

The parties interested in the foregoing decree, are hereby notified that I have appointed the 22nd day of February next at my office, to take the accounts mentioned in the said decree. At which time & place they are required to attend.

Given under my hand as a
 Commissioner of said Court the day
 & year first aforesaid.

A. P. Young

With a knowledge Review of the above studies.

Robt Whitney

C B Hayden

Atty for Mary F Gale
in her own right & as ^{advers}

in her own right & as

Herrman & Co.

res. *Melospiza bicolor*

Dr. H. Gale Jas.

[illegible]

Know all Men by these Presents, That we George R. Atkinson & Robert H. Whitfield

are held and firmly bound unto the Commonwealth of Virginia in the sum of Two
Thousand Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this 6th day of December
in the year of our Lord, one thousand eight hundred and fifty Eight

The Condition of the above Obligation is such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 19th day of October 1858
in a cause depending in the said Court, in which John B. Whitehead and William
H. Sumner Merchants & partners trading under the firm
& style of Sumner & Co. are Plaintiff, and
Joseph H. Gale, James P. Jordan Mary J. Gale and
of Joseph Gale Decd & others are Defendant, the
above bound George R. Atkinson was appointed a special
Commissioner to Receive out of the Clerk's office the Bond
of John M. Shivers & William B. Whitehead filed in
this cause, payable to him for one thousand & twenty dollars,
and the same collect & out of the proceeds thereof, first pay
the expenses of sale made by him, then pay the sum of seven
hundred & six dollars & 16 cents with interest from 11th Mo. 1856 to Thomas
& Adams in the proceedings mentioned, & the balance pay to Robt H. Whitfield
Att. for the plffs. & make report to Court.

Now, if the above bound George R. Atkinson shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

Geo. R. Atkinson (SEAL.)

Robt H. Whitfield (SEAL.)

(SEAL.)

Hennan No.

m.

3 cont.

3 att. find

Make p.

Dec 16/1838 filed

Budget — 100
Edoia — \$400.
Dank — \$1200.
Martha — 1000.

Smithfield Sept. 19. 1861

Dear Sir

Mr. H. Gale has been here to day -
I apprized him of the post movement -
and told him that to-morrow week
would be better than the 25th as suggested
by Mr. Haydon. But after he left it
occurred to me that I had an appointment
in Petersburg, and might possibly not be
able to return by Thursday the 27, I
now write to request that you issue
your Duponnois &c. to Friday the 28th -

I told Shivers that Friday^{28th} would be the day
If you see any Mr. P. Gay with
him I want to see him.

Very truly
D. H. H. H. H.

Recommend for Gale, besides those already offered
Bele, (the one not examined), Charles Wesley
Ditt, Elias J. Batten (he has returned) &
Richd. Edwards who keeps store for W. H. Stephens

D. H. H. H.

S. H. H. H.

Sept. 13. 1857

Dr Atty.

I ~~have~~ been long, so to go to the
Spring for my arms sake - Expect to be at
our Co. Court. as before - Please see Mr. Hay.
- I am about taking the depositions, in case
of Herman & Co. vs. O. Gale & adms & als.
- By referring to the depositions taken
in the dismissed suit of Gale & H. Gale's
adms, you will see the depositions of Bell
& als, summon them, and be governed in your
examination, by the questions therein pro-
vided - indeed it would be as well
to read over to them their answers - Sum-
mon also Geo. M. Shivers &c. I must
leave the matter to you & Mr. Hayden.

Very truly
Yrs. W. H. Whitfield

P.S. If any thing should prevent
my being at Court, please have my
depositions, & all papers, regarding information
taken filed ready -

9 Oct. 1857

Dr. B. Whitford
New Bedford
for Dr. G.

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY,—GREETING :

YOU ARE HEREBY COMMANDED TO SUMMON *Samuel J. Hargrave &*
Thomas W. Pinkorn, Josiah P. Gay & J. B. Whitcomb
& Eben S. Ely
undersigned one of the commissioners of the *father's office*
to appear before the *Circuit* Court of Isle of Wight County, at the Court House of said
County, on the *4th* day of *October 1860* next, to testify and the truth to
say on behalf of *Mary T. Gale adm'r. of Joseph Gale dec'd.*

& before said Comm.
in a certain matter of controversy in our said Court, depending and undetermined between *J. B. Cornsaw*
& Co. plff. and said Gale tols. defts.

and this the witnesses shall in no wise omit under the penalty of the law: and have then and there this summons.

WITNESS, N. P. YOUNG, *Comm.* Clerk of our said Court, at his Office, the *28th* day of *Sept.*
1860, in the *85th* year of the commonwealth.

N. P. Young co.

Executed Oct. The 2nd day 1860 a true
notice of the within on Thomas W. Pinkham
and on the same or I executed a true
notice of the same on Samuel J. Mayson

Notary Public for

Jos. P. Mayson

Executed on Jos. P. Whitman and E. D. Gray
on 1st day of Oct. 1860 & I acknowledge the
same of the same. Jos. P. Mayson

Notary Public for
Jos. P. Mayson

Mr. H. G. G. G.
of Jos. P. Mayson
Oct. 1860.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Ide of Wight* County, Greeting:

WE COMMAND YOU, That of the goods and chattels of

Joseph H. Gale

late in your bailiwick, you cause to be made the sum of *fifty five dollars & 43 cents*
with interest thereon from the 9th day of January 1857. till paid.
which *H. H. Womble & S. Junius Wilson* late Merchants and partners
under the firm & Style of Womble & Wilson

lately in our *County* Court of *Said* County, has recovered against the said
Gale

also *\$6. 81*

which to the said *Womble & Wilson*
in the same Court were adjudged for ~~for~~ *their* costs, by *them* about *their* suit in that behalf
expended; whereof the said *Gale* is

convict, as appears to us of record; and that you have the same at the Rules at the Clerk's Office of our
said Court, on the first Monday in *September* next, to satisfy the said *Womble &*
Wilson

the *Debt* and costs aforesaid. And have then there this writ. Witness, NATHANIEL P.

YOUNG, Clerk of our said Court, at the Court-House, the *6th* day of *August*
1857, and in the *82^d* year of the Commonwealth. *N. P. Young*

a copy.

Teste. J. C. Latimer Clk.

Geo. East. Jr. 27

Wmble & Wilson

vs. 3 Chafa

Jos. H. Gale

To Sept 1857,

Whitfield Co.

A. Copy

Aug 5-5-43 with date 9th Jan'y 1857

\$501 cent - 1000 5/100

At a Court Continued Held. for Isle of Wight
County On the 3rd day of August 1857.

Henry M. Womble and Francis Wilson Merchants
and partners trading under the style and firm of
Womble & Wilson. Plffs

against vs In Debt.
Joseph H. Gale. Def

The Judgment obtained at rules, not
having been set aside, and the plaintiffs being now
entitled to a final judgment, On the motion of the
plaintiffs by their attorney it is considered that they
recover against the defendant the sum of \$55. 43cts.
with interest thereon from the 9th day of January 1857,
till paid, and the costs in this behalf expended.

A Copy

(Forfe.) J. C. Latimer D.C.

Munroe & Wilson
vs. Zephyr Ind. Co.
Sale.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Ide of Wight* County, Greeting:

WE COMMAND YOU, That of the goods and chattels of

Joseph H. Gale

late in your bailiwick, you cause to be made the sum of *One hundred and forty dollars,*
with interest from the 25th day of August 1856. till paid.

which *Francis Whitley*

lately in our *Circuit* Court of *Said* County, *has* recovered against the said
Gale in debt

also $\$7. \frac{65}{100}$

which to the said *F. Whitley*

in the same Court were adjudged for *his* costs, by *him* about *his* suit in that behalf
expended; whereof the said *Gale is*

convict, as appears to us of record; and that you have the same at the Rules at the Clerk's Office of our
said Court, on the first Monday in *July* ——— next, to satisfy the said *F. Whitley*

the *Debt* and costs aforesaid. And have then there this writ. Witness, NATHANIEL P.

YOUNG, Clerk of our said Court, at the Court-House, the *22^d*
1857, and in the *81st* year of the Commonwealth.

day of *May*

N. P. Young cc
J. C. Latimer D.C.

a copy.

Test.

Came to hand May 28. 1857. at 10 o'clock A.M.
Jos. P. Gay Shff.

Leir. Cot. p. 126.

S. Whitley

vs. Wm. Trifa

Jos. H. Gale

To. July 1857.

Whitley pay

I can find no property on
 which I can levy this
 execution

Jos. P. Gay shff.

June 30th 1857.

Long 4/12.0 with shff. 25. and 1858
 11.0000 654 10 12.4
 7.05. Cent

This execution is subject to a credit of \$11.00
 paid on the 10th February 1857, as per receipt on the
 bond.

Chas.

A. J. Young

Whitely

^{N.}
Galea Swigart

\$140. with interest 20 -
of Aug 2 1856

and of p. on 10 24.56
\$1.63 cents

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of

Isle of Wight

County, Greeting:

WE COMMAND YOU, That of the goods and chattels of

Joseph H. Gale

late in your bailiwick, you cause to be made the sum of *Sixty dollars* with interest thereon from the *9th* day of April 1856. till paid.

which *Josiah H. Underwood*

lately in our *Circuit* Court of *Said* County, has recovered against the said *Gale*.

also *\$7. 65.*

which to the said *Josiah H. Underwood*

in the same Court were adjudged for *his* costs, by *him* about *his* suit in that behalf expended; whereof the said *Jos. H. Gale* is

convict, as appears to us of record; and that you have the same at the Rules at the Clerk's Office of our said Court, on the first Monday in *July* — next, to satisfy the said *Underwood*

the *Debt* and costs aforesaid. And have then there this writ. Witness, NATHANIEL P.

Young, Clerk of our said Court, at the Court-House, the *22^d* day of *May*

185*7*, and in the *81st* — year of the Commonwealth.

a copy.

Test.

N. P. Young *cl*

J. C. Latimer D.C.

Leir. Ct. p. 125.

Jos. H. Underwood

ad. $\frac{1}{3}$ Fifa

Jos. H. Gale

To. July 1857.

Whitfield p. 9

I Can find no property
on which I can levy
this Execution

Jos. J. Gay shff.

Sum 30⁰⁰/57

Sum 30⁰⁰ - with int. 9 Sept. 1856
7.65 cents.

Sum to James May 23. 1857 at 10 - Octob. 28. 1857

Jos. J. Gay shff.

At a Circuit Court held for Isle of Wight County on the
19th day of May 1857.

Joseph H. Underwood for John T. Underwood Plff.
against In D. Ct.

Joseph H. Gale. Def.

The judgment obtained at rules, not having
set aside, and the plff. being now entitled to a final judgment.
In the motion of the plaintiff by his attorney, it is considered that
plaintiff recover against the defendant the sum of \$60.00.
with interest thereon from the 9th of April 1856. till paid, and
the costs in this behalf expended.

A. Copy

Teste

J. C. Latimer L. C.

W. H. Underwood.

W. Smith

S. H. Gale

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Ide of Wight* County, Greeting:

WE COMMAND YOU, That of the goods and chattels of *Joseph H. Gale*

late in your bailiwick, you cause to be made the sum of *One hundred and fifty one Dollars and twenty six cents* - with interest thereon from the *14th* day of *March* 1857. till paid.

which *John B. Whithead and William H. Turner* - merchants and partners under the firm and style of *Herrman & Co.*

lately in our *Circuit* Court of *Said* County, have recovered against the said *Jos. H. Gale* in debt -

also *\$7. 65*
which to the said *Herrman & Co*

in the same Court were adjudged for *their* costs, by *them* about *their* suit in that behalf expended; whereof the said *Gale* is

convict, as appears to us of record; and that you have the same at the Rules at the Clerk's Office of our said Court, on the first Monday in *July* — next, to satisfy the said *Herrman & Co.*

the *Debt* and costs aforesaid. And have then there this writ. Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at the Court-House, the *22^d* day of *May* 1857, and in the *81st* year of the Commonwealth.

a copy

Test.

N. P. Young *cl*
J. C. Latham *De.*

Leir's bot. pl. 126.

Hemlock Res.

co. $\frac{3}{4}$ Lifa

Dr. H. Gale

20 July 1857.

Whipped pg.

I can find no property
on which I can lay
this execution

Dr. P. Gay Shiff.

June 30th 1857

Home to Grand May 23rd 1857.

at 10 o'clock (am).

Dr. P. Gay Shiff.

At a Circuit Court held on the 19th day of May 1857,
for the County of Isle of Wight.

John B. Whitehead and William H. Turner, Merchants and
Partners under the Style of firm of Hermons & Co. Plffs.

against
Joseph H. Gale

vs

In Debt

Deft

The Judgment obtained at Oules, not having
been set aside, And the Plaintiff being now entitled to a
final Judgment, On the motion of the plaintiff by his attorney
it is Considered that they recover against the defendant, the
Sum of \$151.26. with interest thereon from the 14th day of
March 1857. all paid. And the Costs in this behalf expended.

a Copy.

Teste. J. C. Latimer D.C.

Warman N.H.

no. 3 loc. 1st.

Gale

151. 28. with 1st. from 14 Nov. 1857
7.08 last

At a County Court held for Isle of Wight County on the
4th day of May 1857.

On the Motion of Mary F. Gale who made oath - &
with George Goodson and William¹⁶ Goodson her Securities
(who Justified) Entered into & Acknowledged their Bond
in the penalty of \$8000: 00 - with Condition according to
law. Certificate of administration is granted her on the
Estate of Joseph Gale decd: in due form of law.

A Copy

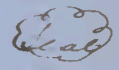
Teste

J. C. Fanner D.C.

Dr. appointing May 5
Gale admr. of
Jas. Gale. Decd.

This Indenture made this 3^d day of March 1857. Between Joseph
W. Gale of the first part, Elias J. Battin of the second part,
and James P. Jordan of the third part - all of the County of
Isle of Wight & State of Virginia. Witnesseth; Whereas the said
Jos. W. Gale is indebted to the said Elias J. Battin in the sum of
four hundred and fifty dollars - due by bond bearing date the
second day of March 1857. which sum of money with the
interest accruing thereon - the said Joseph W. Gale is willing
and desirous to secure to the said Elias J. Battin his heirs or
assigns - & for that purpose doth grant & convey in trust -
unto James P. Jordan - the herein after mentioned property.
This Indenture therefore witnesseth - that the said Joseph W.
Gale - for and in consideration of the sum of one dollar to him
in hand paid by the said Jas. P. Jordan at & before the sealing
and delivery of these presents, the receipt whereof is hereby -
acknowledged - he the said Joseph W. Gale - hath granted -
bargained & sold - & by these presents - doth grant - bargain
& sell unto the said Jas. P. Jordan, his heirs or assigns - the
following named property to wit: One bay horse, 2 Beds
& Stead - One Bureau - One wash Stand - 2 falling Tables,
One rocking Chair - 1/2 Dozen Case bottom D^s. One D^{ry}.
winder Chains - Carpet & Rug - Set of Crockery & wood
ware - 2 Spiders & 2 Iron Pots - One D^{ry}. Knives & forks,
four cows & five hogs - Two Cows - bridle & saddle - Eighteen
barrels of Corn - & five hundred pounds of fodder - one double
barrel Gun & thirty dunghill fowls - to have & to hold the
aforesaid property unto the said James P. Jordan his heirs and
assigns To the use of him the said Jas. P. Jordan his heirs and
assigns forever. Upon this special trust, that the said Jas.
P. Jordan shall permit the said Joseph W. Gale to remain
in quiet and peaceable possession of the aforementioned
property - & take the profits thereof to his own use - until the
said Elias J. Battin his heirs administrators or assigns
shall require payment of the aforesaid debt with interest.
That if the said Joseph W. Gale fail to pay the said debt
with the interest to the said Elias J. Battin his heirs or assigns
when required so to do - that then - in that case - the said

James P. Jordan shall proceed to sell at public auction for cash
The aforesaid Articles of property - after having advertised the
time & place of sale at least ten days previous to the day of
sale - that out of the proceed arising therefrom - first -
Pay all costs & charges attending - out - thereon - then pay ~~the~~
unto the said Elias J. Patton his heirs or assigns - his debt with
interest as aforesaid - and the surplus of such proceed -
(if any) pay unto the said Joseph H. Gale his heirs or assigns.
In witness whereof the said parties to these presents have
hereunto set their hand and seals this day & year first -
above written.

Joseph H. Gale 
Elias J. Patton 
James P. Jordan 

Isle of Wight County to wit. O

J. William H. Casey a Justice of the peace for this County
aforesaid in the State of Virginia - do Certify that Joseph H. Gale
Elias J. Patton & James P. Jordan whose names are signed
to the writing above - bearing date on the 3^d day of March
1857. have acknowledged the same before me in my
County aforesaid. Given under my hand this 4th day of
March 1857.

Wm. H. Casey J.P.

In the Clerk's office of Isle of Wight County Court. March 4th.
1857. This deed was received - and admitted to record upon
the Certificate hereto annexed of Wm. H. Casey a Justice of the
peace for the aforesaid County - of its acknowledgement before
him of the parties thereto.

A copy
Teste. N. O. Younger
Teste. F. C. Latimer D.C.

Joseph W. Gale

Y. } Trust Deed

Law. P. Jordan trustee
for Elias J. Bateman

This deed made the 11th day of November in the year 1856
Between Joseph H. Gale of the one part, and George R. Atkinson
of the other part, Witnesseth; That the said Joseph H. Gale doth
grant unto the said George R. Atkinson One tract of land—
Containing about One hundred & thirty acres, lying and
situated in the County of Sealefright—in the State of Virginia
adjoining the land of Joseph Gale, James Scott & John M.
Thomas— And is the same tract of land divided to said Joseph
H. Gale by Horatio Green; In trust—to secure to James
Thomas and John E. Adams— late Merchants & partners
under the firm & style of Thomas & Adams, the payment of
a certain Bond executed by the said Joseph H. Gale bearing
date on the 11th day of November 1856. payable to said Jas.
Thomas & John E. Adams— by the name of Thomas & Adams
(and being for the sum of Seven hundred and Six dollars
and Sixteen Cents (\$706.16) And it is covenanted & agreed
between the parties aforesaid, that in case of a sale, the
same shall be made after first advertising the time—place
and terms thereof— for ten days, by advertisement posted at
~~the front door~~ two or more places in said County, (and
upon the following terms to wit; for cash as to so
much of the proceed as may be necessary to defray the expen-
= ses of executing this Trust— the fees for drawing and
recording this deed—if then unpaid; and to discharge the
amount of money principal & interest then payable upon
the said bond; and if there be any residue of said purchase
money— the same shall be made payable at such time—
and be secured in such manner as the said Joseph H. Gale
or his personal representatives or assigns shall prescribe and
direct— or in case of his or their failure to give such direct-
ions— at such time & in such manner as the said George
R. Atkinson shall think fit; The said Joseph H. Gale covenants
to pay all taxes— assessments— dues & charges upon the said
property hereby conveyed— so long as he or his heirs shall hold
the same— Witness the following signatures & seals.

Jos. H. Gale (Seal)
Geo. R. Atkinson (Seal)

Isle of Wight County to wit,

I, Albert G. Moody a Justice of the peace for the County aforesaid - in the State of Virginia, do Certify that Joseph W. Gale and George R. Atkinson ~~Justices~~ whose names are signed to the writing herunto annexed - bearing date on the 11th day of November 1856, have acknowledged the same before me in my County aforesaid Given under my hand this 11th day of November 1856.

A. G. Moody J.P.

In the Clerk's office of Isle of Wight County Court, November 11th 1856. This deed was received - and admitted to record upon the Certificate hereto annexed of A. G. Moody a Justice of the peace for the County aforesaid - of its Acknowledgment before him of the parties thereto.

Teste

A. Copy

A. P. Young cc

Teste.

H. C. Latimer D.C.

Joseph W. Gale

of } Just. Reed

Geo. R. Atkinson Justice for
Thomas & Adams

A Copy

Warrant for sale

(1)

Hale to all

This cause came on this day to be again heard on the papers formerly
read and was argued by counsel. On consideration thereof and it
appearing to the court that more than seven years has elapsed
since the last order therein it is ordered that the same be removed
from the docket.

Vermont Co

24

Col. 1874

Academy

October Term 1874

To be entered

Geo. S. Snow.

Ento. 12

Xth

Herman & Co & others

vs

The City

Gale's army & others

This day this cause came on again to be heard upon the papers formerly read and was argued by counsel. And it appearing to the Court that the decree rendered in this cause at the Oct Term 1857 has not been executed and the accounts therein directed have not been taken. Upon consideration whereof the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to take the following accounts:

- 1st. An account of the several judgments of the several Plaintiffs showing the priority of the same
 - 2^d. An account of the transactions of Mary H Gale as administratrix of Joseph H Gale decd.
 - 3^d. An account of the interest and the amount to which the said Joseph H. Gale is entitled in the estate of his late father Joseph Gale and all sums which may be due and owing from Joseph Gale decd to Joseph H Gale in any manner.
 - 4th. An account of the transactions of Joseph Gale as Guardian or quasi administrator of the said Joseph H. Gale.
 - 5th. An account of any real estate to which the said Joseph H. Gale may be entitled or to which he was entitled at the date of the several judgments of the Plaintiffs.
- And the said Commissioner is directed to make

report to Court with any matters specially stated
demanded pertinent by himself or which may be
required by any of the parties to be so stated.

Harmon Co & others

vs

Joseph H. Gale & others

Deceit

Oct. Term 1870

to be entered

Geo. T. Blount

Entered 27

Herman H. Co. v. L. Co.

vs.

Jos. W. Gale v. L. Co.

This cause came on this day to be heard on the papers formerly read and was argued by counsel. On consideration whereof the Court both adjudge order and decree that one of the assignments of this Court do proceed to execute the decree made herein at the October term 1859.

Norman Leo Hals ¹²

As

Los Angeles Hals

Rough sketch
Oct 18th 1869,

To be entered

Ed. J. L. Hals

Herrnan & Co vals

11.

Decree.

Gale admors & als.

(This cause came on again to be heard, on the papers formerly read, the report of Geo. R. Athrison filed, made under the order of the Ceto Term 1858, to which no exceptions have been filed: On the amended Bill, filed Sept. 1858, and the answer of Mary H. Gale admors of Joseph H. Gale decd, to the said original & amended Bill: On the amended Bill filed at July Term 1859, ^{on the answer of Mary H. Gale admors of Joseph H. Gale decd & in her own right & as executrix of his estate} later for complaint as to the adult defendants, the answer of the infant defendants, Leamy, Alex. H., Jos. W. B., Mary H. & Georgianna Gale, by A. P. Young their Guardian ad Litem - General replications thereto, exhibits & examination of witnesses & was argued by counsel: On consideration whereof the Court confirming the report of George R. Athrison, doth adjudge, order & decree - that a commission of this Court take the following accounts.)

- 1st An account of the several judgments of the several plaintiffs showing the priority of the same.
- 2^d An account of the transactions of Mary H. Gale as admors of Joseph H. Gale decd.
- 3^d An account of the interest & the amount to which the said Joseph H. Gale is entitled, as to the estate of his late father Joseph H. Gale: and all sums or amounts which may be due & owing from Joseph H. Gale decd, to Joseph H. Gale, in any manner, or from any source arising -
- 4th an account of the transactions of Joseph H. Gale, as Guardian or Special Guardian, or as debtor, of the said Joseph H. Gale - and make report thereof to the Court with any matters specially stated, deemed pertinent by himself, or which may be required by any of the parties to be so stated & -
- 5th an account of any real estate to which the said Joseph H. Gale ^{or his} may be entitled - or was entitled at the date of the several judgments of the plaintiffs -

70.
Herman to say
H

For H. G. Allen

Octo. 1859

To be entered

R. H. Baker

Herman & Co
Sales Advertising & etc -

This cause this day came on to be again heard on the papers formerly read, the report of J. R. Atkinson, made under a decree herein of October Term 1858, the amended bill filed ^{as} September Rules 1858, & July Rules 1859, taken for confessed as to all the adult defendants except Mary T. Gale, on whom process has been duly served, they still failing to appear plead, answer or demur, the answers of the infant defendants thereto by N. P. Young their guardian ad litem, & on the answer of Mary T. Gale in ~~her~~ ^{her} own right & as administratrix of Joseph Gale to the original & first amended bill taken by consent of parties as an answer to the last amended bill, general replications thereto, exhibits, & examination of witnesses was argued by counsel, on consideration whereof the court confirming said report to which no exception was filed, doth adjudge order & decree that a commissioner of this court take the following accounts, □

Herman & Co. v. als }

It.

Gale & als }

This cause came on again to be heard on the papers formerly read, the report of Commissioners Geo. R. Atkinson and James P. Emery, to which no exception having been filed, and the Amended Bill taken for confessed as to all of the defendants on whom process had been duly served. They still failing to appear and plead, answer & demur to the said Bill, on the exhibits, and was argued by Counsel. On consideration whereof, the Court ^{confirming said report,} doth adjudge, order and decree that a Commissioner of this Court take an account of the several judgments, of the several plaintiffs, showing the priority of the said several plaintiffs: also an account of the transactions of Mary Gale administratrix of Joseph Gale decd. an account of the interest, and the amount, or value thereof, of the said Joseph H. Gale in his father's estate, and which may be due to him from the said Joseph Gale his father. And the same report to Court with any matter deemed pertinent by himself, or required by the parties to be stated. And the Court doth further order adjudge and decree, that George R. Atkinson trustee, with bond, on having a receipt therefor with the Clerk of this Court, the bond executed on the 31st December 1857, by John M. Shivers & Wm. B. Whitehead, payable to the said Atkinson for \$1020.00, and paid by him with his report, and the same collect, and out of the proceeds pay the ^{expenses} costs of the sale made by him, then pay the sum of \$106.16 with interest from the 11th Nov. 1856 - due to Thomas & Adams, or the said bond of Trust mentioned: and the balance pay to North-Whisperer Attorney for the plaintiffs: and make report to Court. But this decree is to be suspended, until the said George R. Atkinson execute ~~shall~~ enter in to bond with sufficient security, in the penalty of \$2000.00, before the Clerk of this Court, payable to the Commonwealth of Va., Conditioned for the faithful discharge of his duty.

+

Herman & Co & Co

H. ³ Secret

Los. H. Gale & Co

Octo. 1858

To be entered

R. H. Baker

At A Circuit Court Continued and held for
the County of Isle of Wight—On the 20th of Octo: 1857.
John B. Whitehead (and William H. Turner, Merchants
and partners trading under the style of Hermann & Co.
and A. H. Womble and S. J. Willis—Merchants under
the style of Womble & Willis, Francis Whitley and
Isiah H. Underwood. Plffs.

(Against 3 In Chancery.
Joseph H. Gale, James P. Jordan trustee, Elias J.
Battin, George R. Atkinson, James Thomas, John E.
Adams and Frances Gale admrs. of Joseph Gale. Defts.

This Cause came on this day to be heard on the
Bill—taken for Confeeder as to all of the defendants, on
whom process had been duly served, they still failing to
appear & plead Answer & demur to the said Bill, on the
exhibits—and was argued by Counsel; On consideration
whereof, the Court doth adjudge order and decree, that
James P. Jordan who is appointed a Commissioner for
said purpose, proceed to sell at public Auction, after
having given at least twenty days Notice of the time &
place of sale, by advertisement at two or more public
places, & at the door of the Court house of Isle of Wight
County. On a credit of four months, with interest
from the day of sale, all of the property specified & conveyed
by Joseph H. Gale—in a deed of trust bearing date 3^d March
1857. to him—to secure the debt therein mentioned, due
Elias J. Battin, taking Bonds payable to himself as such
Commissioner—with Sufficient Security for the proceeds of
said sale, & State and report to the Court, the amount
of said sales, and the amount of said debt due to Elias
J. Battin, and file the said bonds with his report.

And the Court doth further adjudge order and decree
that George R. Atkinson, after having advertised the

time and place of Sale for at least twenty days - at two or more public places & at the door of the Courthouse of Sale of Wright County - On some Court day - proceed to sell on a credit of six months, with interest from the day of sale. The tract of land mentioned and conveyed to him as trustee by Joseph M. Gale by deed bearing date 11th Nov. 1856. to Secure the debt therein mentioned - to Thomas & Adams, taking bond with sufficient security from the purchaser. And that he State and report to the Court the amount of said debt due to said Thomas & Adams, & make report of his proceeding under this decree. And the Court doth further adjudge - order and decree that a Commissioner of this Court, take an account of the several judgments of the several plaintiffs, and the same report to Court showing the priority of the said several plaintiffs, with any matters deemed pertinent by himself, or required by the parties to be so stated. And the Court doth further adjudge order & decree, that Mary H. Gale render before a Commissioner of this Court an account of her transactions as adm^r of the estate of Joseph Gale dec^d. And that the said Commissioner report to Court the interest or the amount to which the said Joseph M. Gale is entitled in & to the estate of his late father Joseph Gale dec^d. But the said James P. Jordan and George R. Atkinson are not to ~~have~~ the Benefit promised to act under this decree as Commissioners aforesaid, until the said James P. Jordan shall have entered into bond in the penalty of One thousand Dollars and the said George R. Atkinson shall have also entered into bond in the penalty of fifteen hundred Dollars, each with sufficient security - in the Clerk's office of this Court payable to the Commonwealth of V^a. Conditions for the faithful discharge of their several duties as such Commissioners.

A Copy. Test. J. C. Statimer Clk

Commissioner's office, Sale of Wright County
November 30th. 1857

The parties interested in the accounts named in the within decree, are hereby notified that, I have appointed the 5th. day of January next, at my office aforesaid, to take and settle the said accounts, at which time and place they are required to attend.

Given under my hand as a Commissioner of the said Circuit Court of the said County, the day and year first aforesaid.
N. P. Young

We acknowledge legal service of the above notice.

Joseph M. Gale

Wormon Co.

no. 3000 Dec 1837
Joseph W. Lee & Co.

To 5th Jan. 1838

Wormon Co. 1838
Wormon Co. 1838
Wormon Co. 1838

Wormon Co.
1838

Herman & Co. & als

H.

Joseph H. Gale, & als ^{This day} This cause came on to be heard on the
Bill, taken for confessed as to all of the defendants, on whom
process had been duly served, they still failing to appear &
plead, answer and demur to the said Bill, on the return
and was argued by Counsel: On consideration whereof, the
Court doth, adjudge, order and decree, that James P. Jordan
who is appointed a Commissioner for such purpose, proceed to sell at
public auction, after having given ^{at least} twenty days notice, of the time &
place of sale, by advertising at two or more public places, and
at the door of the Court House of this County of Isle of Wight
on a credit of four months, with interest from the day of sale, all
of the property, specified and conveyed ^{by Joseph H. Gale} in a deed of Trust bearing
date the 3^d of March 1857, to him to secure the debt there ^{payable to himself as such corner}
mentioned - ~~and that report~~ taking bond with sufficient security
for the proceeds of said sale: And he state and report to the
Court, the amount of said sale, and the amount of said debt
due to Elias S. Batter, ^{and file the said bond with his report} ~~and the surplus if any after disburse to them~~
~~extra an account of the proceedings under the decree~~
And the Court doth further adjudge, order and decree
that George R. Atkinson, after having advertised the time and
place of sale, for at least twenty day, at two more public
places, and at the door of the Court house of Isle of
Wight County, ^{also at the C. House door,} on some Court-day proceed to sell, on a credit
of ^{Six} ~~four~~ months, ^{with interest from day of sale} the tract of Land mentioned and conveyed to
him as trustee, by Joseph ^{H.} Gale, ^{by deed} bearing date the 11th Nov. 1856, to
secure the debt therein mentioned to Thomas & Adams -
taking bond with sufficient security for the same from the purchaser -
And that he state report to the Court, the amount of said debt
due to said Thomas & Adams, and make report to the Court
of his proceedings under this decree - And the Court doth
further, adjudge, order and decree, that a Commissioner of this
Court, take an account, of the several judgments of the several

showing the priority of the said several plaintiffs
plaintiffs, and the same report to Court, with any matters
deemed pertinent by himself, or required by the parties, to
be stated. But the said James D. Jordan ~~is not to~~,
and George R. Atkinson are not to proceed to act under
this decree as Commissioners as aforesaid, until, the said
James D. Jordan, shall have entered into bond, ~~with~~ ~~to~~ ~~and~~
in the penalty of one thousand dollars, and the said
George R. Atkinson shall have, also, entered into bond
in the penalty of fifteen hundred dollars, each, with Sufficient
security, in the clerk's office of this Court, payable to
the Commonwealth of Virginia, conditioned for the faithful
discharge by them severally of their said respective
duties as such Commissioners.

And the Court doth further adjudge, order and decree
that Mary H. Gale render before a Commissioner of this
Court, an account of her transacting or administration
of the estate of Joseph Gale dec'd: and that the said
Commissioner report to Court, the interest, or the amount to
which the said Joseph H. Gale is entitled in & to the
estate of his late father, Joseph Gale dec'd.

Herman to say

for Gale vs

Oct. 1857

X

Herman Lat.

N^o

Gale br.

Oct. 10 1857.

To be entered

R. H. Baker

~~~~~

11<sup>th</sup> " Cont<sup>d</sup>.

C.

|                                                                                                |                 |
|------------------------------------------------------------------------------------------------|-----------------|
| Principal of Bond executed by John McShirrs & W B Whitehead and dated Dec 5 <sup>th</sup> 1857 | 1020 00         |
| Int on same from date to May 6 <sup>th</sup> 1859.                                             | 82 62           |
| Amount of Commissions                                                                          | 31 05           |
| " retained to pay for Writing deed, and for conveying the same                                 | 5 50            |
| " paid Thomas Adams in full of Bonds due them by Joseph H Gale                                 | 811 49          |
| " paid Robert H Whitefield's attorney for Herman A Co                                          | 254 58          |
|                                                                                                | 1102 62 1102 62 |

Smithfield May 6<sup>th</sup> 1859

To the Honorable Circuit Court of S.C. of Wight County.

Your Commissioner reports to Court that in obedience to the decree rendered on the      day of October 1858 in a suit depending in the said Court between John B Whitehead and William H Turner merchants and partners trading under the firm and style of Herman A Co and others, Plaintiffs, and Joseph H Gale and others defendants, he, on the date hereof collected the bonds mentioned in said decree with interest thereon from the date thereof, which amount Principal and interest is Eleven Hundred and two Dollars and fifty two cents - that after deducting his commissions (Thirty one Dollars and ~~five~~ <sup>and fifty</sup> cents,) and Five dollars and fifty cents to pay for writing <sup>and conveying</sup> the deed to John McShirrs which was sold by virtue of a decree rendered by said Court on the 20<sup>th</sup> day of October 1857 in the above mentioned suit depending therein, the price of which land is the consideration of said bonds, he then paid to Thomas Adams Eight Hundred and Eleven Dollars and fifty nine cents in full of the Principal and interest of the bond executed by Joseph H Gale bearing date on the 11<sup>th</sup> day of November 1856, the payment of which was secured by the deed of trust mentioned in the proceedings in the suit above mentioned, which bond is marked C, and returned herewith, that he then paid to Robert H Whitefield Attorney for Herman A Co and others, Two Hundred and fifty four dollars and fifty eight cents (the remainder of the sum received from John McShirrs) and took his receipt therefor which receipt is marked B, and returned herewith. All of which will appear by the statement above marked, C, and returned herewith,

Geo R Robinson

Herman No 14

14  
Gale 14  
Report  
of  
Commissioner

Nov, 17, 1839

Abstract of Bonds -

Recd. of George R. Atkinson trustee to Commissioner the sum of  
two hundred & fifty four dollars & 58<sup>¢</sup>: \$254.58: amount decreed  
to be paid to me, as Counsel for Herman & Co. in the suit in  
the Circuit Court of Ill. of Aug. 1857 by Herman & Co. per H. Davis  
Atkinson trustee for sale &c. This 6. of Aug 1857

Robt. H. Whitfield

(B.)

Useful Receipts  
J H Gale

\$ 706 <sup>16</sup>/<sub>100</sub>

I Promise to pay to Thomas and Adams  
or Order, Seven Hundred and Six ————— Dollars  
and Sixteen " Cents, value received.

Witness my hand and seal, this 11<sup>th</sup> day of November 1856

Jos. H. Gull



May 6<sup>th</sup> 1859 Received of  
Geo R. Atkinson Trustee of  
Joseph H. Gale and Special  
Commissioner Eight Hundred  
and and Eleven Dollars  
and forty nine cents in  
full of the within bonds

Thomas L. Adams

Joseph H. Gale

to { Bond

Thomas L. Adams

Nov 11<sup>th</sup> 1856

\$706.46

(P)

Herman, who was {  
H

for the sale of

The undersigned trustee for Balm & Co: respectfully  
Apost- in accordance with the requirements of the decree  
entered in this case, that no funds are in  
hands of trustee, nor is there any probability of there being any  
within my hands this - Octo: 1858  
Geo. P. Jordan Trustee

18

Baltic

Report for P. Emile

Master

The undersigned who was appointed, by a decree of the Circuit Court of Cole of Wright County, rendered on the 20<sup>th</sup> day of October 1857, in a suit depending therein between John B Whitehead and William B Linn, merchants and partners under the style and firm of Herman & Co and others, plaintiffs and Joseph H Gale and others defendants, a commissioner to sell the tract of lands, mentioned and conveyed to him as trustee by Joseph H Gale by deed bearing date on the 11<sup>th</sup> day of November 1856 to secure the debt therein mentioned to Thomas Adams reports to the court that in obedience to the said decree, after having advertised the time and place of sale at two or more public places and at the door of the Courthouse of Cole of Wright on December Court day, he did on the 31<sup>st</sup> day of December 1857, offer the said land for sale at public auction on a credit of six months with interest from the day of sale, at which sale John W Shivers having bid the sum of One thousand and twenty Dollars, and that being the highest bid made, he was declared the purchaser of said lands, and did execute his bond for the said purchase money, with William B Whitehead as his surety; which bond is dated on the 31<sup>st</sup> Day of December 1857 and is for the payment of One thousand and twenty dollars six months after date with interest from the date thereof, and is returned herewith. Your Commissioner also reports that the said Joseph H Gale is indebted to Thomas Adams in the sum of Seven Hundred and six dollars and sixteen <sup>cents</sup> due on the 11<sup>th</sup> day of May 1856 as is witnessed by his bond bearing date on the 11<sup>th</sup> Day of November 1856, and being for the payment of the said sum - That the interest thereon from the 17<sup>th</sup> day of November 1856 to the 16<sup>th</sup> day of May 1858 is Sixty four Dollars and fourteen cents, making the sum of Seven Hundred and twenty Dollars and thirty cents due by the said Joseph H Gale to the said Thomas Adams on the 16<sup>th</sup> May 1858.

All of which is respectfully submitted

Geo Rethman Sp. Com.

1020.  
770. 30  
\$249.70

December 6<sup>th</sup> 1858. Then Received of N. P. Young clerk  
of the Circuit Court of Isle of Wight County - the Bond of  
John M. Shivers & William B. Whitehead, returned by him  
with his report. - as com<sup>r</sup> of sale - mentioned in said report.

G. R. Atkinson

Norman He Falls

Joseph H. Galt

Adj<sup>nt</sup> of Commission

May 17, 1858

"By"

Recd. March 31<sup>st</sup> 1857 of Joseph Gale four hundred  
and forty eight dollars, in part of an execution issued  
out of the clerk's office of Eschwege Co. the 8<sup>th</sup>  
day of March 1857 to the said Joseph Gale & Joseph  
L. Gale in favour of Jos. B. Duck

Josiah P. Gay *Stff*

J. P. Gays  
Thrupt

The deposition of Josiah P. Gay taken before N. P. Young one of the Commissioners of the Circuit Court of Isle of Wight County, to be on the 10th day of October 1860, taken by agreement of parties, to be read as evidence on behalf of the defendants May J. Gole admr. of Joseph Gole in a suit pending in said Court, in which Harmon Geo. Gole. are plff. and said Gole Gole. are defts.

The deponent being sworn saith -  
That the receipt herewith filed, marked A. was given by him to Jos. Gole at the date thereof in payment of an Edw. in deposit, bonds on self of John Spwyler, in favor of Jos. H. Duck of the of R. D. Marshall against Joseph H. Gole and said Jos. Gole. That Jos. H. Gole was present when Jos. Gole paid the sum referred to, to wit: \$448. and stated in deponent's presence to him that he alleged that his father Jos. Gole had been compelled to pay the sum in his security.

And further deponent saith not.

Josiah P. Gay

The foregoing deposition was taken & subscribed the day mentioned in the Caption, before me as comm. aforesaid.  
N. P. Young Comr.

Henry H. H.

Depo. of  
I. P. Gov  
Gold r.

1  
The deposition of John M. Shivers, Alfred Bell  
Charles W. Pitt, <sup>Ellis D. Boffie</sup> and Richard Edwards taken  
before H. P. Young one of the commissioners of  
the circuit court of Isle of Wight County, at his  
office, on the 28th. day of Sept. 1860. to be read  
as evidence on behalf of Messrs at Co. vs. M.  
M. J. Gale admr. of Joseph Gale decd. Jos. H. Gale  
vs. in a matter of accounts pending before  
said commissioners.

The deponent Jas. M. Shivers being first duly  
sworn deposes & says -

Question by Plaintiff's Counsel: Do you know the tract of Land, lately  
belonging to Joseph H. Gale, devised to him by Horatio Green? - If so  
how long? How long a time was it occupied by Joseph Gale  
the father of Joseph H. Gale? What <sup>do</sup> you regard as a fair annual  
value of the premises during the time it was occupied  
by Joseph Gale? say from 1842 to 1850? To whom does the land  
now belong? - Where

Ans. - I do know the ~~said~~ tract of land above referred  
to, and have known it for the past twenty  
two or three years - I know that the land  
was for some time occupied by Jos. Gale,  
but how long I do not know. I now own  
the land, and rent it out for \$50. I think  
it was worth as much when Gale, Joseph,  
(<sup>he being under no restrictions</sup>) occupied it, as it is now - I think \$40.00  
would have been a fair annual  
value for the land whilst in Jos. Gale's possession.  
My impression is, that the buildings must have  
been in a much better condition whilst in  
Jos. Gale's possession than they are now, the

building, was in bad condition when I bought it, which was about 3 years ago.

Ques. Examined by counsel for M. F. Gole & Co. Do you know the condition of the premises when Jos. Gole took possession of it & what he was in possession of -

Ans. I do not.

Ques. Did land rent as high from 1842 to 1856 as since 1856 to the present time.

Ans. I think, as a general thing, they did not.

Ques. Have you improved the place since you owned it -

Ans. I have not except to put the under a good fence. I think the fence cost me about \$100.

Ques. Do you know whether Jos. Gole allowed his son Jos. H. Gole more privileges than he did his other children as to education & such?

Ans. I do not - I had no opportunity, I have frequently seen Jos. H. Gole hounding for wood &c. for his father as I supposed.

Ques. How much of the land is cleared & how much did Jos. Gole clear of it.

Ans. I think there are 60 or 70 acres cleared I do not know that Jos. Gole cleared any of it, if he did he worked it hard afterwards. He let a good deal of it grow up.

Ques. How long will such a fence as you

have put on the land, last? -  
Ans. I think that such a fence would last without repair eight or ten years - and with slight annual repairs, it would last a lifetime.

It was examined by counsel for Plff.

Ques. What was the orchard worth from 1842 to 1856 -

Ans. I think it was worth \$20. per year & for the last 10 years it has been worth more, as during that time there has been good demand for horse apples & there were a good many of them in the orchard.

Ques. Do you think the land worth \$40. per annum & the tenant to keep up the fencing -

Ans. I do - It is worth that & keep the fence up - <sup>if under fence after he occupies it</sup> I think that 10¢. cent on the original cost of a fence, will keep it up.

It was examined

Ques. If Jos. Gole had to put up a new & good fence when he took possession of the land, how much do you suppose it cost him & what was the condition of the fence during his occupancy?

Ans. I think it would have cost \$150, to put up <sup>an original</sup> such a fence <sup>as is now around</sup> the land. <sup>but I think that Jos. Gole had done</sup> The condition of the fences on the land whilst occupied by Jos. Gole was generally bad I think Jos. Gole found good a fence when he took possession, or ~~as~~ he left, because

The land had been occupied by its owner until Jos. Gale took possession & I think I discovered no difference in the price after it went into Jos. Gale's possession, I do not think the repairs he put on it were calculated to show that the price of or he found it.

And further deponent saith not  
 Mr. M. Shivers.

The deponent Alfred Bell being first duly sworn deposes & says

That, by Blamette Counsel: Do you know the Land of Mrs. H. Gale? How long was it occupied by Joseph Gale? What do you think was a fair annual rent for the Land during the time it was occupied by Joseph Gale he to keep up the fences? Did Joseph Gale cut any wood or sell it from the Land?

Ans.

I have known the said Land for twenty years. It was occupied by Jos. Gale from the first of 1843 to 1856. I suppose \$40. or \$45. would have been a fair annual price for the land & the amount to keep up the fences, <sup>Mr. D. Gale asked me \$50. for it</sup> Jos. Gale did haul off wood from the land, but how much I do not know.

Q. Do you <sup>know</sup> in what manner the premises were managed & whether it depreciated in value whilst Gale had possession, or not?

Ans. I think the condition of the land was worth less when Gale left the land than

when he took possession of it, and that the premises had depreciated in value.

Cross Examined by Dfs. Counsel

Qst. Were you acquainted with the land in question in 1843?

Ans. I was well acquainted with it.

Qst. Do you know whether land set for more or less now than they did <sup>in 1843</sup> ~~then~~?

Ans. I do not.

Qst. From 1850 to the time of Jn. Gole's death who cultivated or rented out the land.

Ans. Jn. Gole did himself either cultivate it or rent it out.

Qst. In estimating the rent as you have done at \$40. or \$45. ft. (year, do you mean that it was worth that besides keeping up the fence

Ans. I mean that Mr. Gole ought to have paid that and besides keep up the fence.

Qst. Do you know whether during that time Jn. Gole ever received any of the rents or crops.

Ans. I do not.

Qst. Do you know what Jn. Gole rented the land out for - & whether he put any repairs on the place.

Ans. I do not.

Qst. by Ptf. Counsel.

What was the condition of the fencing generally whilst the land was in Gole's

possession.

Ans: It was only dollarable.

Ques: Did Jos. H. Gole work for his fellow  
Jos. Gole during this time.

Ans: He did work there several years,  
slaughtering & hauling.

And further this deponent saith not.

Alfred Bell

Charles W. Pitt being first duly sworn deposes  
& says.

Ques: by counsel for complainant.

At a public sale of the goods of Joseph H.  
Gole at his store, in whose name were the  
bonds for purchase, taken - was Jos. Gole at  
the sale & superintending it - who kept the  
account of sales & what they amt. to - was the  
sale & whole matter given up to Jos. Gole &  
who took possession of the bonds & how  
much he did the sales amt. to?

Ans: They were taken in Jos. Gole's name as well as I  
recollect - Jos. Gole was at the store during the  
sale helping - I kept the acct. of sales the most  
of the time & W. E. J. Bottom shipped me - I do  
not know that the whole matter was given up  
to Jos. Gole, nor do I know who took possession  
of the bonds, nor do I know the amt. of sales.

Cross Examined by def. Counsel.

Ques: What was the amt. of bonds taken  
for purchase at said sale?

Ans: I do not know.

Ques: What amt. of bonds did you see payable to  
Jos. Gole -

Ans: I don't know.

Ques: Are you prepared to say that all the  
bonds taken at the sale were payable to Jos.  
Gole -

Ans: I am not.

Ques: Who received the cash proceeds of said sale.

Ans: Jos. Gole recd. an amt. from N. J. Powell  
how much I do not know. I don't  
know who received the cash sales generally  
and further this deponent saith not.

C. W. Pitt

that the houses he put up & the garden, were worth about \$60. and that he paid me from \$5. to \$10<sup>++</sup> every other year so long as he remained there, for repairs to the dwelling. Jos: Gole cut down & cleared some 5 or 6 acres of old field land.

Ques. Do you know whether Jo: Gole was more liberal or indulgent to Jos. W. Gole than to his other children -

Ans. I know that just before he was freed his father boarded him out & sent him to school for two or parts of two years. But up to that time he had generally worked on the farm. I know that before he was free he owned watches - but where he got them, I do not know.

Cross examined.

Ques. Do you know of what material the garden alluded to, was built - and likewise the stable & crib - and what was the condition of those house & garden in 1856 when Jo: Gole gave up the premises.

Ans. The garden was a good large garden, built of wood slats and rails & cheap pine posts - it would last some 7 or 8 years - The kitchen & crib were built of pine poles & plank in the ordinary way, the kitchen had a common stick & plaster chimney - I do not know their condition in 1856 when Gole left.

Mr. Jos. Gole also built ~~two~~ <sup>two</sup> sheds to the  
~~house, one for shingles & with a good~~  
 The improvements then made by Jos. Gole, placed  
 the premises in tenable order - and  
 the repairs but on yearly were necessary  
 to keep it in tenable order

Ques.

Did not Gole cultivate the land on the  
 Did he have more land cleared than  
 when he received it. Did he cut &  
 sell wood from the land & how long  
 & how much

Ans. He cultivated the land every other year, it  
 was originally very poor.

There was more land cleared when he left  
 it than when he received it.

He cut & hauled wood for some years but  
 when he cut it & how much I can't say.

He cut & hauled at least five cords every  
 year. He had no land but that until he  
 bought the land <sup>in 1830</sup> & I think he must have cut  
 it from J. H. Gole's land - The orchard was in  
~~very~~ worse condition when he left than  
 when he went there - He was in the habit  
 of tending the orchard & I think tried to  
 keep it up, but from age it necessarily  
 depreciated. The wood he sold for \$2. per  
 cord. I think the land when Jos. Gole died ~~deigned~~ <sup>deigned</sup> is worth \$40 per acre

And further this deponent swears not,

J. H. Carroll

George Goodson, being sworn deposes as  
 follows.

Ques. Do you know the land devised by H.  
 Green to Jos. H. Gole? State what steps  
 - <sup>or</sup> ~~minutes~~ you have for knowing the same  
 what was its condition at the time  
 Jos. Gole took possession of it. What  
 improvements did he put thereon & what  
 was the value thereof including such  
 buildings as were put up & the repairs  
 to houses &c.

Ans. I do know the land, I lived on the  
 land many years before Green's death,  
<sup>for many years</sup> when Mr. Gole took possession, the land  
<sup>it had been built to good amount</sup>  
 fences & houses were in good order. Mr.  
 Jos. Gole married my daughter, I frequently  
 there & know that he was often compelled  
 to make repairs on the premises -  
 He built a new kitchen, crib, & shed  
 cloath & garden - He put new sash in  
<sup>some of</sup> the windows & <sup>having he don't think</sup> ~~glazed~~ <sup>and</sup> made  
 repairs to the fire place, plastering & wall  
 of the cellar. The house was in very good  
 order at the time of Mr. Green's death, he  
 not having occupied it for some time.  
 I think the repairs & improvements made by  
 Jos. Gole on the premises, including the buildings  
 he was worth \$25. annually during the time  
 he held the land in possession, that is  
 until he moved from there. Joseph  
 Gole gave

11  
Ques. What rent did you pay for the land  
and what did it rent for after  
H. Green's death

Ans. When I rented the land it was in  
good order, some 30 years ago, there  
was a still & apparatus for saving the  
fruit & I paid \$50. I think it  
rented after H. Green's death for \$28.  
or \$30. but I am not certain.

Ques. Say whether Jos. Goh indulged his  
son Jos. H. Goh in clothing, schooling  
& more than he did his other children  
and did he spend more money on  
him than the rest.

Ans. He did indulge him more than  
his other children, he boarded him out  
& sent him to school part of one or  
two years, which he did not do with  
his other children - I do not think he  
could have afforded it with the others.

Prop. Examined by plty. Counsel.

Ques. Where do you live, & where have you  
lived for the last 25 years - How often  
have you visited Jos. Goh & his wife,  
your daughter, for the last 25 years or  
while Jos. Goh lived at Jos. H. Goh's place

Ans. I live and have lived for the last  
25 or 30 years in Norman and County.  
I have visited them some 5 or 6 times  
a year.

The deponent Elias J. Battin being first duly sworn, deposes and says.

Qst. by Ptlp. Counsel.

Were you at the sale of Jos. H. Gole's goods made in 1837, if yes. Tell all you know about the manner it was conducted, how the bonds were taken, to whom they were payable, the amt. of said sales &c.

Ans. I was there all the time, I heard Jos. Gole say that unless the goods were sold to secure him as security for Jos. H. Gole, he should stop the sale - Mr. H. Gole left, & in a short time returned and he commenced the sale & conducted it - I saw bonds executed for the purchasers, and they were payable to Jos. H. Gole - I only recollect three in particular - one M. N. P. Wells, one M. Duck & Co. & one M. myself. These three bonds amounted to about \$80.00 - I saw other bonds but do not recollect the amounts.

Qst. Did you ever hear Jos. Gole say that the said sale was made to secure him as security for Jos. H. Gole - & that the said Jos. Gole ever heard this in the presence of Jos. H. Gole & did he assent to it & was not the sale so made & the property surrendered to indemnify Jos. Gole as security for Jos. H. Gole.

Ans. I did hear Jos. Gole say so in the presence of Jos. H. Gole & he assented to it, and the property was sold, according to my understanding, for that purpose & the proceeds were to be taken for such purpose by Jos. Gole - I don't

recollect the exact amount, but think it was about \$400: more or less.

Prof examined by Defs. Counsel.

Ques. Was all the Cash portion of the sale made that day, paid up, & did Jos. H. Gole receive any of such cash.

Ans. I do not know whether all was paid up or not, what was paid, was paid to Jos. Gole. I do not know the amt. that was paid in cash nor do I know the amt. of bond.

Ques. Do you know the hand writing of Jos. H. Gole if you, look upon the paper marked Z. and say whether the signature there is in the hand writing of Jos. H. Gole.

Ans. I do not know his hand writing, and I am certain the signature to the paper Z. is in the hand writing of Jos. H. Gole.

and further the deponent with No. 1,  
E. J. Battin

(Z)  
Received of Joseph Gole a settlement in  
full of all demands  
September 20th  
1856

The deposition of Thomas Carroll, George Goodson, Wm. H. Goodson & Thomas Pichorn taken before N. P. (Wm.) on of the Commissioners of Isle of Wight Circuit Court, at his office on the 28th. Sept. 1860, to be read as evidence on behalf of the defendants in a matter now depending before the said Commr. between Harmon & Co. plffs. and M. F. Gole & Co. of Jos. Gole & Co. defts.

The depts. Thomas Carroll being sworn deposes & says -

Ques. by Defs. Counsel.

Are you acquainted with the bond devised by Horatia Green to Jos. H. Gole. what are your opportunities for knowing it, how long was it in the occupancy of Jos. Gole, & what you may know of any repairs & improvements thereon by Jos. Gole. What was the condition of the premises when Jos. Gole took possession thereof.

Ans. I am acquainted with said bond, I have known it for 30 years, I have lived within a mile during that time - I do not know at what time, or what year Jos. Gole took possession of the premises, but it was soon after H. Green's death, and he remained thereon some time but I do not know how long - Jos. H. Gole took possession of the premises about two years before Jos. Gole's death & he, Jos. Gole, told me that for 1855, he had the proceeds of the

of the rent himself.

I know that the premises were in very bad repair when Jos. Gole took possession thereof. That he made an ~~entire~~ new garden, built a new kitchen (log & stone) repaired the inside of the house, cellar <sup>back, going hearth &c</sup> the plastering, lathing & brick work was done by me as a workman about every other year I mended up the plastering whitewashed the house &c. The cellar was in very bad order when repaired.

Mr. Jos. Gole also built a new crib & horse stable of logs & posts & plank. The place had been rented out one or two years before Jos. Gole took possession - and the condition of the fence when Gole left the premises, was better than when he went there - He kept the fences in as good repair as any body in the neighborhood -

Qst. What would you consider a fair annual rent ~~annually~~ for the place, ~~taking~~ during time Mr. Gole had it, taking into consideration the repairs & improvements he put on it?

Ans. I think the land was worth excluding of fence \$40. per year, except for the years in which he put on the said repairs & buildings - I think for those years he should have paid no rent - or in other words, I should say

Ques. What do you think the garden, crib, & other houses & repairs said to have been made by Dr. Goble on Jos. H. Goble land, was worth -

Ans. I think the garden was worth \$10.00  
I think the crib was worth \$13. or \$15.  
I think the kitchen was worth \$25.00  
the stable \$5. <sup>such as high corn, potatoes & beefs</sup> and the other repairs I think, as Mr. Thos. Carroll says, were worth about \$15.00

Question. After the buildings were put up, dwelling house repaired & garden built above referred to, what was the annual repairs worth

Ans. I do not know of any other work or repairs having been done, except those above alluded to by Mr. Carroll

Ques. From 1843, or from the time Jos. Goble went on the land, up to the time he left there, what do you think the annual value of the land, independent of the repairs & buildings referred to, is worth

Ans. I think it would have been worth \$40. annually.

Ques. Were Mr. Jos. Goble's other children large enough to be boarded out at the time Jos. H. Goble was boarded out -

Ans. There were two others large enough whom he did not board out, Fanny & Georgiana - They were not boarded out but schooled some.

Ques. Did Jos. H. Goh ever do work at his father's - if yes - did he do as much as boy in his situation in life generally do - what kind of work?

Ans. He did do work, such as ploughing &c. but not as much as for man some, generally in his condition. And further this deponent saith not.

And further this deponent saith not  
George X. Goodson  
deponent

The taking of the remaining depositions is adjourned until Thursday the 4<sup>th</sup> of Oct. next.

N. S. Young Comr.

Taking of depositions in part of defendants, resumed, according to adjournment, on the 4<sup>th</sup> of October 1860.

William H. Goodson being first duly sworn deposes and says -

Ques. Are you acquainted with the land given by Horatio Green in his will to Jos. H. Goh if yes, say where were you apprehensive for becoming acquainted with it - before for what ans. did it come the year of H. Green's death what was the condition of the premises when taken possession of by Jos. Goh - What repairs or improvements if any, were made thereon by Jos. Goh while in his possession, and what was the value of

the same?

Ans. I am acquainted with the said land. I have often been on the land, and during the year of ~~the~~ death of H. Green, who was my grandfather, I remained after his death and worked on the land. He died in March, <sup>1842</sup> and after the crop was planted, it rented out for \$29. say about the 7<sup>th</sup> of April. Joseph Goh took possession of the premises in ~~March~~ 1843, and the land having been rented out for several years previous, it was in bad condition, the orchard had deteriorated and the houses were in a bad condition. Mr. Jos. Goh put up a new garden & yard of posts & rails - the garden would the yard nailed. ~~The~~ kitchen was repaired, another kitchen ~~blown~~ & put up in the <sup>with mud floor, roof of slabs & stick chimney</sup> yard, a <sup>new</sup> ~~new~~ <sup>split floor</sup> cabin ~~was~~ put up, new, of logs & slabs. - The smoke house was repaired, a horse stable (shed) built on one side of the barn & a shelter on the other side - There was a mud gate put up, the well was cleaned out & tiered from the bottom - The dwelling was repaired so far as to mend the backs, hearths, & walls, a potato cellar built under the house, and coals put into several windows up stairs say 3 or 4, & glazed - I think there were some 8 panes in each window of 8x10 glass - I estimate the value of

putting up the good + garden at \$15. The kitchen which was removed & put up, and the repairs on the old kitchen at \$35. The crib at \$20. The stable + shed at \$10. Smoke house at \$5. The gate at \$2.50 - The well at \$4 or \$5. and the repairs to the dwelling, windows, cellar &c. at \$10. or \$12. exclusive of the brick work + plastering + that I suppose was worth what W. Connel was paid for it say \$15.

Ques. Do you consider that the said improvements were necessary & proper & was the orchard kept up &c.

Ans. I do. The orchard was trimmed + kept up.

Ques. What was the condition of the fencing when Jos. Goh took possession & did he make any repairs to the fence + keep it up & what was the condition of the fencing when Jos. Goh gave up the land to Jos. H. Goh?

Ans. The fencing was common when he took possession, he often repaired them sufficiently to tend a crop under. When he gave up the land the fences were in tolerable order, rather better, at least, as good as when he received the land.

Ques. Do you know any thing of the purchase of a black mare by Jos. H. Goh from Jos. Goh, and what was her value, and when was that transaction.

Ans. I know that Jos. H. Goh had a black mare which had immediately before belonged to Jos. Goh, that Jos. H. Goh traded the mare off as his own, I think she was

worth from \$80 to \$100. This was. He had her in possession in shucking corn time in 1856, how much longer before he had owned her, I do not know - I do not think he had her until after he was 21 years old.

Ques.

Did Jos. Gole allow Jos. H. Gole the same or more privileges than he did his other children, in the way of clothing schooling &c.?

Ans. He was his oldest son & was clothed well - He boarded him out & schooled him some. I do not know that he brought him up & schooled him more than other men of the same means did their sons - I do not think he boarded out any other child. He had a daughter, Maryout, who was old enough but she was not - He sent Jos. H. to a better school than he did his daughter Maryout.

Prof. examined by P. P. Counsel.

Ques.

Had there been a potato cellar <sup>under the</sup> ~~the~~ <sup>place</sup> before Jos. Gole made one & was it necessary to have one then?

Ans. I do not know whether there had been one there before. I think it was necessary for the amount <sup>to</sup> ~~to~~ have the potato cellar - I would give now, <sup>and</sup> for a farm with such an one.

Ques.

Would a house rent for seven, for a term of 10 years, with such a cellar, than it would without it?

I think it would.

Q. Who put up the kitchen originally, that was removed or refused to by you. & do you think it was necessary to have the same removed to enhance the value of the premises or did it enhance the value?

A. I do not know who put it up, but suppose it was the original owner. I think it was calculated to enhance the rent. Mr. Green the original owner, had only one kitchen in the yard. The one that was removed had never been used. It was some distance from the yard. Had it been finished where it stood, it might have been rented for some \$10. or a school house <sup>if my mind is right</sup>. The material of which the yard, garden kitchen &c. were built, was of the commonest kind & would last but a short time, except the plank, which was good.

Q. Do you know whether Mr. Gole cut wood on the land & sold it?

A. He did cut some small wood for the land he cleared, & hauled it away, probably an average of 5 cords a year.

Q. Did or did not Mr. H. Gole do more work for his father than his other children? <sup>as when he was</sup>

A. He did, he had no other son large enough to work. I think the paper marked "G" is in Mr. Gole's writing.

Re-examined.

Q. Did Mr. H. Gole do as much or more work for his father than children in his condition of life generally?

A. I do not think he did more, hardly as much as such boys generally.

Q. Was the kitchen before mentioned removed at the same time the other one was removed? Had not the other or old kitchen gone down when this was removed, was the old kitchen sufficient for the house when the other was removed?

A. It was removed after the other was removed, some time after. The old kitchen had gone down a good deal before the other was removed. I do not think the old kitchen was sufficient to be occupied when the other was removed.

Q. In your former answer in speaking of his having averaged 5 cords of wood per year as sold for the cleared land, do you mean up to the time Mr. Gole attained 21 years, or only up to the time Mr. Gole occupied the place?

A. I mean only for the time he occupied the premises.

Q. Was the wood cut from original growth or second growth inferior wood?

A. It was from second growth & inferior wood.

Q. Was the clearing of the land spoken of, an advantage to the place?

A. I think it was.

Q. Was not the expense of <sup>cutting</sup> hauling such wood equal to its market value?

A. I think it was.

Q. Was not the land very poor when Mr.

Gale took possession of it?

Ans. It was.

Ques. Did such farms rent for as much from 1843 to 1853 as they have since?

Ans. I think they did.

Ques.

What do you consider would have been a fair annual rent for the land from 1844 the time Jos. Gale took possession to the time he left it - taking into consideration his improvements and repairs?

Ans. I think it would not have been worth more than \$10. or \$15.

Re crop expended.

Ques.

Supposing the repairs & improvements put on by the owner - what was the value of the land during that time annually?

Ans. I think it would have been worth \$25 or \$30. Not to exceed \$30.

Wm H Goodson

Thomas W. Pinchess being sworn  
deposes & says.

Ques.

Were you intimate with the late Jos. Gale, have you had opportunities of seeing the wood cut by him from the land of Dr. H. Gale, and was it not cut from the land cleared by him?

Ans.

I was intimate with Jos. Gale, being frequently at his house whilst he lived on Dr. H. Gale's land. I cannot say that Dr. H. Gale ever cut & sold any wood from the land

I only know that he cleared a portion  
of the land next to the factory,  
and further south next

Thomaz-r. Pinken

The foregoing depositions were taken and  
subscribed before me in my office on the  
days mentioned in the captions.

Given under my hand ~~as~~ as a com-  
missioner of the said Court, this 4<sup>th</sup> day  
October 1860.

N. P. Young

Witness Attendance for Plff:

Alfred Belle 1 day

Edw. W. Pitt 1 "

E. J. Batten 1 "

Geo. M. Oliver 1 "

Richd. Edwards 1 "

Andrew Bell 1 "

Witness Attendance for Defs.

Jos. B. Whitehead 1 day

Thos. Canoll 2 "

S. J. Hargrave 1 "

Thos. W. Pinken 2 "

Geo. Goodson 1 "

Wm. H. Goodson 2 "

The deposition of Robert D. Marshall taken  
by consent, before N. P. Young on of the Comm.  
of the District circuit court, at his office on  
the 5<sup>th</sup> day of October 1860. to be read as  
evidence on behalf of the defendants in  
a suit now pending in said court between  
Hessman & Co. soc. plff. and Mary F. Gold agents  
of Jos. Gold soc. defts.

The deponent being first duly sworn deposes  
says, That on the 25<sup>th</sup> day of August 1856  
Joseph H. Gold executed to him, deponent, his  
bond, with Joseph Gold as his security, for the  
sum of \$420.54. That he is confident of

The fact that Jos. Gole was security and not  
a principal to the said bond, because he  
sold the goods, for which the bond was given,  
to Jos. W. Gole and he executed the bond therefor  
with his father security in compliance with  
the previous bargain. That, after word, sent  
on the 27<sup>th</sup> Sept. 1836, the deponent assigned the  
said bond to Joseph W. Duck - and that  
the bond exhibited to deponent, upon which  
suit was brought & judgment obtained by said  
Jos. W. Duck against Joseph W. Gole and  
Joseph Gole is the same bond that was  
executed as aforesaid & assigned as aforesaid  
to said Duck.

And further this deponent soth swd.

R. D. Marshace

The foregoing deposition was taken & subscribed  
before me as Commissioner aforesaid  
on the day mentioned in its caption.

N. D. Young com.

Herman Co. Ind.

n. { Depositions

Gold acct. Ind.

Herman Alv.

H.

Gales admitted as -

— The plaintiff by their income, except to the deposition of Mr. B. Whitehead, taken in their cause. Because, the same is too loose, irrelevant, indirect & not based on his personal knowledge &c.

Octo. 1859 -

R. Whitehead Esq.

Excepting to  
J. B. Whitehead  
Acquaintance

Commissioners Office, Isle of Wight  
County. Sept. 28. 1859.

The Depositions of Joseph B. Whittier  
and Thomas Carroll, taken before A.  
J. Young, one of the Commissioners of  
the Circuit Court of Isle of Wight County,  
at his office, at the Courthouse of said  
County, on the 28<sup>th</sup> day of <sup>1859</sup> 1859,  
<sup>Mary F. Gale administratrix of Dr. Joseph H. Gale deceased & the wife of J. H. Gale</sup>  
taken in behalf of the defendants, to  
be read as evidence in the suit in Chancery  
depending in said Court, between Herman  
Hos. & Co. plaintiffs, and Joseph H. Gale,  
Mary F. Gale administratrix of Joseph  
Gale deceased & others defendants.  
Joseph B. Whittier being duly sworn says,  
Ques. Are you acquainted with the  
land devised by Horatio Green to Joseph H.  
Gale, and what were your opportunities for  
becoming acquainted with said land?  
Ans. I have known the land, so devised,  
from 1819 to the present day - I have  
surveyed the land as a surveyor, & have owned  
land adjoining it for 20 years - I have  
frequently passed by, and observed it from  
1819 to the present day & my attention  
has been drawn to it by the sterility  
of the soil of the open land, and I  
consider it the poorest piece of open  
land in <sup>the lower part of</sup> Isle of Wight County -  
Ques. Do you know the condition of  
the said land & the houses thereon, at

the time of Horatio Green's death?

Ans. The land was very poor and the houses in very bad condition.

Ques. Have any permanent improvements been made on the land since Horatio Green's death, and by whom, if so state the improvements & whether the improvements were necessary?

Ans. Improvements <sup>repairs</sup> have been made to the dwelling & other houses since H. Green's death, and a mud log kitchen put up, which I think were necessary to be done - These improvements were made whilst the land was in the occupancy of Joseph Gole, and I presume by him, though I do not know the fact.

Ques. Do you know when Jos. H. Gole took possession of the said land, if you do state when?

Ans. Jos. H. Gole took possession, of my knowledge, in Jan. 1836, and cultivated the land in connection with his father and had his share of the crop.

Ques. Do you know whether Jos. H. Gole during his minority, regarded his father as his guardian?

Ans. I know that he did not regard

his father as his legally qualified guardian. because he, Jos. H. Gole, told me he was not, and I advised his father to qualify & have his accounts settled in his lifetime - I know that his father allowed Jos. H. Gole further privileges <sup>ought to have allowed his</sup> than he ~~and his other~~ children, in the way of dress &c. not of his own means.

Ques. Do you know whether any timber was cut on the land to repair the premises?

Ans. I saw timber in the yard and presume it was for that purpose, but it was not used & I do not know what went with it.

Ques. What was the annual value of the land & houses during its occupancy by Jos. Gole?

Ans. The houses & fire <sup>orchard</sup> wood, <sup>h: 20</sup> worth \$20 or \$25, ~~at~~ no time since I have known the land, would I have inclosed & cultivated the land for its produce.

In estimating the annual value above mentioned, I have done so upon the pre-

supposition that the premises were kept in repair. I know that one year during the minority of Jos. H. Gole, he paid the taxes & repairs, worth about \$10. I used the same kind of repairs by the land lord.

Ques. When did Jos. Gole leave the premises in question?

Ans. He left the premises in 1850, in the month of Feb. after he bought land from W. Chalmers.

Quest. Do you know whether or not Jos. Gale has cut & sold wood & timber from said premises?

Ans. I know nothing of his cutting wood & timber from said land, but I know that he did cut wood from his own land adjoining, and that he hauled the same to Scotts factory & Smithfield. I have seen no stumps indicating that wood was cut from the premises, as far as I have examined.

Quest. Do you know whether, while Jos. Gale occupied the premises, the fences were kept up by him & what was the amount paid of keeping them up?

Ans. I know that the land was kept under good fence for several years next to the time Jos. G. took possession of it, and I believe the cost of the fencing was, at the lowest \$25. per annum, exclusive of the cost of the timber, and that Joseph Gale lived on the premises from 1843 to 1850.

and further the deposit with W.D.

W. Whitehead  
The foregoing deposition was taken & subscribed before me the day & year mentioned in the Caption. H. R. Spring con.

Commissioners Office, Isle of Wight  
Courthouse Sept. 28. 1859.

The Depositions of Rowland Bell, Alfred Bell and John W. Alvord, Taken before A. J. Young, one of the Commissioners of the Circuit Court of Isle of Wight County, at the office of said Commissioners, at the Courthouse of said County, on the 28<sup>th</sup> day of September 1859, taken in behalf of the plaintiffs, to be read as evidence in the suit in chancery depending in the said Court between John B. Whitehead and Wm. H. Turner merchants partners trading under the firm style of Herman & Co. partners and plaintiffs, and Joseph H. Gale, James P. Jordan trustee, C. J. Ballin, Geo. B. Atkinson, Mary F. Gale administratrix of Joseph Gale decd: others and defendants.

The deponent, Rowland Bell, being first duly sworn - deposes as follows.

Questions by ptiffs: - What is your name & where have you lived for the last 15 years? Did you know Horatio Green? When did he die? Do you know a tract of land given by him to Joseph H. Gale? If so, who had possession of it from the time of Horatio Greens death? What was its annual value, up to the time Joseph Gale, the father of Joseph H. Gale died?

Ans: My name is Rowland Bell, I have lived for the last 15 years in the neighborhood

of Scott's factory. I never knew Horatio Green, he died before I came in the neighborhood. I do not know when he died. I do know a tract of land given by him to Jos. H. Gole. When I first knew the place, which was in 1844, Jos. Gole lived on it & continued there until 1850, when he bought land on which he died. The land was & is very poor, but I think the land, orchard & timber Joseph Gole used off it, was worth \$50.00 per year.

Ques. Did Joseph Gole control the said land & use it as his own during said period & did he or not cut timber & wood from the land & carry it off said land & sell it?

Ans. Jos. Gole did control it as his own and used it as such. He did cut wood from the land & hauled it to Southfield & to the factory & sold it. He continued so to cut & haul & sell as long as he ~~owned~~ held possession of it up to about 1854. He commenced cutting logs to haul to Daniels mill, but cut only three logs, and they were never carried from the land. I think the wood cut & hauled from the land during said period, worth about \$25.

annually

Ques. Do you know when Jos. Gole died?

Ans. He died in March 1857.

Crop examined by C. B. Hayden atty. for My T. Gole admt. of Jos. Gole & the inf.

Ques. Do you know of any repairs put upon the premises during the period alluded to in your foregoing depositions?

Ans. I know of none except a kitchen which he built.

Ques. Who kept up the fencing during ~~the~~ period from 1844 to the time Jos. H. Gole took possession of the land.

Ans. Jos. Gole kept up the fence during that time.

Ques. What was the annual value of keeping up the fence during said period, exclusive of the value of the timber?

Ans. I think it was worth \$25.00 per year.

Ques. In your foregoing estimate of \$50.00 per annum for the land ~~the~~<sup>wood</sup> sold did you estimate the expense of the fencing kept up by Jos. Gole, or do you consider that a deduction should be made for the value of the fencing? Ans. I think no

deduction ought to be made for the  
fencing. I think it was worth \$50.00  
per year & fence it.

Ques. In your foregoing estimate of the  
annual value of the wood cut, how  
you valued the wood standing, or at the  
price for which it sold?

Ans. I valued it at the price for  
which it sold.

Ques. What would be the value of the  
timber standing, which could be cut  
should I decide for \$25?

Ans. About \$6.25 -

Ques. Is not the said land very poor?

Ans. It is a very poor place.

Ques. Do you think on a lease of  
ten years, it would be worth more  
than the expense of keeping up the house  
& fences in repair, during the time it  
was occupied by Mr. H. Gale?

Ans. I think it would have been  
worth more, but how much more  
I cannot say.

And further the deponent saith  
not

Richard <sup>his</sup> Bell  
man

The foregoing deposition was taken & subscribed before  
me the day & year mentioned in the caption.  
N. S. (Horn) cor.

Herman Ho. tal.  
on  $\frac{2}{3}$  Defcos. for the  
 $\frac{1}{3}$  Prop. & Def.  
Gale tal.

7  
Sept. 28th. 1839  
closed.

=

The Answers of Joseph H. Gale, to interrogatories filed with A. P. Young a Commissioner of the Circuit Court of Isle of Wight County, by Hermon H. Co. made before ~~me~~ the said Commissioner on the 3<sup>d</sup> day of July 1857, to-wit.

Answer to first interrogatory; I have One horse, Two bed. Furniture, a parcel of house hold furniture, two yearlings of the Cow kind, a parcel of Cooking utensils - such as pots - Spider - trews &c - Ten barrels of Corn, bridle and saddle, a lot of Crockery & glass ware, One Carpet, One Rug, One Gun,

Answer to the 2<sup>d</sup> Interrogatory - I have conveyed the property mentioned above - in a deed of trust to James P. Jordan Trustee for the benefit of Elias J. Patton,

Answer to the 3<sup>d</sup> Interrogatory. I have one dollar in money - also the following Bonds & Accounts. mentioned in the annexed list - Signed by me as a part of my answers to said interrogatories. Also my interest in the Bonds and Accounts in the possession of the Adm<sup>r</sup>. of Joseph Gale dec<sup>d</sup>. taken by him for the sale of the goods sold from my Store by him - with my consent, for the purpose of Satisfying Executions against me - in which he was my security, which sale of goods was made on 17<sup>th</sup> March 1857. I have no Buggy.

Answer to 5<sup>th</sup> Interrogatory. I have made a deed of trust to George R. Atkinson Trustee for Thomas & Adams. in which I have conveyed my land. Answer to 4<sup>th</sup> Interrogatory. I have an interest in my father's Joseph Gale's Estate.

Joseph H. Gale

The foregoing Answers were sworn to, & subscribed before me a Commissioner aforesaid - On the day and year mentioned in the Caption - And I do order that the said Joseph H. Gale Shall deliver the personal estate - money, Bonds, Accounts, and evidences of debt mentioned by him in his said Answers, And under his Control - as far as practicable - to Josiah P. Gay Sheriff of Isle of Wight County.

A. P. Young Com<sup>r</sup>.

a Copy

Teste.

J. C. Latimer DC

Herman Ho.

vs.  $\frac{3}{3}$  Ant. to interrogatory  
vs. A. Gale

A Copy

Wernum Hcs.

<sup>es.</sup>  
Jos. H. Gale

Interrogatories to be propounded to the S. Jos. H. Gale.

1<sup>st</sup> " What property have you of any kind; What interest in any property real or personal have you; Have you Enjoyed property in any deed of trust to any One - if so - to whom; Have you any money - Bond - or Claims of any kind - if so - State the Nature & Amounts of each?

2<sup>d</sup> Have you Not; or are you in possession of a Horse & Buggy - if so - how do you hold them; State all the facts and Circumstances in Connection with your possession of the Horse & Buggy; Have you made a deed of trust to Thomas & Adams; Have you no interest in your fathers estate? —

Wernum Hcs. by  
R. S. Whitfield

Herman Hear

vs. 3 Interrogatories

Jos. H. Hale

Filed 26<sup>th</sup> June 1857. &  
Sumb<sup>d</sup> up to Ans<sup>r</sup> within  
10 - days. before N. P. Young.  
Com<sup>r</sup> of Cir cot.

A copy.

The Commonwealth of Virginia, To The Sheriff of  
Isle of Wight County: You are hereby commanded to  
summon John M. Sherrin and Thomas Carroll to  
appear before me, N. P. Young, one of the Commissioners  
of the Circuit Court of said County, at my office  
on the 20th. of Sept. 1860, to give evidence in a  
matter of account before the said Commissioners  
in the suit of Sherman & Co. vs. Dr. H. G. Galt  
& al. and this they shall in no wise omit  
under the penalty of the law.

Witness my hand & seal at N. P. Young Comm.  
of the Circuit Court of Isle of Wight County at  
his office, at the Courthouse, the 12. day of  
Sept. 1860.

N. P. Young Com.

Herman Ho.,  
H. & Ska,  
Gold bar

to 20. Sept. 1860.

Presented on the 12th September

to the Legation

# THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Alfred Bell, Charles W. Pitt,  
Eliss J. Patton, and Richard Edwards (clerk for Mrs. Stephenson)  
and J. M. Shaw and George C. Britt  
before the undersigned one of the Commissioners of the x  
at his office

to appear before the x circuit Court of Isle of Wight County, at the Court House of said  
County, on the 28<sup>th</sup> day of September 1860 ~~and~~, to testify and the truth to  
say on behalf of Herrman & Co. & als.

account before the Commissioners  
in a certain matter of ~~controversy~~ in our said Court, depending and undetermined between said  
Herrman & Co. & als. Pliffs. and Jos. H. Gale, Mary F.  
Gale adm't. of Jos. Gale Dec'd. & als. defts.

and this the witnesses shall in no wise omit under the penalty of the law: and have then and there this summons.

WITNESS, N. P. YOUNG, <sup>a Commissioner</sup> Clerk of our said Court, at his Office, the 21<sup>st</sup> day of September  
1860, in the 8<sup>th</sup> year of the commonwealth.

*N. P. Young & Co.*

Presented on Geo W Britts Alfred Russ  
& Richard Edwards on the 25th Sept -  
~~and~~ on Elias J Batten & Charles W  
Pitt on the 26th & John M Shiras  
the 27th Sept - 1860

Ed Elycott

Thomas W. Co. Sec.

as: 3 Apr.

State Sec:

To 28th Sept. 1860  
before Council at  
his office.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON

*Thomas Carroll & Joseph B. Whitehead*  
to appear before the undersigned, one of the Commissioners  
of the  
at his office 28<sup>th</sup>

~~to appear before the Judge of the~~ Circuit Court of Isle of Wight county, at the Court House of said county, on the ~~28<sup>th</sup>~~ day of

Sept. 1860 ~~to wit~~, to testify and the truth to say on behalf of ~~the~~ Mary J. Galt a dmt.  
of Jos. Galt decd. tal.

account before the said Commr.

in a certain matter of ~~controversy in our said Court~~, before our said Judge depending and undetermined between *Herman*  
*J Co. tal. pltf. and said Galt tal. def.*

and this ~~They~~ shall in no wise omit, under the penalty of \$300

*Commissioner*  
Young, ~~One~~ of our said Court, at his Office, this 21<sup>st</sup> day of Sept.

and have then and there this Subpœna. Witness, N. P.

1860, in the 25<sup>th</sup> year of the

Commonwealth.

*N. P. Young*

Executed on Joseph B  
Whitehead and Thos  
Carroll on the 25th  
Sept 1860 Es Cleyant

Also Clerk. etc.

at. M. Thos.

Thomas H. S. S. S.

To 28th Sept. 1860

Before Court of Henry

Dr Nat.

I am requested by Mr. H. Gale  
to have Mr Geo. W. Brill summoned for  
him, before you this day week - in case of  
Heriman Fox at H. Gale's ad.

Please call at my Office to-morrow -  
You will have to file a copy of the bill of  
Mr. W. P. Jordan in the case of W. P. Jordan vs  
My Kin's ad ver. —

Yrs truly,  
W. H. Whitfield

A. P. Young Esq

# The Commonwealth of Virginia.

TO THE SHERIFF OF ISLE OF WIGHT COUNTY,—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON

*Roland Bell, Alfred  
Bell and John M. Shivers*

*undersigned one of the Commissioners of the circuit*  
to appear before the *at his office*  
Court of Isle of Wight County, at the Court House of said County, on  
the *28<sup>th</sup>* day of *September 1859* next, to testify and the truth to say  
on behalf of *Herman Ho.*

in a certain matter of controversy in our said Court, depending and undetermined between *said Herman  
Ho. plff. and Joseph H. Gale def.*

and this the witnesses shall in no wise omit under the penalty of the law : and have then and there this summons.

WITNESS, N. P. YOUNG, *Commissioner* of our said Court, at his Office, the *20<sup>th</sup>* day of *September*  
1859, in the *84<sup>th</sup>* year of the Commonwealth.

*N. P. Young comd.*

on 27<sup>th</sup> Sept. 1839 I delivered a true  
copy of the within to Alfred Bell and  
one to Rowland Bell & one to  
John M. Shewins  
J. C. Beaton Esq  
Judge P. Gay Esq

Herman Ho.

or J. P. Ho.

Gale sol.

To 28<sup>th</sup> Sept. 1839  
before Com. at  
Court house

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

*Joseph B. Whitlock*  
*and Thomas Carroll*

*under signed one of the Commissioners of the Circuit*  
to appear before the Court of Isle of Wight county, at the Court-House of said County,

on the *20<sup>th</sup>* day of *September* *1859*, to testify and the truth to say on behalf of

*May F. Gale admr. of Joseph Gale decd.*

in a certain matter of controversy in our said Court, depending and undetermined between *Hornum*  
*H. O. Olth. and said Gale tols. defts.*

and this *they* shall in no wise omit, under the penalty of \$20, and have then and there this  
Summons. Witness, NATHANIEL P. YOUNG, *Commissioner* Clerk of our said Court, at his Office, this *20<sup>th</sup>*  
day of *September*, 1859, in the *84<sup>th</sup>* year of the Commonwealth.

*N. P. Young Com.*

on 26<sup>th</sup> Sept 1857 I delivered  
a true copy of the within to  
Joseph B. Whitely & I left a  
copy of the within at Mrs. Carrol  
Whitely his wife he being from  
home.

Debitation to  
for fees & exp. 1/2

Gales Corn 4

3 Nov.  
R. 3

Herman & Co.

To 28<sup>th</sup> Sept  
1857 before Court  
at Carlisle

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Joseph H. Gale, Mary H. Gale*  
*in her own right as administratrix of Joseph Gale decd; Josiah*  
*(the Court has informed)* *Phay M. H. Farnum, E. Alexander, J. S. W. B. Margant, F. and George Ann Gale*  
to appear at the Clerk's Office, of our *Circuit* Court of Isle of Wight County, on  
the first Monday in *July* next, to answer *The amended bill of*  
*Im. B. Whitehead, Wm. S. Turner & Wm. Manon merchants Shastown under*  
*the style of firm of Sherman & Co, Joseph Parker and admr of Francis*  
*of a plea of Whitley decd: Josiah Underwood for the benefit of*  
*Henry S. Womble & S. Juncus Wilson heretofore trading*  
*damages under the style of Womble & Wilson*

and have then and there this summons.

WITNESS, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *16<sup>th</sup>* day  
of *June* 185*9*, in the *83<sup>d</sup>* year of the Commonwealth.

*N. P. Young Clk.*

On the 28<sup>th</sup> day of June 1859 I did  
Verd to Mary H. Grace a copy of the  
Within Summons

And I acknowledged the service of  
The within on the same day

Geo. P. Gray

Therman H. O. O. O.

W.

By Shuman to  
and Rice

Grace O. O.

28 July, 1859  
C. O. O.

W. H. O. O.

Grace O. O.

THE COMMONWEALTH OF VIRGINIA,

*In Supl. of City of Portsmouth*  
To the ~~Sheriff~~ *Sheriff* of Isle of Wight County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Joseph H. Gale Mary F. Gale*  
*in her own right and as adm<sup>r</sup> of Joseph Gale dec<sup>d</sup>. Josiah P. Gay M<sup>r</sup> S.*  
*and Fanny, Alexander F. Jos. W. B. Margaret F. & George Amos Gale (last 5 infants.)*  
to appear at the Clerk's Office, of our *Circuit* Court of Isle of Wight County, on  
the first Monday in *July* next, to answer *the amended Bill of*  
*Im: B. Whitehead, Wm. H. Turner & Wm. Mann merchants & partners*  
*trading under the firm & style of Herman & Co. Joseph Parkinson*  
*of a plea of a dem<sup>r</sup> of Francis Whitley dec<sup>d</sup>. Josiah Underwood for*  
*the benefit of Henry H. Wombolt & James Wilson hereafter*  
*damages trading under the style of Wombolt & Wilson.*

and have then and there this summons.

WITNESS, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *16<sup>th</sup>* day  
of *June* 185*9*, in the *83<sup>rd</sup>* year of the Commonwealth.

*N. P. Young, Jr.*

Herman & Co.

3<sup>rd</sup> Div. in  
3<sup>rd</sup> Div.

Gale & Co.

To July rules 1839  
Cir. Lot.

Whitfield & Co.

Executed from the  
21/1859 - in Joseph, H.

Gayle

W B Matthews  
S engt

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Isle of Wight County—Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON *Joseph H. Gale,*  
*James P. Jordan trustee, Elias J. Patton, George B. Alkminson, James*  
*Thomas, John E. Adams* <sup>*Master of*</sup> ~~and~~ *Francis Gale adm'r of Joseph Gale*  
~~et al.~~  
to appear at the Clerk's Office of our *Circuit* Court for Isle of Wight county,  
on the first Monday in *September* <sup>*the Bill in Chancery*</sup> next, to answer *John B. Whitehead &*  
*Wm. H. Turner* merchants trading under the style of *Herman & Co.*  
*and H. H. Womble & J. H. Wilson* merchants lately trading under  
the style of *Womble & Wilson, Francis Whiteley, & Lorich & Co.,*  
of a plea of *Underwood*

damages

and have then and there this Summons

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 24<sup>th</sup>  
day of *August*, 1857, in the 82<sup>nd</sup> year of the Commonwealth

*N. P. Young, cl.*

On the 28<sup>th</sup> day of August 1857 I delivered to Mr.  
Mary H. Gale and Joseph H. Gale (to each)  
a true copy of the within and on 31<sup>st</sup> day  
of August 1857 I delivered to James Thomas  
Jno. C. Adams, Geo. R. Atkinson, Jas. P. Ford  
and Elias J. Warren (to each), a  
true copy of the of the same  
Jos. P. Gay Stff.

Norman & Co. Gal.

3<sup>rd</sup> Sem. in  
City.

Gale Gal.

To Sept. 1<sup>st</sup> Aug. 1857  
Civ. Est.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Joseph H. Gale, James P. Jordan, Mary T. Gale adm<sup>r</sup> of Joseph Gale dec<sup>d</sup>, Elias J. Patten and John I. Gay Sheriff of Isle of Wight County.*

to appear at the Clerk's Office, of our *Circuit* Court of Isle of Wight County, on the first Monday in *September* next, to answer *an amended bill filed against them by John R. Whitehead*

*William H. Turner Merchants Partners trading under the style of Hernan Co.*

of a plea of

damages.

and have then and there this summons.

WITNESS, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *16<sup>th</sup>* day of *August* 185*8*, in the *22<sup>d</sup>* year of the Commonwealth.

*N. P. Young*



The Commonwealth of Virginia, To the Sheriff of Isle of Wight  
County, Greeting: You are hereby Commanded to Summon Joseph  
H. Gale to Answer upon oath Interrogatories to said Gale, filed  
with the undersigned, one of the Commissioners of the Circuit Court  
of Isle of Wight County, in the office of said Commissioner, at the  
Court house of said County by John B. Whitehead and William H.  
Turner merchants and partners under the style of Hermon & Co.  
(under a certain writ of fieri facias, which issued from the  
Clerks office of said Court, upon a judgment therein rendered  
on the 19<sup>th</sup> day of May 1857. in the Name of the said Whitehead &  
Turner under the style of Hermon & Co. Against the said  
Joseph H. Gale for the sum of \$151. 26 cts. with interest  
thereon from the 14<sup>th</sup> day of March 1857. till paid, and  
\$7. 65 cts. Costs.) to ascertain the estate on which the said writ  
of fieri facias is a lien; and also to ascertain Any real  
estate, in or out of the said Commonwealth, to which the  
said Joseph H. Gale is entitled; And you are hereby further  
Commanded to summon the said Joseph H. Gale to make return  
of the answers to the said interrogatories, to the said Commissioner,  
at his said office, within ten days from the date of this sum-  
mons. And this he shall in no wise omit under the penalty  
of \$100. And have then then this Summons. Witness A. P.  
Young Commissioner of said Court, at his Office this 26<sup>th</sup>  
day of June 1857. in the 81<sup>st</sup> Year of the Commonwealth.

A. P. Young Comr.

a copy

Teste.

J. C. Latimer d.c.

Accepted by delivering a true copy of the within to Jos. H. Gale  
June 30.<sup>th</sup> 1857.  
Josiah P. Gay Stff

Hermow Hcs.

is. <sup>100</sup> Sund. to Am. F. & C.

Jos. H. Gale

=

To be returned to Comd.

within 10. days from 26 June

1857.

A. copy

The Joint & separate answer of Harvey E. Allen Jr, son of B. Margaret E.  
& George Anna Gale, by Nat P. Young their guard: ad libitum &c. to a bill  
filed against them wals: By Herman etc wals. in the Circuit Court of Ark of  
Wight Co. 'K'.

These respondents, by N. P. Young their said guardian ad libitum &c. saying & excepting  
~~for~~ for answer to so much of said Bill, as they are advised it is material for  
them to answer, answering, say, that they nothing of the facts, in said bill  
alleged; and so far as their several & joint interests are concerned, they,  
• being of tender years, beg leave to submit the same to the protection of  
the Hon. Court & having answered &c

N. P. Young  
per addition (D)

Herman & Co & Co  
H. Infants & Co

Gales admr. & Co

July 1839 filed

To the Honorable Richard H Baker Judge of the Circuit Court of the State of New York, in chancery sitting;  
~~The Answer~~ of Mary F Gale as administratrix of Joseph Gale to the original & amended bill of complaint in said Court exhibited by Hermann & Co & others, against her & others.  
This defendant - Reserving all right of exception to the said original & amended bills for answer thereto saith that she admits to be true the allegations therein contained, as the death & intestacy of said Joseph Gale & her qualification as his administratrix - that she has applied the assets of her intestate in a due course of administration, that the ~~assets~~ <sup>other</sup> transactions for the second fiduciary year are now in the hands of a commissioner for settlement - that she has nearly paid off the debts of her intestate & that after discharging the same she believes there will be little or no estate left except the land she gives that Joseph H Gale is the son of said intestate by a former marriage & hence a distributee & heir at law of said intestate & as such entitled to share with the other children of the intestate ~~& this defendant~~ in the distribution of his estate - that she admits to be true that said intestate for several years had possession of the tract of land belonging to said Joseph H Gale - that said intestate found the premises in bad condition when he took possession & put them in good repair - built out houses & made permanent improvements & repairs - paid the same & paid taxes thereon - that she denies that said Joseph H Gale supposed that his father was his guardian & avers that he well knew he was not & did not propose to occupy or manage said property as Guardian, but for the benefit of said son & that said intestate from time to time made advancements & granted privileges to said son greater than those allowed the other children in consequence of the use of said premises, with the understanding on the part of said

that such advancements ~~should~~<sup>be</sup> full compensation for said land & it was ~~understood~~ between the said father & son that the former in consequence thereof should not be in any manner liable for the use of said land & she believes & so charges that after the son attained age he not only verbally released his father from such liability & that a settlement was made between them in reference to said land & other matters, but she finds among her intestate's papers evidence in writing of a settlement between them on the 20<sup>th</sup> of September 1837, after said son attained majority which she believes is signed by said Joseph H Gale - that even if no such settlement had been had that after deducting the expenses of repairs fencing <sup>which she owes to my father & to my mother</sup> improvements before stated, little or nothing would be found due said Joseph H Gale - that said Joseph H Gale was indebted to the said intestate at the time of his death on other accounts & that the same has never been discharged - & having answered says hence to be dismissed, with her costs in this behalf made unreasonably expended - &c.

Signed - Mary F. Gale

Ile of Wight County, to wit;

I Jas. P. Jordan a justice of the peace in the county aforesaid do certify that Mary F. Gale whose name is signed to the foregoing answer this day personally appeared before me in my county aforesaid & made oath to the truth of the statements contained in her foregoing answer to the best of her knowledge & belief. Given under my hand as justice of the peace this 17<sup>th</sup> day of May 1859 -

J. P. Jordan P.

7  
Herrando  
et al. -  
as  
Gale's Admrs. } Le Chong  
et al. -

Answer of Gale  
Admrs. to Amended  
Bill -

May 1859

May Term 1859 filed

To the Hon: Richard H. Baker judge of the Circuit Court of  
Ile of Cuyahoga County in Chancery sitting. Humbly complaining thereof  
unto your honor, your orator, Geo. B. Whitehead, & W. D. Turner & W. Mar-  
row, Merchants & partners trading under the name & style of Herman & Co - Joseph  
Parkerson, Administrator of Francis Whitley decd, Josiah Underwood & Thomas  
& Nelson: Petors, that your orator filed an amended Bill, on September  
1858, to the original one filed in this cause in Sept. 1857, against  
Joseph H. Gale & Mary F. Gale administrators of Joseph Gale decd & also, setting  
forth, the invalidity of the said Joseph H. Gale, the common debtor  
of your orator, and the proceedings instituted by them to acquire & ascertain  
the property of the said Gale, on which there several "fifas" were liens - and  
like the property of the said debtor, and the interest he had in his father's  
estate, the said Joseph Gale - estate, and the orders which had been entered  
in the cause, all of which facts will more fully appear, by reference to the  
said Bill & which they pray may be deemed & considered as parts of the  
amended Bill - That since the filing of the said last mentioned Bill  
the said George B. Atkinson has reported the value of the debt due to  
them, & claims, and a balance of \$254.58: arising out of the sale of the  
property mentioned in the said Bill of trust to him, which balance or sur-  
plus he has paid over to Robert Whitehead the counsel of your orator: and  
that they have also ascertained, that ~~there~~ is no balance will accrue, in the  
trust due to Jas. P. Jordan to secure the debt due to Elias Nutton -  
but the same will be insufficient to discharge Nutton debt -  
your orator further sets, that the said Joseph Gale decd, left besides  
the said Joseph H. Gale, three other children viz, George Anna Gale,  
Fanny E. Gale, Alex. F. Gale, Joseph W. B. Gale & Margaret F. Gale, all  
of whom, except the said Joseph H. Gale, are infants under 21 years  
of age: & that of them, Joseph H. & Margaret F. Gale, are children by a former wife,  
& the others are children by his surviving wife, the said Mary F. Gale.  
To the end therefore, & your orator pray, that the said Joseph H. Gale, Mary F.  
Gale ~~as~~ own right & as administrators of Joseph Gale decd. Jos. P. Gale shift of the goods  
and George Anna Gale, Fanny E., Alex. F., Joseph W. B. & Margaret F. Gale, the last five  
being infants, be made parties to the Bill & answer the same. That your honor will  
grant all relief as in the said two bills was prayed, and all other & further relief, as the  
justice of their case may require, or to Equity may seem meet &c.

R. H. Whitehead or

Herman & Co. v. Sals

At 2. Amend. Rule

Gales & Sons v. Sals

July rules 1839. Am.  
bill filed - And. of interp.  
defts. by their gd. & others

County.

To the Hon. Richard H. Barker Judge of the Circuit Court of Jefferson  
In this sitting Humbly Complaining sheweth unto your Honor, your  
Jno. B. Whithead & W. B. Leeson, clerchants, trading under the name  
and style of Henson & Co, Messrs. Parkerson adv<sup>rs</sup> of Francis Whitley and  
Danah Underwood and Brimble & Wilson - That your orator, in his  
lifetime and in the name of Francis Whitley the living one of them, filed  
their original Bill in this Hon. Court at September Term, 1857, Against  
J. H. Gale and Joseph Gale, adv<sup>rs</sup>, & others - Stating that the said Joseph  
H. Gale was indebted to them severally in the sum of, and in the  
manner therein mentioned, and that they had proceeded according, <sup>to Law,</sup> by  
proceeding before a Commissioner, to cause the said Jos. H. Gale  
to recover the estate on which their several executions of "fifa" were  
liens - That the said Gale, their debtor, besides certain interests  
in the deeds of trust mentioned, was interested in his father's estate  
and was entitled to a certain interest in a tract of land, devised  
to Thomas Green, by one Horatio Green - That Thomas Green had  
died without issue, though married - all of which will more fully  
appear by reference to the said Bill and proceedings had in the said  
Court - Your orator will state that since the institution of the said  
suit, that Francis Whitley has departed this life, and the  
said Joseph Parkerson has qualified as his adv<sup>rs</sup> - and  
that besides the property mentioned on which their said debt  
Joseph H. Gale was interested, that he had a claim against  
his father's estate, arising from the rents of his land received by  
his said father, for some 14, or 15 years preceding the institution of  
this suit - which land was devised to him by his grandfather Horatio Green  
in 1842, and for that time, & to the 25<sup>th</sup> August 1855 at which time

The said Joseph H. Gale attained his age of 21 years  
and they believe some time after, the land <sup>said</sup> ~~land~~ <sup>then</sup> ~~occupied~~  
occupied by the father, & the profits taken to his own use, or the  
rents for the years <sup>when</sup> not so occupied by him were <sup>that his father, not any one else, greatly ~~as~~ his guardian,</sup> ~~libelious~~ <sup>appropriated</sup> by the father - That Mary H. Gale the widow  
of the said Joseph Gale had qualified as his administratrix.

They pray that this matter may be enquired into, and that  
whatever be found due to their said father from this  
source also be applied to the payment of their several  
debts - Your orators are without adequate remedy save  
in this Hon. Court.

To the End therefore &c. they pray that Joseph H. Gale  
Mary H. Gale administratrix of Joseph Gale and, Jos. P. Jordan - Chas. S. Batten  
George R. Atkinson, Thomas & Adams, and Joseph P. Gay Sheriff  
of Isle of Wight County, be made parties defendant to this bill &  
be compelled to answer the same - That Joseph P. Gay Sheriff,  
state what property, or effects of any, have come to his hands  
under the proceeding aforesaid mentioned, before J. P. Jordan  
Commissioner upon the interrogatories & summons submitted by  
the said Commissioner to the said Gale, in the said original  
more particularly described - That full accounts of the property  
on which the said Gale is intended to be taken before a Commissioner  
of this Court, and all other relief be afforded them which to  
Equity may seem fit, and the nature of their several cases may require.

H. H. H. H. H.

Herrnam Oboals

St. Anne's Hill

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Mrs. H. G. Allen 1853

Sept. 1858. 1858. 1858.

To the Hon. Richard H. B. then Judge of the Circuit Court of the  
of Lehigh County - In an early sitting, then my complaining shew  
unto your honor, your Orator - Geo. B. Whithead & Geo. B. Turner merchants & partners  
trading under the style of Herman & Co. and Francis Whitley, and Esckel H. Under-  
wood, & Henry H. Mumble and D. S. Wilson heretofore trading under the style of Mumble & Wilson -  
That they severally obtained judgments, as herein after set forth, against one  
Joseph H. Gale, on which executions issued, and returned no effects -

Your orator Herman & Co. obtained their judgment at the May term 1857, of the  
Circuit Court of said County for \$151.26 with int. from 14 March 1857 till paid  
at 7.5% - costs: The said Francis Whitley obtained his for \$140. with int. from 25 Aug. 1856  
subject to a credit of \$10.00 as of 10 Feb. 1857 - at 7.5% costs: at the same term of the said  
Court. The said Esckel H. Underwood obtained his for \$60.00 with int. from 9 April 1856  
at 7.5% costs at the same term of the said Court: and the said Mumble & Wilson  
obtained their judgment for \$55.43 with interest from 9 Jan. 1857. cost \$6.00: ~~but~~  
at the August term of the County Court of said County, for the year 1857 - all of  
<sup>which</sup> facts stated above will more fully appear, by reference to copies of the said  
several judgments & executions, herewith filed and prayed to be taken  
as parts of this Bill - That the said several debts are still due and unpaid -  
- by your orator in order to make their several debts, and to ascertain the estate of the  
said Gale, on which their respective debts were a lien; and also to ascertain  
what real estate, in or out of this state, their said Debtor was entitled to -  
- Caused a summons to be issued by a Commissioner of the Court, commanding  
the said Gale to answer certain interrogatories filed with the Commissioner -  
which proceedings brought in the name of Herman & Co. were designed for the benefit  
equally of your orator, Whitley & Underwood. also - your orator states that as appears  
by the answer made to the same, before Commissioner N. P. Gurney, besides the list of claims  
due the said Gale, all of the property therein mentioned was or had previously been conveyed  
to James P. Jordan, trustee, <sup>personal,</sup> for whom a debt due to Elias J. Batten: and the real estate

to George D. Atkinson trustee to secure a debt due to Thomas & Adams -  
except the interest which he (the said Gale) had in his father (Joseph  
Gale of which will appear by copies of the said will, annexed or used of the said bills as parts of the Bill  
Gale's estate - your orators are informed, besides the property  
mentioned by the said Gale, that he in his answer to the said summons  
that he, the said Gale, is interested in a tract of land devised by one Horatio Green  
to him, on the contingency of Thomas Green the first taker thereof, should die with-  
out issue, or heir ~~or~~ (and they state that said Thomas Green has died without son  
having had issue -) as will appear by a copy of the will of said Green, hereafter  
to be filed - and prayed to be taken as a part hereof -

Your orators charge, that all of the said property mentioned in said two  
bills of trust, after the payment of the debts therein mentioned, ~~are~~ <sup>is</sup> ~~liabilities~~ is  
liable to their debts, as also, whatever interest their said debtor may have  
in his father - Jos. Gale's estate, and in the said land devised as afore-  
said by the said Horatio Green - and they pray that the debts due to the  
said Elias J. Batten, and Thomas & Adams, may be assumed, the property  
therein deemed to be sold by the said trustee, under their several deeds, and the  
surplus be paid in satisfaction of their several debts - that is pro rata, as to  
the three first mentioned of your orators, as they conceive that their several judg-  
ments, ~~if~~ <sup>in fact</sup>, constitute a prior lien, to that of your orators, Wm. & Thos. Atkinson -  
Your orators further state, that Joseph Gale, the father of the said Joseph H. Gale -  
their debtor, departed this life, sometime in the year  
and that the said Jos. H. Gale is interested in his estate - but to what extent they  
are unable to say - that Mary F. Gale, the widow of Joseph Gale has qualified  
on his estate, as will appear by a copy of the order of qualification herewith filed as  
a part of this Bill - Your orators are without adequate remedy save in  
this Hon. Court - To the End, &c. They pray that Joseph H. Gale, Mary F. Gale  
administrators of Joseph Gale's estate, James D. Jordan, Elias J. Batten, George  
D. Atkinson, James Thomsen & Mrs. E. Adams, may be made parties  
defendant to this Bill, and be compelled to answer the same

so far as they are interested, or connected with the allegations hereof -  
and that the said Joseph H. Gale state particularly and minutely, the  
extent of the interest he has in his father's estate, the value of the same -  
whether real, or personal, specifying the same, and how many children <sup>or heirs</sup> his said  
father left: and also that he state, what interest he has in the land  
devised by one Horatio Green to one Thomas Green, ~~and upon the said~~ - or  
in any land devised by any other person to the said Thomas Green, with  
a contingent limitation to himself - that he also state & set forth any  
& all other property of every kind, to which he is in any <sup>way</sup> entitled, on the  
15<sup>th</sup> of May 1857 - also how much has he paid on the debts due, or stated  
to be owing to Elias J. Batten, and Thomas & Adams in the said bills  
of trusts referred to - & how much is now owing on the same - that the  
said Thomsen & Adams, and Elias J. Batten be also required to  
state on oath the amounts now due to them severally on their  
said debts - and if they have any effects, or produce of any kind  
in hand belonging to the said Gale - if so how much & when received -  
and that the said Mary F. Gale administratrix of Joseph Gale  
estate - state the value of the estate of her late husband - when  
he died, the number of children he left - and the interest of Joseph  
H. Gale therein -

Your orators would further state, that they declare, it will take all of the  
property herein before referred to, in which their said debtor is interested  
to pay their said debts: They further pray, that an account of their  
several debts, as well as the debts of the said Thomsen & Adams, & Elias  
J. Batten, be taken before a Commissioner of this Court - an account of the  
property in the said debts of trust if necessary, that the value of the interest  
of their said debtor, in the estate of his father - be ascertained ~~and stated~~:  
<sup>as well as other debts to which the said Gale may be entitled,</sup>  
and that the same, may be made liable for the said debts: and grant all

other and further relief that the nature of their case may  
require, or to Equity may be right - and grant the Committee  
Sulphorena &c:

A. W. Whipple R. L.

Memoranda only.  
H. Hill  
Sole-owners, Boston 1873.

Heerman & Co. Sals.

d. 3<sup>3</sup> Chy. Sals.

Sale & als.

1857.

Sept. rules. Decm nisi.

Octo. rules. set for hearing

Octo. Ct. Decm for sale & als.

May/58. Rept. of cond. at them

have to file and. bill &

Sept. rules. and. bill filed &  
decm nisi.

Octo. Rules, set for hearing.

Octo. Ct. decm for acts.

May/59. Nov. & repl. & cond.

July - 2<sup>d</sup> and. bill fld. for addition

to inf. then ad. fld. dupl. to decm

nisi & als.

Aug. 1869. set for hearing.

Octo. & Decm for acts.

May & Octo/60. cond.

May/61. cond.

Octo. /66, May & Octo. /67

May & Octo. /68 - & May/69 } cond

Octo. /69. order to

execute former decm

May/70. cond.

Octo/70. Cond

Apr. /71 - Cond

Octo. /71 - Decm

Cond.

Octo. 1879.

Final Dec