1890 - 06 Southampton County - Chancery Claud, J.C. et als vs Driver, J.B. Executor

"Sale of Timber Enjoined"

Claud, Madeline
Kelly, Wm.
Kelly, Bettie A. his wife
Claud, Maud H.
Claud, Jas G.
Claud, Mack
Claud, W.T.

Deal, W.F
Deal, Marion L.
Deal, Jesse B.
Claud, E.H.

6 Land Meile 4,
or 3 Breit Stücke
Preuß Muster pp.

Preuß Schuß pp

To the Honorable A.W. Watkins, Judge of the Circuit Court of Southampton County In Chancery.

Complaining sheweth unto your Honor, your complainants, J.B. Bland and Madaline his wife, W.M. Beck and Bettie R. his wife, formerly Bland Maud H. Bland, Jos: G. Bland, Mark P. Bland and W. T. Bland, that, J.B. Bland & Madaline his wife are in the possession of a tract of land in this Court containing acres, more or less, which was conveyed to J.B. Spencer, trustee for the benefit of the said Madaline Bland, wife of J.B. Bland, and her children. That this is the only real Estate owned by said parties and they have but very little personal Estate. The Complainant Bettie R. Beck, wife of Wm. Beck, Maud H. Bland, Jos G. Bland, Mark P. Bland & W.T. Bland are children of the said J.B. & Madaline Bland, and are over 21 years of age. They have the following other children all over 14 years of age viz - Monnie L. Bland, Jesse B. Bland and E. H. Bland. J.B. Bland the father of the said infants ~~from~~ would be their sole heir and distributee. If they were dead

Your Complainants state that they have sold the timber on the said farm to one W. F. Deal for the sum of $800. subject to Confirmation by this Court. and in their opinion, the sale is an Excellent one and to the best interests of all parties. the terms of the sale will more fully appear from the contract herewith filed as Exhibit "C". It is a proper sale, because it will enable the Chief beneficiary, viz Mrs Leland to realize some money with which to aid her in carrying on the farm, which is much in need of repairs to houses &c. And because it is an Excellent price for a product that is utterly unproductive, unless sold. It is for the end therefore that justice may be done, and because Your Complainants have no remedy Except in a Court of Equity, where such matters are alone cognizable, they pray that I. B. Lance, Trustee, W. F. Deal & Mason L. Jesse B. and E. H. Leland may be made parties defendants to this bill, that a proper guardian ad litem may be appointed for the infants

That the said guardian ad litem, as well as the said infants and the other defendants may be required to answer this bill on oath - That the sale of said timber may be confirmed - That all proper orders and decrees may be made and for such other, further, general & special relief as the nature of this case may require or to Equity may seem meet. And as in duty bound &c. May it please the Court &c -.

J. G. Bland & others.

Louis & Schell p.q.

Sworn to before me, by J. G. Bland one of the complainants. Apl 15. 1889.

B. F. McLemore
Comr in Chancy

Clerk's Office
U. S. Final Report
Private Land Claims

1890. Sept 22 Filed
B. F. McLemore Clk

Cleaud Wife
vs Report of S B Prince Comr
Prince Trustee

In this cause your Comr submits the following report. That he has collected the balance of the purchase money for the sale of the timber and paid out the same as per vouchers herewith filed. I did not collect one hundred dollars of the money, as it was paid to J. C. Cleaud, and his Children were all willing that he should receive it as will appear from their affidavits filed herewith. There is nothing further to be done in this cause.

Respectfully submitted

Sept 22. 1890.

S B Prince
Comr

To Judge Circ Ct.

Received the within
in full to date
June 16. 1890
B. Palmer

Portsmouth Va
June 12th 1890

When the next payment for lumber due me is collected pay to Pate & Wyatt Sixty Eight & 50/100 Dollars with int. from 1st January last and charge to me

Yo. J. B. Palmer
Courtland Va

J. C. Cland

Debt due Jany 1. 90 $168.11

Int to Aug 18. 90. 2.53

$170.66

Paid Aug 18. 1890.

Peter Wyrick

We the undersigned authorize J. B. Prince to pay all purchase money of Timber to J. C. Cland after paying expenses of suit

J. S. Cland
Maud H. Cland
M. L. Baker
Mrs J. C. Cland.
J. B. Cland
E. H. Cland
M. R. Cland
W. J. C. Cland
Bettie R. Kelly

Leland Stiles
vs } Robert B. Trustee -
Prince Trustee &c.

Vouchers missing

Bland & wife
vs } Rehot of Comm Prince -
Prince Trustee &c.

In this Cause your Comr submits the following further rehot. That I have collected of W. F. Deal the further sum of $200 and paid over the same to J. C. Bland, his wife & children are consenting to same as by their certificate filed in this rehot. I am also state that J. C. Bland receive of W. F. Deal $100 of the purchase money before this suit was brought, and that only $700 of the money will come into my hands.

May 1. 1890

Respy submitted.

To Jno. Cir Ct.
Smithampton

I. B. Prince
Comr.

Received Dec. 7.
1889 of J. B. Lamar
Commissioner Two Hun-
dred dollars - in full
Money Collected of W. F. Beall
for purchase of timber
to date -

J. C. Clanton

Southampton Circuit Court May Term 1889

Cleaud Wise & others - Plff

" } Decree

Prince, Trustee &c. Dfft.

This day this Cause came on to be heard upon the bill of the Complainants - the Answer of J.B. Prince Trustee, W.F. Deal & Co - the answer of Wm. Shands Guardian ad litem of the infants, the answer of the Infants - with general replication to all of said answers - the Exhibits filed, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court - enquire and report whether the sale of the Timber as referred to in the bill is a judicious and proper one - and report the evidence upon which he bases his opinion on to Court with any other matter specially stated deemed pertinent by himself or required to be so stated by any interested party.

A Copy. Testo:

B. F. M Lewis C.C.

To Marion L. Leland, Jessie B. Leland
K. H. Leland, infants, J. B. Spence Trustee.

Take notice that on the 2nd day of May 1889 at the office of W. H. Parker in the town of Courtland Va. between the hours of 9. am & 6 pm of that day I shall proceed to take the depositions of Ed Jones & others to be read in evidence in my behalf in the suit in Equity depending in the Circuit Court of Southampton County, in which I and others are plaintiffs, and you are defendants, and if you may cause the taking of the said depositions be not commenced on that day; or if commenced, if they be not completed on that day, the taking of the same will be adjourned and continued from time to time at the same place & between the same hours until they are completed.

Apl 25. 1889

Respectfully.
J. H. Leland

The deposition of Ed. Jones sworn taken before me W.H. Parker, a Comr. in Chancery for the Circuit Court of Southampton Co. pursuant to notice hereto annexed at the Office of myself in the town of Courtland on the 2nd day of May 1889 between the hours of 9. am & 6 pm. to be read as evidence in behalf of the plaintiffs, in a certain suit depending in the Circuit Court of Southampton, wherein J.H. Bland and others are plaintiffs and Marion L. Bland and others are defendants.

Present Pruden & Scherer attys for pltffs
Wm Shands. Edmonds Peters
for defendant and Dfs.

Ed. Jones being duly sworn deposes and says as follows.

1st Ques. What is your age, occupation, where do you reside and do you know the parties to this suit?

Ans. I am 28 years old, a farmer, live in Southampton Co. and know the parties to this suit.

2nd Ques. Do you know anything about the timber sold by J.H. Bland to W.T. Bear Co. and if so State whether or not you think $800 a good price for the

same or not:

Ans. I live near the timber referred to, have known all about it for a number of years. The land upon which the timber is situated joins my own land. I think $800 a splendid price to both use the timber is worth. In my judgment it would be to the interest of all parties concerned that this sale should be confirmed. The buildings upon the farm of J.B. Claud are very much in need of repair, and should this sale be confirmed the money arising from the sale could be most judiciously invested in making these repairs. I do not think there are more than 50 acres of timbered land.

And further this deponent saith not.

Ed Jones

D.C. Westbrook & S.L. Westbrook being duly sworn, depose as follows.

1st Ques. What are your ages, occupations, where do you reside and do you know the parties to this suit.

Ans. D.C. Westbrook is 27 years. S.L. Westbrook

is 35 Years old, both of us are farmers, and live in Southampton Co, near the lands of J.B. Cleland and know the parties to this suit.

2nd Question. Have you read the deposition of Ed. Jones, in regard to the sale of the timber upon the lands of J. B. Cleland, and if so, please to state whether you concur in his views or not.

Ans. Yes, we have read the deposition referred to and fully concur in the views therein set forth. And further these deponents saith not.

D. H. Westbrook
S. L. Westbrook

I, W.H. Parker, a Commissioner in Chancery of the Circuit Court for the County of Southampton in the State of Virginia, do hereby certify that the foregoing depositions of Ed. Jones, D. H. Westbrook and S. L. Westbrook were duly taken, sworn to and subscribed before me at the place and time mentioned therein and in the caption thereto, pursuant to the annexed notice.

In witness whereof I have hereto set

my hand and seal this 2nd: day of
May 1889. at the County aforesaid.

Wm H. Parker,
Comr in Chancery.

" "

Commissioners fee
$5.00 charged to
plaintiffs.

Paid by D.B. Priced, Comr,
Wm H. Parker, Comr.

Chanc. wise &c.
vs
Defendants
Bill
Plaintiffs Solr &c.

Cland suits + als:

(X) 333 Return.

Franco. Austes &c.

Commissioner's Office
Courtland, May 7. 1889.

To the Hon. C. N. Hill. Judge of the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court of the County aforesaid entered this day in the Chancery Cause of Blanchard &c. v. Price, Trustee &c. the undersigned Commissioner, to whom the aforesaid decree stands referred, reports to Court: That upon the depositions of the Witnesses herewith filed, he is of opinion that the sale of the Timber in the bill and proceedings mentioned, at the price of $800.00 is a judicious and proper one. that it is all the timber is worth. The Commissioner reports further: that at one time he was joint owner of the tract of land upon which the timber stands, resided upon the farm for three years, and, consequently, knows the timber well. and considers Eight hundred dollars a big price for it. and respectfully recommends the confirmation

of the sale of the same at the price agreed upon. The Witnesses whose depositions are herewith filed, are well and favorably known to your Commissioner. have resided near the farm upon which the timber stands from their infancy, and are Gentlemen of undoubted veracity.

Respectfully Submitted.
B. F. McLemore
Com'r in Chancery

Comr's fee $2.50
chg Plaintiff
paid by J.D. Pruitt Comr
D.F.M.

Leland Stanford Jr. Co.
vs
Prince Investment Co.

Answer of
Wm Shandrew et al.

1889. Apl 1 Filed

The answer of Wm Shands Gdn ad litem to Marion Jessie & Hobday Chand, defendants to a bill of complaint exhibited in the Circuit Court of Southampton by J. H. Cleland & others.

This respondent for answer to said bill says. That he neither admits or denies any of the allegations of the bill. That he knows nothing of the advisability of confirming the sale of the timber, and he calls for the proof that the law contemplates in such cases. and having answered he prays hence to be dismissed &c.

Wm Shands
Gdn ad litem.

Sworn to before me Apl 1st 1889.
B. F. McLemore C.C.

J. b. blelaud
to § Obst
L. B. Price

Statement of money collected by I B Price Comr. in suit Holland & Holland &c. Circuit Court of Southampton. of Juries of W. F. Deal in favor for payment of timber bought by W. F. Deal of Holland & his children -.

Amt due May 1. 1890	$200.
Int to Sept 1. 1890	4.00
	$204.00
Paid Aug 18. 1890 to Pete Smyrick, Sept. 68.11 2.56	= 70.66
	$133.34

Received Sept 6. 1890 of I B Price Comr. one Hundred and thirty three 34/100 dollars in full of above Statement.

J. C. Holland

Bland Surfe Tr
vs 3 Report of Comr L.B. Price
Price Trustee

In this cause your Comr Reports that he has collected of W.T. Deal the sum of $300 on acct of his purchase of timber and has paid the costs of this suit amounting to $30.20 and a fee to Price & Selden of ten dollars, that left in my hands $259.10, which I paid to J.C. Bland, his adult children all consenting thereto; there are $400 more to be collected and all of Mr Bland's children are over 21, but three - 6 are adults.

I file the written consent of the children and the receipt of J.C. Bland - together with Statement of Costs.

Respectfully submitted.

L.B. Price
Comr

Oct 23. 1889.

To Judge Cir: Ct.
Southampton

Statement of Costs

Clerk's fees: v. Prince Dunstan &c.

Clerk $6.40 paid. B.F.M.

Shff. 1.50 pd. [illegible]

Law fees: 16.50 pd. [illegible]

Comm. W.F. Parker Paid 5.00 H.H.P.

" B.F.M. 2.50 paid. B.F.M.

30.90

We hereby consent to the payment of two hundred sixty dollars by D. B. Price to J. S. Cland and wife. Given under our hands July 3. 1889.

J. S. Cland

W. T. Cland

W. O. Cland

M. A. Cland

E. A. Cland.

J. B. Cland.

M. L. Baker

Received July 4. 1889 of J. B. Price
Master & Comr. in Chancery with
J. Blount vs Price Master,
Two hundred Sixty dollars
in full of amt. allowed of H.F.
Deal on purchase of timber-
less &c pens.

J. C. Clark

I hereby give my Consent for D. B. Prince Trustee to pay over to J. C. Leland the money for which he sold his pine timber given under my hand July 6. 1889.

Bettie R. Kelly

Edward Lewis &
vs 3
Prince Trustee &.

Answer of
W.F. Deal & Co

The answer of W. T. Deal & Co to a bill of complaint Exhibited in the Circuit Court of Southampton Co. against them & others by J. B. Land & others.

These respondents for answer to said bill say- That the terms of the sale of the timber belonging to J. B. Land & wife & children are correctly set out in the bill and in a deed filed with the bill from J. B. Land & wife - and that they are ready & willing to comply with their part of the agreement, as soon as the sale is confirmed. And having answered, they pray hence to be dismissed &c.

W. T. Deal & Co

Sworn to before me this 2nd day of May 2. 1889.

P. S. Thomas J. P.

1574

Claud Funso Jr.

Stat: Rules

Prince Juster Jr.

2 Mah

J. C. Cland & Madeline his wife
W. M. Kelly & Bettie R. his wife -
Maud H. Cland - Jos. G. Cland -
Mark P. Cland & W. P. Cland. } Pltffs

vs

J. B. Prince - Trustee - W. F. Deal -
Marian L. Cland - Jesse B.
Cland & E. H. Cland - the last
three infants by Wm Shands
their Gdn ad litem. } Defts

In Chancery

1889. Mch 16 - Summ: to 2d Mich Rules
" 2 " Rules: Summ: ret? Executed -
Bill & Ex: filed -
Wm Shands apptd Gdn ad litem -
decree nisi v adults -
" 1 Apl " Answer of Gdn ad litem filed
" " ~~Infants filed~~ -
" " ~~J B Prince~~ "
Bill taken ~~for~~ Confsd as to
W. F. Deal & J B. Prince Defts
Gen: replication & Cause
set for hearing -

Holbrook Mills
to
W. R. Reeves

This deed made December 4th 1889 between J.C. Cland & his wife Madline L. Cland of one part & W.T. Deal, Geo. R. Trant & J.B. Trant, partners in busines under style of W.T. Deal & Co, of the other part, Witnesseth: that in Consideration of the sum of Eight hundred dollars to be paid as follows- One hundred dollars Cash in hand paid Three Hundred dollars to be paid when this sale is Confirmed by the Circuit Court of Southampton Co. Two hundred dollars to be paid on the first day of November 1889, the remaining Two Hundred dollars to be paid on the first day of May 1890- the parties of first part have sold & Conveyed unto the parties of the second part all the standing pine timber down to twelve inches across the stump on the tract of land on which the said parties of the first part now reside Containing 160 acres more or less, bounded by the lands of J.W. Cland, P.S. Thomas, Ed. Jones & others. It is agreed that the said parties of the second part shall have the term of Five years to Cut & remove said timber- and shall have the right to locate mills, tramways or rail roads to Cut & remove not only this timber but any timber adjoining this farm, & also the right to remove same. Witness the following signatures & seals-

J.C. Cland (Seal)
M.L. Cland. (Seal)

Virginia, Southampton County to-wit

I, W.H. Drewry, a Justice of the Peace for the County aforesaid in the State of Virginia do Certify that J.C. Cland & Madline L. Cland whose names are signed to the writing above dated December 4th 1889 have acknowledged the same before me in my County aforesaid. Given under my hand April 13th 1889

Wm H Drewry J.P.

Cloud Co's & also:

Sum

Prince, Dunster, & Co

1889. 2 Mich Rules

Cir: Ct.

Execution March
18th 1882 by delivery
to a copy of this Sum
to J B Prince Esq
Deputy Sheriff

J W Willcox
Sheff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON J. B. Prince, Trustee, W. F. Deal - Marion L. Bland - Jesse B. Bland and E. H. Bland - the last three infants, by Wm Shands their Gdn ad litem

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~~ 2d Monday in March next, to answer a bill in chancery exhibited against them in our said Court by J. C. Bland & Madeline, his wife - W. M. Kelley and Bettie R. his wife. Maud H. Bland, Jos. G. Bland - Mark P. Bland and W. T. Bland

And this they shall in no wise omit; and have then there this writ.

B. F. McLemore

Witness, ~~J. B. Prince~~, Clerk of our said Court, this 16 day of March 188 9, in the 113" year of the Commonwealth.

Teste: B. F. McLemore C. C.

Claudius P. et
vs
Prince Trustee &c.

Action of
J. B. Prince
Trustee

1889. Apl. filed

Clark & wife - Pl'ffs

vs

Answer of I. B. Price Trustee

Price Trustee Def't

The The respondent I. B. Price says that he is well acquainted with the timber in the bill mentioned, having known the land upon which the timber is ever of his life. In my judgment the sale is a very good one, and should be confirmed. And having answered, he prays hence to be dismissed &c.

I. B. Price Trustee.

Sworn to before me this 24th day of Apl 1889.

B. F. McLemore C.C.

Cland, tribe to others

3 Deeds —

vs

Prince Trustee &c.

This day this cause came on to be heard on the papers formerly read and the report of Com. Melanne filed during ~~Sept. Term 1894 of this Court, the answer of J B Prince trustee, the terms and note sued on, exhibited to the answer of Wm Shand, the additional to the answer, the answer of the infants, and the answer of Wm F. Deal & Co, with general replication, the depositions of witnesses, and was argued by Counsel~~ on consideration whereof and the Court being of opinion that the sale of the timber by J.B. Cland tribe to Wm F. Deal & Co is an advantageous one, and to the best interest of all concerned, doth adjudge order and decree that the same be and it is hereby confirmed. And in order to effectually carry out and complete the same, it is further ordered that when the said W. F. Deal & Co shall pay to the said J B Prince who is hereby appointed a Special Commissioner to receive the purchase price of $500.- provided the same is paid according to the terms of the deed filed as an exhibit in this cause from J.B. Cland tribe to W.F. Deal & Co, then the said J.B. Prince Com. as afore

said shall execute a deed to said W. T. Veal & Co for the timber aforesaid, with special warranty. But before the said I. B. Purvis shall receive the said money, he shall execute before the Clerk of this Court a bond in the penalty of $1200- with security to be approved by said Clerk, conditioned to perform this and any further decree in this cause- and said Commissioner in his return with his report a certificate from the Clerk that he has further executed the said bond-.

145-
Refused this 6th
day December
Purvis Hunter &c.

May 7th
1889.

To be Sealed.
C M Shell
May 8. 1889

3 & 0

Claud, Cutler &
vs 3 Degree
Prince Justice &

May Term
1889

To be entered.
C Mitchell
May 7. 1889

339

Claud Swipe et ux.
vs
B. Deese
Prince Justice &c.

This day this cause came on to be heard on the bill of the complainants, the answer of I. B. Prince Justice, W. T. Deal & Co, the answer of Wm Shands Jr guardian ad litem of the infants, the answer of the infants, with general replication to each of said answers, the exhibits filed, and was argued by Counsel - On consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court examine report whether the sale of the timber as referred to in the bill is a judicious and proper one - and report the evidence he bases his opinion on to Court with any other matter specially stated deemed pertinent by himself or required to be so stated by any interested party.

Clarendon Pl.,
no 3
Prince Maurice St.

Assaults
Infants

89. age 24. Feb

The Joint and Several answer of
Marion L. Jesse B. and E. H. Bland
infants over 14 years of age to a
bill of complaint & hibited against
them & others in the Circuit Court of South-
ampton by J. C. Bland & wife & others.
These respondents for answer to
said bill say - That they are
acquainted with the facts & set
forth in the said bill - they believe
the sale of the timber as set out
a most & excellent one, greatly to
their interest and they hope the
Court will confirm the same.

× Marian L Bland
× Jessie B Bland
× E H Bland

Virginia - Southampton Co. to wit.

Personally appeared before me, a Justice of
the Peace for the County aforesaid, Marion L.
Jesse B & E. H. Bland, and made oath
that the above answer is true to
the best of their belief. Given under
my hand Apl 18th 1889.

Thos. B. Powell J.P.

Island Lumber
No 3 Deeree
Premium Hunter & Co

1890 May Term

Whereupon.
C Wade

Entered

Cleveland Trust Co

vs

W. F. Deal

Probate Court Ts Co.

This day this cause came on to be again heard on the petition formerly read and the two reports of Comr. Price showing collection of $500 of the purchase money from W. F. Deal for the timber in the proceedings mentioned, the proper disbursement of same, with satisfactory vouchers - to which there is no exception and now argued by Counsel - On consideration whereof, the Court doth confirm said reports.

Class Tribe 17
vs 3 Deeds
Private Trustees

1890 Nov: Term
To be sealed.
CMD
Nov 7. 1890

Enk

Leland Stanford
vs
Z Deuel.

Prince Hunter &c.

This day this Cause came on to be further heard on the papers formerly read, the report of Comr. L.B. Prince filed Sept 22. 1890, reporting Collection of certain Purchase money for the timber in the proceedings mentioned, the proper disbursement of the same, Exceptions by proper Counsel, and Cross argued by Counsel. On consideration whereof, and no Exceptions being filed to said report, the same is hereby Confirmed. Nothing further appearing necessary to be done in this Cause, the same is ordered to be removed from the docket.