

1873-05

Santhampton County - Chancery

Claud, Jesse C. vs. Claud, Jesse W.

"Sale of part of land"
for necessities of life

Jesse W. Claud
next friend of
Joseph Gullett
Maud Gullett
Bettie G. Claud
Maud Claud
Addie + Claud
Jesse B. Claud

Cland, Swibe &

vs Ex parte petition

Cland's trustee

Filed May 7. 1872.

1872 May. Docket 8th

S. B. Prince f.p.

To the Hon Geo: Blow, Judge of the Circuit Court
of Southampton County. In Chancery.

Humbly Complaining, & sheweth unto your
Honor, your petitioners, Jesse C. Cland, &
Madaline, his wife, Joseph Gillette, Mark
Pete, Bettie R, Maud, Addie, Jessie B, and
the other children of J. C. & Madaline Cland,
whose names & number are unknown,
all infants by Jos: W. Cland, their next
friends, that sometime during the year
1868, J. C. Cland & Madaline, his wife
made a deed conveying to J. B. Prince,
as Trustee, certain Real Estate, situate in
the County of Southampton, in trust for the
benefit of the said J. C. Cland's wife & children
That the said Cland has a large family of
small children, and sometime during the
year 1870, he had the misfortune to have
his dwelling house, with all his household
furniture, and provisions burned. That
he has made every exertion to repair his
almost ruined fortune, but without any
apparent hope of success. That his family
is large, and have no place of convenience
or comfort to shelter them. That the tract of
land conveyed to the said J. B. Prince, contains
480 acres of land. That it is impossible
for the said J. C. Cland, in his present fallen
state, by the use of the strictest economy

to provide a support for his family,
and build him a house to live in.
That during the past year, he had to
subsist for some time on the charity
of friends & relations, or else he & his
family would have to have encountered
the cold & pitiless contributions of those
who felt no interest in them or theirs.
That in the opinion of your petitioners, if
a part of this land aforementioned
could be sold, and the proceeds properly
& judiciously invested, your petitioners
could live, at least, without having
to ~~pay~~ ^{ask for} the necessaries of life, without
when they can see at the time, no
means of ever returning any compensa-
tion therefor. That your petitioners are advised
that no portion of this land can be sold
without an order of Court. In tender
consideration of all which, and inasmuch
as your petitioners are without remedy in
the premises, save in a Court of Chancery
where matters of this kind are peculiarly
cognizable, to the end therefore that justice
may be done, they pray that Joseph B.
Kuisse, Trustee as aforesaid, may be made
party defendant to this bill, and compelled
to answer the allegations thereof, so far
as he may have any personal
knowledge of the facts therein set
forth.

That an order may be entered, directing
a Commissioner of this Court to Enquire &
report to Court, what is best to be done
in the premises, and that your Honor
will grant such other further & special
Relief in the premises, as Equity may
dictate and the nature of this case
may require. And as in duty bound
your petitioners will ever pray &c.
May it please the Court &c.

J. B. Pinner f.p.

The answer of J. B. Pinner to the foregoing
petition.

This respondent, for answer says that
he is personally & intimately acquainted
with the family making the petition,
and knows of his own knowledge all
the facts set forth in the said petition
to be literally & strictly true. He has no
hesitation in saying that the prayer of
the petition, in his opinion ought to be
granted. And having answered, he
prays hence to be dismissed &c.

J. B. Pinner

better accomplished by doing what
he did do. He consequently made
sale of the whole real estate to D. S.
Thomson, and purchased of J. W. Bland
a tract of land containing as before
stated 530 acres; paid the purchase
money, seventeen hundred dollars
in cash, and took a deed from
J. W. Bland trustee to him as trustee
for the same purposes and tract,
as the original land was conveyed.

By this arrangement, the family of
J. W. Bland are made comfortable,
and are provided with a good farm
& all necessary buildings, including
a splendid dwelling house. The trustee
respectfully asks your Honor to confirm
his action in the premises.

May 1, 1873
To Judge Blount

J. B. Parice
Trustee

Bland trustee

21 3

Bland trustee

Report of Trustee

reporting sale

&
assignment.

May 5, 1873

Bland & wife
in ³/₄ Report of J. B. Prince - Trustee -
Bland & Trustee

In this cause, the Trustee
J. B. Prince, submits the following report:
That instead of selling a portion
of the real estate that was conveyed
in trust to him by J. B. Bland &
Madeline his wife, as authorized
by decree of Nov. Term 1872 of this
Court, he has sold the whole of
the said real estate for cash to
Person S. Thomas of Southampton
for the sum of sixteen hundred
and fifty dollars, and he has made
the said Thomas a deed for the
said land. The Trustee assigns as
his reasons for pursuing this course
the following. He ascertained that
by selling the whole of said real
estate, containing 480 acres of land,
he could, with the money realized
from said sale purchase another
farm, containing 530 acres, with
good improvements thereon, and the
land of as good quality; and inasmuch
as the object of authorizing the sale of
a part of the real estate conveyed by
Bland & wife was to build the said
Bland a dwelling house, the Trustee
saw the whole matter could be

eland Skips

vs 

eland's Trust

Deposition of
J. W. Eland

— " —

Filed Nov: 6. 1872

— " —

The depositions of Joseph W. Bland and others taken before me Commissioner, a Justice of the Peace for the County of Southampton, by consent, at Druryville on the 25th day of October 1872, between the hours of 6. A. M. & 6 P. M. to be used as evidence in a certain suit in Equity in the Circuit Court of Southampton, wherein J. W. Bland & Madeline, his wife and others are plaintiffs and J. B. Prince Trustee, is defendant.

Joseph W. Bland, being duly sworn on the Holy Evangelists of Almighty God, deposes and saith as follows:-

What is your age? Answer - 46 years.

Do you know the parties to this suit.

Answer - Yes.

Do you know the condition pecuniarily of J. W. Bland & his family? Answer.

Yes.

Is it good? No.

Do you think a sale of a part of the Real Estate held in trust by J. B. Prince for the benefit of the wife & children of the said Bland would be to their interest or not? Answer

Yes.

Do you know whether the land
could be conveniently divided, so
as to admit of a part being
sold with serious injury to the
balance? Answer yes

If the land can be divided, how
much land would the part
contain, the sale of which you
would recommend? Answer
About 150 Acres

What do you think would be a
fair price for the land?
Answer. \$3 1/2 per Acre

And further this deponent saith
not..

Signed-

Isaac C. Law

State of Virginia - County of South-
ampton to wit.

I, Wm. Parice a justice
of the peace for the county aforesaid
in the said State, do hereby certify
that the foregoing deposition were
duly taken, sworn to & subscribed
before me, at the time & place mentioned
therein. Given under my hand
this 25th day of October 1812.

Wm Parice J.P.

Cland, wife of
vs 3
Cland & Trustee

Report of
Commr. Tyler
"

Nov 7. 1872

Cland, wife &
vs $\frac{3}{4}$ Report of Commisr. Tyler
Cland's Trustee

In this Cause your Commission-
er leave to report as follows - That pursuant
to an order rendered at the May Term
1872 of this Court directing a Commission-
er of this Court to enquire & report whether in
his opinion it would be to the interests
of the wife & children of J. B. Cland, to
allow a portion of his land to be sold
&c., he has taken the deposition of
Jas W. Cland, who lives in the imme-
diate neighborhood of J. B. Cland, and
is intimately acquainted with his
domestic & pecuniary condition,
and your Commissioner has no hesitation
from his knowledge of facts obtained
from this & other sources, ^{in so doing} that it would
be advantageous to all the parties
concerned to allow a portion of the
real estate to be sold. He would
recommend that the portion allowed to be
sold should not contain over 150 or
175 acres, and that the proceeds be
expended by the Trustee under the
direction of the Court. Respectfully
submitted.

James R. Tyler, Commissioner
Nov 7. 1872
To Hon. Judge C. S. Thompson Co.

Clair, wife of

as $\frac{1}{2}$ Acres.

Clair & Master

Nov 1842.

To be entered,

Geo. Sloan.

Bland, wife &
vs ~~3~~ ⁴ Decree
Bland's Trustee

This day this Cause came on to be further heard on the papers formerly read, the report of Commissioner Tyler, made in pursuance of an order entered at the May Term 1872 of this Court, and was argued by Counsel. And the Court confirming ~~and adopting~~ the said report ~~as the basis~~ to which no exceptions have been filed and adopting the same as the basis of this decree doth adjudge order & decree that Jos. B. Prince, Trustee &c. be & he is hereby authorized to sell so much of the Real Estate held in trust by him for the benefit of the wife and children of J. B. Bland as is recommended by the report of Commissioner Tyler, upon such terms as he may think most advantageous, and make report to Court. but in making sale of the said land, the Trustee is not authorized to make any deed to the purchaser, until he is so ordered by this Court. And the Court doth further order that if the said sale be on a credit then the Trustee will return any bonds he may take to Court.

72
Claus, wife &

in ~~3~~ ~~3~~ ~~3~~ Decer.

Claus & Muste

May 2nd 1872

To be entered.

Geo. B. D.

Clair, wife to
on 3 Decr -
Clair's Trustee

This day this Cause was docketed
by leave of the Court & Consent of parties, and
by the like leave and Consent Cause on to be
heard on the petition and the answer of L.B.
Prince, and was argued by counsel. On
consideration whereof, the Court doth adjudge
order & decree that a Commissioner of this
Court make the following enquiring and
report to Court viz - To Enquire & report,
whether in his opinion, it would be to the
interests of the wife and children of J. C.
Clair, to allow a portion of the Real Estate
conveyed in trust to L.B. Prince, or the whole
thereof; and if in his opinion, a portion
thereof should be sold, the said Commissioner
is directed to report what portion, the quantity
of acres, describing the same by metes & bounds.
And the said Commissioner will report
said facts, together with any other
matters specially stated deemed pertinent
by himself or required to be so stated by
any of the parties interested

Island swife

or $\frac{2}{3}$ scarce

Islandi Nutu

~~May Term 1875~~

To be entered

Geo. T. Mott.

Bland Swift

vs $\frac{2}{3}$ Decees.

Bland Swift

This day this Cause came on to be further heard on the papers formerly read and the report of J. B. Prince, Trustee, reporting sale of land conveyed by J. C. Bland Swift to said Prince, Trustee for certain purposes, and the reinvestment of the proceeds of sale in another farm, and was argued by Counsel. On consideration whereof, the Court adopting the said report, as the basis of this order, no exceptions having been filed to said report, doth adjudge order and decree that the sale reported as made to P. S. Thomas be and the same is confirmed and declared binding; and the Court doth further decree that the reinvestment of the proceeds of sale in the purchase of another farm by the said Trustee for W. Bland Swift, be also confirmed and declared binding. And nothing further appearing necessary to be done in this Cause, the Court doth order that the same be removed from the docket, at the costs of the petitioners.