

1872-07

Severhampton County Chancery

Hale, Joseph D. vs Hale, Susanna, by trustee

In. side real Estate
for benefit of infants

Joseph D. Hale +
Lucy A. E. Hale

J. D. Hale, trustee
for Susanna Hale

Hale

v } Papers

Hale & Co

1872 May -

To the Honorable George Blows, Judge of the
Circuit Court of Southampton County.

In Chancery.

Humbly complaining sheweth unto your
Honor your Complainants Jephth P. Hale
& Lucy A. E. L., his wife that on the 23rd
day of November 1846, your Complainant
executed a deed of trust to L. W. Mason,
a copy of which is herewith filed & prayed to
be taken as ~~of~~ part of this bill, in
which the said J. P. Hale conveyed to the said
Mason one hundred & twenty one acres of
land, situate in Southampton County &
several slaves, in trust for the use of
the said Hale's wife & children. That
since the execution of said deed, the said
Mason has departed this life & on motion
James H. Hale has been substituted as
Trustee in his stead. Your Complainants
further state that since the war, his slaves
have all been freed, and he has been
offered a very good price for the said tract of
land; that he has removed from this
land, to another tract at least ten miles
from the tract conveyed, and it is almost
impossible for him to attend to it at all.
That in his opinion & the opinion of others
not interested, it would be greatly to the
advantage of all concerned to sell this
piece of land & invest the proceeds in
another tract of land. That your
Complainant is willing & has conveyed

to J. B. Prince, as Trustee, a tract of land in
Sussex County, in lieu of the place in
Southampton, and for the same purposes.
Your Complainant further states that
he is advised that this land can
only be sold under a decree of
this Court. In tender consideration
of all which, Your Complainant
prays that James B. Hale, Trustee, Jos. P. Hale
Edwin G. May Jr & Richard L. Hale, the last
three infants under age of 21, may be
made parties defendant to this bill
& compelled to answer the allegations
thereof; that some fit & proper person
may be appointed Guardian ad litem
to defend the infant defendants
that an order may be entered directing
the Trustee to sell the said tract of
land and invest the proceeds arising
therefrom in the tract just conveyed,
& that your Honor will grant such
other further & general relief in the
premises as Equity may dictate & the
nature of the Case may require. And
as in duty bound Your Complainant
will ever pray &c. May it please the
Court &c.

Prince p. g.

State of Virginia } ss.-
Southampton Co. }

This day personally appeared before
me James R. Tyler, a Commissioner in Charge
for the Circuit & County Courts of the County
aforesaid, J. P. Hale, and made oath that
the facts set forth in the foregoing
bill are true to the best of his knowledge
& belief. Given under my hand this
31st day of March 1891.

James R. Tyler, Commissioner.

The Answer of J. B. Hale & Jos. P. Hale, adult
children of J. P. Hale, to a bill of Complaint
Exhibited in the Circuit Court of Southampton
County by J. P. Hale wife, against themselves &
others.

These respondents for answer to the said
bill say, that they admit the facts as
alleged in said bill & have no objection
to the prayer thereof being granted. And
having answered, they pray hence to
be dismissed &c.

J. B. Hale
Jos. P. Hale

The Court & several answers of Edwin
G. May & Richd C. Hale, infant children
of J.P. Hale, by J.R. Edwards, their Guardian
ad litem, to a bill of Complaint exhibited
against themselves & others by J.P. Hale & wife.

These respondents, saving & preserving all
just ground of exception to the said bill,
for various threats, or acts so much
thereof, as it is material to answer,
answering say - that they are infants,
& being so, they know nothing of the
facts stated, but submit their rights to
the protection of this Court. and having
answered &c.

J.R. Edwards for addition

1871
Hale

vs
J.P. Hale &
Wife &
Children.

Hale

1871
April, Rules.

Cir. Ct.

Answer by

afforded in the said State, do hereby certify
that the foregoing deposition was duly
taken, sworn to & subscribed before me
at the time & place mentioned therein.
Given under my hand this 31st day
of March 1891.

James D. Sykes,
Commissioner

State strike
in my
deposition
of
J. D. Sykes

The deposition of James R. Scarborough taken
before me, James R. Tyler, a Commissioner
in Chancery for the Circuit Court of Southamp-
ton County on the 31st day of March 1871,
^{at my office in Jerusalem}
to be read as evidence on behalf of J. P. Hale
senior in a certain suit in Equity depending
in the Circuit Court for the County of South-
ampton, wherein J. P. Hale senior are plaintiffs
and James H. Hale & others are defendants.
Present. J. B. Ruice Counsel for Plaintiffs & Defs.

James R. Scarborough being duly sworn on
the Holy Evangelists of Almighty God, deposes
as follows.

1st Question by Counsel for plaintiffs. What is your
age. Answer 47 years.

2nd Question by same. Do you know the
parties to this suit? Answer. I do.

3rd Question by same. In your opinion,
would the interests of all parties interested
in this suit be promoted by a sale of
the land referred to in the bill which has
been read to you, and the proceeds invested
in another tract. Answer. I have no
doubt that it would. And further
this deponent saith not.

Jas. R. Scarborough

State of Virginia
County of Southampton

I, James R. Tyler, a Commissioner in
Chancery for the Circuit Court of the County

Male

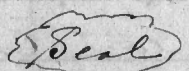
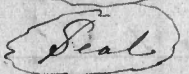
To } Deed

Wales Trustee



This Indenture, made this 25th day of November
in the year of our Lord 1845, Between Jephth P. Hale
And Lucy A. C. B. his wife of the first part and S. W. Mason
of the other part, witnesseth that the said Jephth P. Hale as
well for and in consideration of the natural love and af-
fection which he bears for his said wife Lucy A. C. B. and
his Child Lurana as of five dollars lawful money of
Virginia, to him in hand paid by the said S. W. Mason
at or before the sealing and delivery of these presents, the
Receipt whereof is hereby acknowledged. They the said
Jephth P. Hale & Lucy his wife have given, granted, bargained,
sold, aliened, enfeoffed, released and confirmed, and
by these presents, for themselves and their heirs, do give, grant,
bargain, sell, alien, enfeoff, release and confirm, unto the
said S. W. Mason his heirs and Executors, one hundred
and twenty one and a half acres of land lying in the County
of Southampton, it being a part of the tract whereon Ed-
ward Hale now lives, together with its appurtenances, also the
following Negroes. Lemmy, Amy, and Jeff. One boy
horse, one cow and calf, all the household and Kitchen
furniture, Crop of Corn and fodder, One shot gun, Saddle
and bridle, Stock of hogs to have and to hold the same
to him the said S. W. Mason his heirs and executors,
forever, In trust, Nevertheless, for the following uses and
purposes, viz— for the occupation and use of Lucy the
wife of said Jephth P. Hale so long as she shall live. And for
the occupation use of said Jephth P. Hale after her death
should he survive her, and to convey the same, in fee
simple to the Children of the bodies of the sd Jephth P. Hale
Lucy his wife, living at the time of the death of the longest
liver of them, or to the Children of such Children, lawfully
begotten, Per stripes, should any of the Children aforesaid,
die, leaving issue before the death of the longest liver, as

Aforesaid, and she said L. W. Mason, does hereby
 Covenant and agree to and with the said Jephtha P. Hale
 and Lucy his wife and their heirs, that he shall and
 will stand seized of, in and to the estate herein mentioned,
 to and for the special uses as herein declared and expressed
 and none other, that is to say, for the occupation and use
 of the said Lucy the wife of said Jephtha P. Hale as long
 as she shall live, and for the use and occupation of said
 Jephtha P. Hale, after her death, should he outlive her,
 and then coming to estate, both real and personal, in fee
 simple, to the Children of the bodies of said Jephtha P. Hale &
 Lucy his wife, living at the time of the death of the longest
 liver of them, or to the Children of such Children lawfully
 begotten, per stirpes, should any of the Children afore-
 said die, leaving issue, before the death of the longest
 liver aforesaid, according to the true intent and mean-
 ing of this indenture. In witness of all which, the
 parties have hereunto set their hands and affixed their
 Seals, the day & year first in this indenture written

Jephtha P. Hale 
 Lucy A. C. L. Hale 
 L. W. Mason 

Jan 15 - 45

Southampton County, in the Clerk's Office
 the 15th day of December 1845. This Deed of Conveyance between
 Jephtha P. Hale and Lucy A. C. L. his wife of the first
 part, and L. W. Mason of the other part was acknowl-
 edged by said Jephtha P. Hale one of the parties thereto
 and admitted to record

Teste

L. B. Edwards C. C.

Southampton County to Wit,

This day personally
 appeared before me Justices of the Peace for the County
 aforesaid Lucy A. C. L. Hale a party to this deed, and
 being examined separately and apart from her husband
 J. P. Hale, and having the deed fully explained, ack-
 nowledged that she had willingly, signed, sealed, and
 delivered the same, and wished not to retract it -

Given under our hands and seals this
 17th day of Decr. 1845-

G. A. W. Newson J. P.
 Robert G. Griffin J. P.

Executed by delivering a copy of the
written to J. H. Hails and
Rembings. January 16th 1871

E. J. Thompson Esq for
P. M. Robin shift

Hale & Wife
vs } Saml. Chy.

Hale

1871 February Rules

Infra

43
18
10
30
20
30
25
13
72
15

278
40

3.18
20

3.38
16.00
1.11

\$20.38

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Superior} Southampton County, Greeting:

We command you to summon

J. P. Hale Trustee

& Susanna Hale

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *Circuit* Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *February next to answer a bill in chancery exhibited against them in our said* Court by *Isaiah P. Hale & Lucy A. E. his wife*

And have then there this writ.
Courthouse, this *10* day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the

January

A. D., 1871, in the *95th* year of

O. White

March 31. 1891. The acknowledgment of legal
service of within summons.

Garner H. Hale

Jos. P. Hale

Hale & Mace

to { Court Ch.

Hale & P.

1891 of Ford Rules.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting;

We command you to summon

Richard B. Hale last three infants.

James H. Hale. Joseph R. Hale. Edwin B. Mary A.

if *they* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *April next* to answer a bill in chancery exhibited against them in our said Court by *Joseph R. Hale & Lucy A. & his wife.*

And have then there this writ.
Courthouse, this 30 day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the
March A. D., 1871, in the 95 year of

O. White

Hale
nr 3
Hales

Affidavits

Southampton county to wit
This day Fortunatus Dunn and William
G T Clements personally appeared before
us Robt Ridley and Wm Prince justices
for the county aforesaid and stated
on oath that in their opinion it would
be better for the wife and children of
Jephtha P. Hale that a tract of land
lying in the county of Southampton
~~land~~ bounded by the land of James
E Peters. Wm G T Clements and others
should be sold. Given under our
hands this 24th of March 1871

R. Ridley J. P.
Wm Prince J. P.

Hale
in $\frac{1}{3}$ Decade
Hale

May Term
1872

To be entered.

Yours I love

Hales

W 

Hales

Report of Commander
Le Breton.

May 8. 1871.

Hales
vs $\frac{2}{3}$ Report of Commissioner Sebrell.
Hales

In this case, your Commissioner reports as follows. That pursuant to an order entered at this term of the Court, he has taken the depositions of parties acquainted with the facts as alleged in the bill of the Complainants. That from said depositions, it appears to your Commissioner that it is of decided interest to all parties concerned that the land conveyed by Septia P. Hale to Swann, by deed-during the year 1845 should be sold and the proceeds reinvested. Your Commissioner further states, that no injury can result to any one, from a sale. as it is desired to invest the money arising therefrom in another tract of land more valuable. and that a deed for said land has already been made. And your Commissioner respectfully recommends that the sale be ordered.

Respectfully submitted.

J. M. Sebrell
Com'r

To Hon Judge of
the Circuit Court of
Southampton

Hale

is $\frac{4}{3}$ Report of
Hale Trustee.

1871 Dec. 12 Riv^d

Hale

vs 3 Report of Trustee.

Hale

In this Cause, James H. Hale, Trustee,
respectfully makes the following report.
That pursuant to an order of this Court
entered at the May Term 1871, he has
sold the land therein more specially
referred to, to J.R. Nicholson. for the
sum of \$192.50
Expenses..

To Trustee Commission	\$ 9.62	
" Stamp on deed	.50	
" Pd for writing deed	5.00	
" " Costs of suit	<u>20.38</u>	<u>\$ 35.50</u>
Balance in my hands..		<u>\$157.00</u>

Your Trustee further states that the land
is very poor. and has sold for a fair
price. That according to the order, he
has invested the sum in another
tract of land, for which a deed has
been made & recorded.. That he has
made a deed to the purchaser for
this tract. which he prays may be
confirmed.. Respy submitted..

J H Hale
Trustee.

To the Hon

Lev. Blow. Judge of the
Circuit Court of Southampton Co.

Hales

(2)

in 3/4 June

Hales

May June 1871

To be entered.

Geo. Brown

Hales
vs $\frac{2}{3}$ Decree.

Hales

This day this Cause came
on to be ^{asajing} heard on the papers
formerly read and the report of
Counsellor Seville made in
pursuance of an order entered
at this term of the Court, to which
no exception is filed and was
argued by Counsellor on consideration
whereof, the Court, adopting said
report as the basis of this decree
doth adjudge order & decree that
James H. Hales who has been
substituted Trustee, in the place of
L. W. Mason, in a deed from Jephtha
P. Hales to said Mason, he & she is hereby
authorized to sell the real estate
conveyed by said deed on such
terms as he shall think most
advantageous, and he is further
ordered to invest the proceeds arising
from said sale in the real estate
upon which the said Jephtha P. Hales
now resides, retaining sufficient
funds however to pay the expenses of executing
his trust, and the costs of this suit.
And the said Trustee is ordered to make report
to Court of his action under this order.

Halley

in $\frac{3}{4}$ Decade

Halley.

May June 1871

To be entered.

Geo. B. Hunt
~

Hales
vs 3 Deane.
Hales

This day this cause came on to be heard on the complainants bill, the answer of the adult defendants, James H. & Jos. P. Hale the answer of the infant defendants by L. Edwards, who is hereby assigned their Guardian ad litem, exhibits filed, general replication thereto, and was argued by Counsel. On consideration whereof, the Court doth adjudge order & decree that J. N. Seville, a Commissioner in Chancery of this Court, inquire whether or not, it is to the interest of the children of J. P. Hale, that the land conveyed by said Hale to Swanson, by deed of trust during the year 1845, should be sold and the proceeds again reinvested. in making which inquiry, the said Commissioner will take the depositions of parties not interested and who are acquainted with the land in the proceedings mentioned - and make report to Court.

Hales
or 3 copy of
Hales Decree.

For James P.
Hale.
— " —

San Francisco Circuit Court May Term 1871-

Hale, ^{vs} Deane.
Hale

This day this cause came on to be again heard, on the papers formally read, and the report of Commissioner Sebrule made in pursuance of an order entered at this term of the Court, to which no exception is filed, and was argued by Counsel. On consideration whereof, the Court, adopting said report as the basis of this decree, doth adjudge order, and decree that James H. Hale who has been substituted trustee in the place of Geo. Mason in a deed from Jephtha P. Hale to said Mason, he and he is hereby authorized to sell the real estate, conveyed by said deed, on such terms as he shall think most advantageous, and he is further ordered to invest the proceeds arising from said sale in the real estate upon which the said Jephtha P. Hale, now resides, retaining sufficient funds, however to pay the expenses of executing his trust, and the costs of this suit. And the said Trustee is ordered to make report to Court of his action under this order.

Colk's Costs \$5 38 paid L.R.E.
Cash \$20.58 Copy

Given at St. Pl. P.D. L.R.P. \$15.00. Teste, J. M. Tyler, J.C.

Hale
or $\frac{1}{3}$ Decade
Hale

May Term
1842

To be entered.

Geo. J. Low

Hale

on $\frac{3}{3}$ Decr -

Hale -

This day this cause came on to be further heard on the papers formerly read, and the report of L. H. Hale, filed Decr 12. 1891. and was argued by Counsel. On consideration whereof, the Court confirming said report, to which no exceptions have been filed, doth a judge order and decree that the sale reported by the said Hale to J. R. Nicholson be declared firm & binding. And nothing further appearing to be done in this cause, on motion of the plaintiff, it is ordered to be removed from the docket, at his costs.