1890 - 18 . Southampton County - Chancery Urquhart, A. B et als Vs. Urquhart, Francis et als

"Sale of Timber &c"
Lengthy injunction

Urquhart, Eliza
Urquhart, Lucinda
Urquhart, Chas F.

Urquhart, Emma W
Urquhart, Rebecca H.
Urquhart, Nat. W.
Urquhart, Tom S.
Urquhart, Whitmel
Surry Lumber Co.

minors

To the Hon C.O'Hara. Judge of the Circuit Court of Southampton Co. In Chancery.
Complaining Sheweth unto your Honor your complainants A.B. Urquhart and Eliza A. his wife - Leonidas R. and Chas T. Urquhart - as follows -
That by his last Will and testament, of record in the Clerks Office of Southampton, Thos Ridley bequeathed to his daughter Eliza A. Urquhart, who is the wife of A.B. Urquhart, during her life the farm upon which she now lives and at her death the said farm descends to such of her children as may then be living. all of which will more fully appear from a certified copy of said Will filed herewith as Exhibit "A", That your complainants A.B. Urquhart and Eliza A. his wife have the following children to wit - Leonidas R. & Chas T. Urquhart - both now over 21 years - Francis J. and Emma W. both over 14 years of age - and Rebecca H. Nat W. Wm S. and Whitmell H Urquhart under 14 years of age -. That the farm above alluded to and containing about 70 acres is all the real estate

[2]

owned by the said parties, and they have
very little personal estate. That in
the event of the death of any of said
children their father would be the
sole heir and distributee. Your complain-
ants state that they have recently made
a conditional sale of the pine timber
on said farm to the Terry Lumber
Company for the sum of five hundred
dollars Cash, provided the said sale
as more fully appears from the agreement filed as Exhibit
"B" can be confirmed by this Court, and
they believe it would be very decided
to the interests of the infants to confirm
the said sale for the following reasons.
The timber is situated in a section
of this County very remote from
any transportation facilities, and is
of no value to the parties unless it
can be turned into money. The Terry
Lumber Company is buying nearly
all the pine timber in this section of
the County, and if a sale of this portion
of timber should not be effected
now, it will be next to impossible to
sell hereafter, as there will not be
sufficient timber left in this locality
to induce lumber men to purchase

and because your complainants A.B. Urquhart and Eliza A. his wife have a large number of small children, whom they are trying to educate and this sum of money would greatly aid them in their present effort. Your complainants state further that the rights of no person will be violated by a sale of the said timber. To the end that justice may be done and as much as your complainants are without remedy in the premises except in a Court of Equity where such matters are properly cognizable, they pray that Francis J. Emma W. Rebecca H. Nat W. Wm S. and Columbus H. Urquhart all minors and the Leroy Lumber Company be made parties defendant to this bill, and compelled to answer the same - that a proper guardian ad litem may be assigned to the infant defendants; that the said Francis J. and Emma W. Urquhart and the said guardian ad litem may be required to answer the said bill on oath; that the sale of said timber may be confirmed and the purchase money therefor collected under the order of this Court, and that you

Hon will grant such other further, general and special relief as to Equity may seem meet & the nature of this case may require - And as in duty bound Your Complainants will ever pray &c -

May it please the Court &c -

A. B. Urquhart.
Elyza A. Urquhart
Leonidas Urquhart.

Prince of Sebrees p.q.

Southampton County to wit -

This day personally appeared before me, the undersigned, Clerk of the Circuit Court of Southampton the above named Leonidas R. Urquhart one of the plaintiffs in the foregoing bill and made oath that he believes the statements therein contained are true.

Given under my hand this 11th day of April 1888.

B. F. McLemore C.C.

Urquhart Wife &c.

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Stat. Rules

Urquhart &c.

A. B. Urquhart & Eliza A. his wife.
Leonidas A. Urquhart &
Chas. J. Urquhart. Pltffs

against

~~Francis J. Urquhart~~. Emma.
W. Urquhart. Rebecca W. –
Nat. W. Wm S. & Whitmel H.
Urquhart. all minors. &
The Surry Lumber Co. Defts.

1888. Mch 30. Summ: to April Rules.

" April Rules: Summ: ret? not found. bill & Exhib: filed. Answer of Surry Lumber Co. filed. Answer of Infants by Gdn ad litem. filed. ~~Answer~~ ~~Separate answer of Emma W. & Frances J. Urquhart filed.~~ Answer of Gdn ad litem. filed. decree nisi & Defts.

" May " ~~Gdn ad litem's~~ ~~Cause set for hearing.~~

answers of Frances J. & Emma W. Urquhart minors, over the age of 14 years. filed.

~~Gdn ad litem's~~

The answer of B. F. McLemore, Guardian ad litem to the infant defendants, Francis J. Emma W. Rebecca H. Nat: W. Wm S. and Whitmel H. Wyatt, to a bill in Equity Exhibited against him & others in the Circuit Court of Southampton Co. by A B. Wyatt, & others.

This respondent saving and reserving &c. for answer to said bill says- That so far as he knows and believes, he is of opinion that the sale of the timber as set out in the plaintiffs bill is to the best interests of all concerned. But he submits as he thinks he ought to do, all questions to the protection and determination of this Honorable Court- and having fully answered he prays hence to be dismissed &c-

B. F. McLemore, Gdn ad litem

Southampton County to wit.

This day personally appeared before me the undersigned, a Commissioner in Chancery for the Circuit Court of Southampton Co. B. F. McLemore and made oath that the statements in the above answer are true to the best of his knowledge and

belief. Given under my hand this 26th
day of April 1888.

Wm Sheads
Commissioner in Chancery for
the Circuit Court of Southampton Co.

Copy of Answer of Defendants

Copy of Answer of Defendants

Mynehart, Wife &c.

vs

Mynehart &c.

Consent of infants by Guardian ad litem

The Joint and Several answer of
Rebecca H. Nat W. Wm S. and Whitmel
H. Urquhart, infant defendants under
14 years of age by B. F. McLemore their
Guardian ad litem, to a bill in
Equity exhibited in the Circuit Court
of South Carolina against them sworn
by A. B. Urquhart and others.
These respondents, saving and
reserving &c, for answer to said
bill say. That they are infants
and being such, know nothing of
the facts as set forth in the bill of
the complainants, and ~~being~~ therefore they submit their rights to the
protection of this Court. And
having answered. they pray
hence to be dismissed &c.

B. F. McLemore
Gd ad litem

The answer of Emma W. Urquhart, a minor over age of 14 years to a bill of complaint exhibited in the Circuit Court of Southampton by A.B. Urquhart, Wife and others against herself and others.

This respondent, saving and reserving to herself all manner of benefit and advantage of exception to the many errors and insufficiencies in the said bill contained, for answer thereto or to so much thereof as she is advised is necessary for her to make answer unto, she answering says: That she is the wife of the said A.B. Urquhart, and has been married to him for about two years. That the facts as set out in said bill she believes all to be true; she is old enough to know something of the sale of the timber and she thinks the sale a good one, to the best interests of all concerned, and she hopes it may be confirmed - and having answered the prayer hereof to be dismissed -

x Emma W. Urquhart.

North Carolina -

County of Southampton - to wit.

This day personally appeared before me the undersigned a justice of the Peace for the County aforesaid Emma W. Urquhart and made oath that the statements made in the foregoing answer are true to the best of her knowledge and belief - Given under my hand this day of April 1888

J. A. Burgwyn J.P.

Inquhart & ux

Inquhart & ux

Answer of Emma
W. Inquhart. a
Minor over 14

Urquhart, Wife &c

vs 33

Urquhart &c

Answer of The

Berry Lumber Co

The Answer of the Surry Lumber Company, a Company Chartered under the Laws of Virginia, to a Bill of Complaint Exhibited against it and other parties in the Circuit Court of Southampton County by A.B. Mapl[illegible] and others.

This respondent, saving and reserving &c. for answer to said bill or to such parts thereof as it is deemed material to answer - say - that the facts as set out in said bill in regard to the conditional purchase of the pine timber on the farm of the said A.B. Mapleheat and Elyja A, his wife, provided the same is confirmed by the Circuit Court of this County, are true. Respondent is willing to pay the price agreed upon as per agreement filed in the papers of this cause as soon as the sale is confirmed and a proper person is designated and qualified to receive the purchase money. And having answered, respondent prays hence to be dismissed &c -.

Richard Waters President
of Surry Lumber Co.

over

State of Maryland } Cont.
City of Baltimore }

This day personaly appeared before me, the undersigned, a Notary Public for the State of Maryland, City of Baltimore, Richard T. Waters, President of the Savoy Lumber Company and made oath that the statements made in the foregoing answer so far as made of his own knowledge are true and so far as made upon knowledge or information derived from others, he believes them to be true.

Given under my hand and notarial seal this 6th day of April 1888.

Thos. Keech Bradford
Notary Public

Urphart Wife &c.
vs
Urphants &c.

Answer of
Francis J. Urphart
a minor over 14.

The answer of Francis J. Urquhart, a
Minor over age of 14 years to a bill of
Complaint exhibited in the Circuit Court
of Southampton by A.B. Urquhart, Wife
and others against herself and others.
This respondent saving and reserving
&c. for answer to said bill says. That the
facts as set out in said bill the
Defendants are to be true. She is old
enough to know something of the sale
of the timber and she thinks the sale
a good one, to the best interests of all
Concerned, and she hopes it may be
Confirmed. and having answered the
prays hence to be dismissed &c.

x F J Urquhart

County of Southampton to wit.
This day personally appeared before me
the undersigned a Justice of the peace for
the County aforesaid. Francis J. Urquhart
and made oath that the statements made in
the foregoing answer are true to the best of
his knowledge and belief. Given under
my hand this 8th day of April 1888.

John I. Turner J.P.

Urquhart vs J^r.

" " } In Chancery

Urquhart J^r.

I Certify that the bond required by Spec^l Commissioner J. B. Prince, in the above style Cause, has been executed with approved security. Given under my hand Nov 13. 1888.

B. F. McLemore C.C.

Know all men by these Presents, That we J. B. Prince and

W. J. Sebrell & Thos. E. Sebrell

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

Eight 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. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this 13 day of November A. D. 18 88.

THE CONDITION of the above obligation is such that if the above bound J. B. Prince, who has been appointed a Special Commissioner by a decree of the Circuit Court of Southampton County entered at the November Term 1888 in the Chancery Cause of Urquhart v. Urquhart &c. to receive from the Surry Lumber Company Four hundred dollars as the purchase price of the Timber in the Bill and proceedings mentioned, to execute to the said Surry Lumber Co. a deed for the same: shall faithfully discharge his duties under the said decree and those which may be required under any subsequent decree which may be entered in said Cause

~~shall faithfully discharge~~ the duties of ~~office or trust~~ according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in presence of the Court.

J. B. Prince SEAL

W. J. Sebrell SEAL

Thos. E. Sebrell SEAL

Inpehant sinfe
vs Z Rehat.
Inpehoath &c.

Neuft inside

May 1. 1890

Upchurch Estate

Report of I B Prince Coner

Upchurch.

Since my last report of Oct 23. 1889 I have paid out Eight dollars to A.B. Upchurch and file his receipt herewith. Below I give statement of balance yet in my hands.

	By bal Oct 23. 1889.	$141.44
1889 Dec 16	To ps A.B. Upchurch	80.00
	Bal in my hands.	$61.44

This balance I shall pay to A.B. Upchurch as I am satisfied the necessities of his family are such that it is a proper expenditure. All of which is respectfully submitted.

May 1. 1890.

I B Prince
Coner

To Judge Cir: Ct.
So'ampton

Received Dec 16. 1889 of D. B. Prince
Comr in Chy suit Urquhart Lumber Co
Vs Urquharts Eight cases - for fund
for sale of timber to be used in
necessaries for my family -

G. G. Urquhart

Imphart Tribe
Final
" " Report

Imphart Off.

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Vouchers inside

Upshaw Estate
vs
Z Robert.

Upshaw
In this cause you Comr. Sub-
mits the following further report.
I have paid out all the money
in my hands and herewith give
statement showing disbursements
and file receipts for same.

Z	Bal in hand per last Rept.	$61.44
	Z pr tax accts	30.48
	" " A. Blueford Estate	30.96 $61.44

There is nothing further to be
done in this cause and I
recommend it be dismissed
from the docket.
All of which is respectfully
submitted.
May 20. 1890

I. B. Purcell
Comr

Z Judge Cir: Ct.
Southampton

Mr. Anselum B. Urquhart. No. 765

1889. To JAS. J. DARDEN, Treasurer of Southampton County, Dr.

SUBJECTS OF TAXATION.	State Tax, 30c. on $100.		School Taxes. State, 10c. on $100.		School Taxes. County, 5c. on $100.		School Taxes. District, 10c. on $100.		County Levy 50 cents on $100.		TOTAL TAX.	
To ____ acres Land, value $____												
" Personal Property, value $ 317		95		32		16		32	1	58	3	33
" Capitation Taxes,			1			50					1	50
" Income ____ $____												
Total											4	83
Fee Bills												
5 per cent. additional												24
Total											5	07

Received payment 4 day of June 1890. E. P. Land Dy. Treasurer.

HARRELL'S PRINT, WELDON, N. C.

No. 767

Mr. E. A. Urquhart-

1889. To JAS. J. DARDEN, Treasurer of Southampton County, Dr.

SUBJECTS OF TAXATION.	State Tax, 30c. on $100.		School Taxes. State, 10c. on $100.		School Taxes. County, 5c. on $100.		School Taxes. District, 10c. on $100.		County Levy 50 cents on $100.		TOTAL TAX.	
To 860 acres Land, value $2304	6	91	2	30	1	15	2	30	11	52	24	18
" Personal Property, value $												
" Capitation Taxes,												
" Income ____ $____												
Total												
Fee Bills											1	21
5 per cent. additional											25	39
Total												

Received payment 17 day of June 1890. E. P. Land Dy. Treasurer.

HARRELL'S PRINT, WELDON, N. C.

Received May 19. 1890 of L. B. Parker Comr. in Urquhart suit vs Urquhart - Suit & 9/10 ths decree in full of balance in his hands from sale of timber -.

A B Urquhart

Upchurch scribe
vs Z Report
Upchurch.

Vouchers
sinister

Oct 23. 1889

Urquhart Estate

Report of Comr. I. B. Lewis

Urquhart's.

In this cause your Comr. submits the following report. That he has collected the Savoy Lumber Co. the sum of $577. it being for the timber & premises to said Co a deed with special warranty.

Amt recd		$577.00
Paid Taxed costs.	$42.00	
" Comrs	19.34	
" attorney	25.00	$86.34
		$430.66

Paid taxes.	24.17		
	4.81		
	28.48		28.48
			$402.18

I have also paid out to the adult children as follows.

A. B. Urquhart order.	$150.	
E. A. Urquhart "	65.	
A. B. Urquhart for children	45.64	260.64
Bal in my hands —		$141.44

The necessities of Mr Urquhart's family were such that I thought I was doing right to disburse what I have as I knew that the family was needy & the money.

Respectfully submitted

Oct 23. 1884. I. B. Lewis

To Judge Cir Ct. Comr.

No. 912

Mr. E. A. Urquhart

1888. To JAS. J. DARDEN, Treasurer of Southampton County, Dr.

Subjects of Taxation.	State Tax, 30c. on $100.	County Levy, 40c. on $100.	School Taxes. State, 10c. on $100.	School Taxes. County, 5c. on $100.	School Taxes. District, 10c. on $100.	Total Tax.
To 800. acres Land, value $2304	6 91	9 21	2 30	1 15	3 45	22 02
" Personal Property, value...$						
" Capitation Taxes						
" Income...$						
Total						
Fee Bills						1 15
5 per cent. additional						24 17
Total						

Paid by J. B. Prince Jr.

Received payment 5 *day of* July 1889 E. A. Land Dr/ty. *Treasurer.*

No. 906

Mr. Anselum B. Urquhart

1888. To JAS. J. DARDEN, Treasurer of Southampton County, Dr.

Subjects of Taxation.	State Tax, 30c. on $100.	County Levy, 40c. on $100.	School Taxes. State, 10c. on $100.	School Taxes. County, 5c. on $100.	School Taxes. District, 10c. on $100.	Total Tax.
To acres Land, value $						
" Personal Property, value...$ 260	78	104	26	13	39	2 60
" Capitation Taxes			1 00	50		1 50
" Income...$						
Total						4 10
Fee Bills						21
5 per cent. additional						4 31
Total						

Paid by J. B. Prince Com.

Received payment 5 *day of* July 1889 E. A. Land Dr/ty. *Treasurer.*

Thos. E. Sebrell. Monthly Statement. J. B. Prince.

Courtland, Va. Oct 1st 1889

Mr A. B Urquhart, wife & Children

To Thos. E. Sebrell & Co., Dr.

Dealers in General Merchandise.

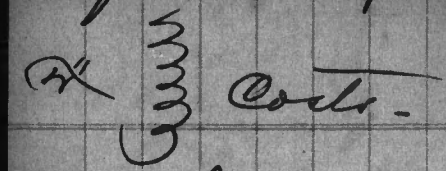
1889

July 17 To amo: bill rendered $45 64

Received of J B Prince Commissioner the above amount in full settlement

Oct 1st 1889 Thos. E Sebrell & Co

Unguhart twist 4-



Unguharts

Urquhart & Urquharts – Cont'd

Clerk	$6.50	pw
Shift	9.00	pw
Comm'n W'kg	10.00	pw
Lawyer	16.50	pw P.S.
	$42.00	
	16.50	
	25.50	

574.00
41.50
4 mos 5.50

J. B. Prince a Commissioner appointed by the Judge of the Circuit Court of Southampton in its November term 1888 to sell a lot of timber in which I am interested, will please pay to A. B. Urquhart my portion of proceeds of sale & oblige

Yours Respectfully
Chas J. Urquhart

	A. B. Urquhart,				
1888	To Wm. H. Parker,		Dr.		
Nov		$	cts	$	cts
	To fee for Commrs Report in suit, Urquhart & wife &c. vs Urquhart &c.	10	00		
	Paid by J. B. Prince, Commr.				
	for Wm. H. Parker.				

Received Decbr 10. 1888 of J. B. Prince Special Comr. One hundred & fifty dollars, on account of amt due us for our interest in the timber sold & confirmed under decree of Circuit Court entered at Nov Term 1888. Styles Urquhart wife &c vs Urquharts.

A. B. Urquhart
E. B. Urquhart
C. G. Urquhart
L. R. Urquhart

Received Jany 21 1889 of J. B. Prince Special Comr in Chancery suit of Urquhart Wife vs Urquhart pending in the Circuit Court of Southampton County Sixty five dollars on acct of my interest in said money arising from sale of timber sold in said suit

E. A. Urquhart
A. B. Urquhart

Impleas, Writs etc
re
Impleas

Petition of C. B.
Impleas

To the Hon Circuit Judge of the Circuit Court of Southampton.

Your petitioner A.B. Urquhart, respectfully petitions your Honor as follows.

That he has made a sale of his pine timber as is now being set out in the proceedings of this Cause.

That he has a large number of small children, who are unable to work, and the necessities of his family force your petitioner to ask your Honor to allow the Com, who will receive the purchase price for said timber to expend the balance after deducting his wife's interest towards the Education, maintenance and support of these infants. They need help now, and your petitioner hopes your Honor will allow the said money to be so expended, and he is duty bound your petitioner will ever pray &c.

Nov 8. 1888

A B Urquhart

Urquhart, &c.

vs

Notice

Urquhart &c.

Executed Sept. 1st
1888 by delivering
J. P. Smith V. President
of Sierra Lumber Co.
& Do B. F. McLane
Land & Lime Co
copy each of this Notice

J. W. Williams
Sheff

Commissioner's Office,

Jerusalem, Va., Sept., 5th: 1888.

To A.B. Urquhart and Eliza A. his wife, Leonidas A. Urquhart and Charles D. Urquhart, Francis J. Urquhart, Emma W. Urquhart, Rebecca W. Nat: W. Wm. S. and Whitmel H. Urquhart, all minors, and the Surry Lumber Co.,

You are hereby notified that I have fixed upon the 19th: day of September next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

1st: Whether or not the interests of the infant defendants would be promoted by a sale of the timber in the bill mentioned, or any part thereof;

2nd: Whether or not the rights of any person would be violated by such sale; which enquiries the said Commissioner will make and report to this Court, together with any matter specially stated deemed pertinent by himself, or which he may be required to so state by any interested party—

required to be taken by a decree of Southampton Circuit Court, rendered at the May term, 1888, in a suit in chancery depending in 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 first aforesaid.

Wm. H. Parker,
Commissioner.

To the Sheriff of Southampton County to execute.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Wm. J. McWilliams, Jno: A. Smith and W. H. Urquhart.

Wm. H. Parker, a Commr in Chancery for the Circuit to appear before ~~the Judge of our~~ Court of Southampton County, ~~at the Courthouse thereof,~~ at his office in the town of (Courtland) — Jerusalem, on the 22nd day of October 1888 ~~term,~~, to testify and the truth to speak on behalf of A. B. Urquhart & Eliza A. his wife and Lemuel S. Urquhart and Chas. J. Urquhart in a certain matter of controversy in our said Court depending and undetermined between said A. B. Urquhart & Eliza A. his wife and — Lemuel S. Urquhart and Chas. J. Urquhart, plaintiffs, and Francis J. Urquhart & others defendants, and this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, ~~J. B. PRINCE, Clerk~~ of our said Court, at the Courthouse, this 4th day of October 1888, in the 113th year of the Commonwealth.

Wm. H. Parker, a Commr in Chancery —

TESTE:

Wm. H. Parker, Comr in Chy

Urquhart wife &c.

vs

Sumt

Urquhart, &c.,

Executed Oct. 22
ed 1888 by delivering
a copy of this Summ's
to each of the within
named parties

A. J. Cobb Dept

for J. W. Williams
Shff

The Depositions of W. H. Urquhart & others taken before me, Wm. H. Parker, a Commissioner in Chancery for the Circuit Court of Southampton County, pursuant to notice hereto annexed, at my Office in the Town of (Courtland), Jerusalem, on the 22nd. day of October 1888, between the hours of 9 O'clock A. M., and 5 O'clock P. M., to be read in evidence in behalf of the plaintiffs, in a certain suit depending in the Circuit Court of Southampton County, wherein A. B. Urquhart and Eliza A. his wife, and others are plaintiffs and Francis J. Urquhart and others are defendants.

Present.

Prince and Sebrell Counsel for plaintiffs.

B. T. McLemore G'd'n ad litem for infant Defendants.

The witness, W. H. Urquhart, being duly sworn, deposeth and saith as follows:

Ques: What is your age, occupation, place of residence, and do you know the parties to this suit?

Ans: I am 40 years of age, engaged in farming, live in Southampton County, and know the parties to this suit.

Ques: Do you know the land and timber thereon in the bill mentioned

Ans: Yes.

Ques: Do you think the sale of the timber mentioned in the bill is a good one and to the interest of the infants?

Ans: I think the sale, as mentioned in the Contract marked "B", is a good one and to the interest of the infants.

Ques: Do you know of the rights of any one that would be violated by said sale?

Ans: I do not.

And further this deponent saith not.

W. H. Wyckhart.

The witnesses, W. J. Williams and J. A. Smith, being of Campus age, engaged in farming in Southampton County, and being acquainted with the parties to this suit, depose and say as follows:

Ques: Have you both heard the deposition above given by W. H. Wyckhart; and, if so, do you corroborate the same?

Ans: We have heard the deposition and we corroborate the same.

J. A. Smith

W. J. Williams

Urquhart &c. 126

&c. Comm Report

Urquhart &c.

1888. Oct. 26. filed

Commissioner's Office,
(Courtland) - Jerusalem, Va,
Oct. 22nd: 1888.

To - the Hon: C.T. Hill, Judge of the Circuit Court for the County of Southampton.

Pursuant to a decretal order of the Circuit Court for Southampton County, entered at the May Term 1888, in a cause in Chancery in the said Court depending between A.D. Urquhart and Eliza A. his wife, and others, Complainants, and Francis J. Urquhart and others, defendants, an office copy of which decree is hereto annexed, the undersigned, one of the Commissioners of the said Court, to whom was referred the enquiries —
1st: Whether or not the interests of the infant defendants would be promoted by a sale of the timber in the bill mentioned, or any part thereof; and,
2nd: Whether or not the rights of any person would be violated by such sale, together with any matter specially stated deemed pertinent by himself, or which he may be required to so state by any interested party, would respectfully report that, on the 5th day of September 1888, he issued notice to the parties concerned,

concerned, as will appear by the notice herewith returned, requiring them to appear at his Office in the town of (Cumberland) Jerusalem, Va., on the 19th: day of September 1888, when he would proceed to execute the said order, — and they failing to appear on that day, the same was continued until October 22nd: 1888, at which time the depositions of witnesses, herewith returned as a part of this report, were duly taken, in obedience to process executed in them on the 22nd: day of October 1888, and which, it herein annexed; that the depositions taken in the cause clearly show, in the opinion of the undersigned, that the sale of the timber, in the proceedings mentioned, for the sum of $500.00 cts., the price agreed upon between the parties in their Contract referred to in the Complainants bill, would be to the interests of the infants and, and that, by such sale, the rights of no one would be violated. The witnesses examined are intelligent, practical gentlemen, who are well acquainted with the timber in question, having lived near by it for a number of years and they all agree as to the advisability of its sale for the purposes set forth in the bill.

In addition to this, the undersigned would state specially that he, himself, has some knowledge of the locality of the property and the disadvantages attending its sale. It is very remote from any Depot or rail road and the Surry Lumber Company has purchased nearly all the timber in its vicinity; and, therefore, rendered it far less valuable and less desirable to purchasers than otherwise it would be. The parties too, are unfortunately in reduced circumstances; and without the sale of this timber, the children have but very little, if any, means of an education; whereas, the money arising from its sale would be a great assistance to them in that direction. The price, agreed upon for the timber, is thought to be reasonable and fair; and, the facts set forth in the bill being true, in the opinion of the undersigned, furnish sufficient grounds for its sale. He, therefore, recommends a sale.

Commissioners fee
$10.00 Charged
to Plaintiff

Wm. H. Parker,
Commissioner in Chancery.

Southampton Circuit Court May Term 1889

Urquhart &c.
vs.
Urquhart &c } Decree

This day this cause came on to be heard upon the bill of complainants, & exhibits therewith filed, the answer of the Surry Lumber company the answer of the infant defendants by G'dn ad litem, the answer of the infant defendants over 14 yrs of age, & was argued by counsel. On consideration whereof, the court doth adjudge, order and decree that it be referred to one of the commissioners of this court to ascertain and report to this court.

1st whether or not the interests of the infant defendants would be promoted by a sale of the timber in the bill mentioned or any part thereof.

2nd whether or not the rights of any person would be vio-

lated by such sale
which inquiries the said
commissioner will make
and report to this court
together with any matters
specially stated & deemed
pertinent by himself or
which he may be required
to so state by any interested
party.

a Copy. Test. B. F. McLemore c.c.

Ungarnishee fee.
3 Copies of above
Ungarnishee fee.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Surry Lumber Company

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 & others in our said Court by A. B. Urquhart and Eliza A. his wife. Leonidas A. Urquhart and Charles T. Urquhart.

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

Witness, ~~J. B. PRINCE~~ B. F. McLemore, Clerk of our said Court, this 30" day of March 1888, in the 112 year of the Commonwealth.

Desto: B. F. McLemore C. C.

Urquhart wife &c

vs

Sum

Urquhart + als:

1888. April Rules

Cir: Ct.

Lumy Lumber Co.

Not found

L. H. Williams Sheriff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON Francis J. Urquhart, Emma, W. Rebecca W. Nat. W. Wm. L. & Whitmel H. Urquhart all minors and the Surry Lumber Company

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 A. B. Urquhart and Eliza A. his wife, Leonidas A. Urquhart and Charles T. Urquhart.

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

Witness, ~~J. B. PRINCE~~ B. F. McLemore, Clerk of our said Court, this 30th day of March 1888, in the 112 year of the Commonwealth.

Teste: B. F. McLemore C. C.

This Agreement made March 27th
1888 between Anselm B. Urquhart and
Eliza Ann Urquhart his wife, and
Leonidas W. Urquhart, on behalf of
themselves and the infant children
of the above mentioned Anselm B.
and Eliza Ann Urquhart, viz.-
Francis J. Emma W. Rebecca H.
Nathaniel W. William S. & Walter
H. Urquhart of one part and the
Surry Lumber Company of the other
part, Witnesseth that the said
Anselm B. Urquhart & Eliza Ann
Urquhart his wife, and Leonidas
W. Urquhart, for themselves and
for and on behalf of the above
mentioned minor children have
agreed to sell all the pine timber
over twelve inches in diameter at
the stump on the farm on which
the said Anselm B Urquhart &
Eliza Ann Urquhart now reside, said
farm lying and being on both
sides of the line dividing the counties
of Sussex Southampton in the State
of Virginia and also lying immediately
on the Petersburg & Jerusalem Plank
Road, to the Surry Lumber Company

provided the said sale can not will be confirmed by the Judge of the Circuit Court of Southampton County. The said parties of the first part have also agreed to give the said parties of the second part or their assigns the right of ingress and egress on said farm, and also the right of way for running and operating a Railway. In consideration of the above premises the Sunny Lumber Company agrees to pay to such person as the Circuit Court of Southampton County may designate in the event this sale is confirmed the sum of $500.00 (five hundred dollars) in cash, the said parties of the first part paying the costs incurred in obtaining the necessary decree of Court. It is also part of this agreement that the parties of the first part prior to the time the above mentioned timber may be cut by said Sunny Lumber Co. are at full liberty to clear any land on the West side of the Sands Road they may see fit

and are also at full liberty to use any of the timber in the farm for farm purposes. It is also agreed that the Surry Lumber Company shall not be limited as to the time when they shall commence to cut the said timber, but after they commence cutting they shall finish in three years.

Witness the following signatures and seals this March 27th A.D. 1888.

Anselm B Urquhart, [Seal]

Eliza. A. Urquhart, [Seal]

Leonidas R. Urquhart [Seal]

Richard T. Waters President

Surry Lumber Company

State of Virginia

County of Sussex

I, Edward Rogers, a Notary Public for the County of Sussex in the State of Virginia, do hereby certify that Anselm B. Urquhart and Leonidas R. Urquhart, whose names are signed to the foregoing writing bearing date on the 27th day of March 1888, have acknowledged the same before me, in my County aforesaid. Given under my hand this 27th day of March 1888.

Edward Rogers
Notary Public

State of Virginia
County of Sussex

I, Edward Rogers, a Notary Public for the County of Sussex in the State of Virginia do hereby certify that Eliza A. Urquhart wife of Archm B. Urquhart whose names are signed to the foregoing writing bearing date March 27th 1888 personally appeared before me in my said County and being examined by me privily and apart from her husband and having the writing aforesaid fully explained to her, she the said Eliza A. Urquhart, acknowledged the said writing to be her act and deed and declared that she had willingly executed the same, and did not wish to retract it.

Given under my hand this March 27th 1888.

Edward Rogers,
Notary Public.

STATE OF MARYLAND,
City of Baltimore } ss:

I, T. Kell Bradford, a Notary Public for the State of Maryland, City of Baltimore, do certify that RICHARD T. WATERS, whose name is signed to the writing above, bearing date the 27 day of March, 1888, has acknowledged the same before me, in my city aforesaid, and I, the said T. Kell Bradford, Notary Public for the State and City aforesaid, do hereby certify that the said RICHARD T. WATERS, President of the SURRY LUMBER COMPANY of the State of Virginia, has this day acknowledged before me, in my City aforesaid, that the seal attached to the said writing is the corporate seal of the said corporation, and that the said writing is the act and deed of the said corporation.

Given under my hand and Notarial seal the 31" day March, 1888.

T. Kell Bradford
Notary Public

Defendant. Office of
vs 3 Wilmerding Block
Defendants Office

Exhibit "A"

I. Thomas Ridley of the County of Southampton and State of Virginia, do make ordain and constitute this my last will and Testament, to wit:

Item 1st. I give to my beloved wife M. A. B. Ridley Five thousand Dollars, my household and kitchen furniture, my carriage, harness and match horses. in fee simple, and I lend her the lands on which we live known as Bonnie Doon & Buckhorn, four mules, six cows, two yoke of oxen, eight sows & pigs, and one years allowance during her life.

Item 2nd. I loan to my daughter E. A. Urquhart during her life the plantation recently purchased of Mr. Wm Urquhart, at which event I give said land to such of her children as may be living at that time; if any may die, to descend to the survivors.

Item 3rd. I have made a similar provision for my daughter M. F. Urquhart.

Item 4th. I give to my daughter E. W. Burgwyn Four thousand dollars; if she should die before her child or children if any is of age, I wish such to have the property given to her.

Item 5th. I give to my son C. T. Ridley the plantation on which he lives, known as Bloom-

field to him and his heirs forever.

Item 6th. I give to my son J. W. Ridley my lands known as the Mill, Prices & Vicks, also my mill I give 4 horses or mules, two yoke of oxen, two cows, 6 sows & each from Ruins if he survives his Mother he can have the lands loan to her & that given him valued and take either place at his option, but I wish his and her lands worked jointly until he is of age.

Item 7th I wish all my property not given above equally divided between all of my heirs.

Item 8th I wish my wife M. A. B. Ridley and Son Th. J. Ridley, to settle my Est. and I request the court not to require them to give security.

Given under my hand and seal the fifth of December 1873.

Thos. Ridley (Seal).

At a court held for the County of Southampton on the 15th day of March 1875.

A writing bearing date the fifth day of December 1873. purporting to be the last will and Testament of Thomas Ridley dec'd. was this day produced to the Court, and there being no subscribing witnesses thereto Wm. R. Briggs, Joseph B. Prince, and Jas.

R. Tyler being sworn and examined as witness to the Court after hearing the testimony is of opinion that the said writing bearing date the fifth day of December 1873. and the signature thereto are wholly in the hand writing of the said Thos Ridley dec'd. Therefore it is ordered that the said writing be recorded as the last will and testament of the said Thomas Ridley dec'd. And on the motion of M. A. B. Ridley dau of T. Ridley the Executrix and Executor therein named who made oath according to law and entered into and acknowledged a bond in the penalty of Fifty Thousand Dollars. conditioned according to law (but without security the will directing none to be taken, and the Court requiring none). which bond is ordered to be recorded. Certificate is granted them for obtaining a probate of the said will in due form.

Teste L. R. Edwards. C. C.

A Copy.

Teste B. F. McLemore Clk.

~~125~~

Lipihart Superintendent

Lipihart 118

118

For Term 1888

To be Entered

C Mofett

Jan 9. 1888

3 p 3

Upshaw & wife &c.
vs
Decree.
Upshaw -

This day this Cause came on to be further heard on the papers formerly read, the report of Commissioner W. H. Parker filed Oct 26. 1888, to which there is no exception and was signed by Counsel. On consideration whereof, and it appearing from the said report that the sale of timber conditionally made to the Surry Lumber Co is a good one, and to the interests of all parties, the Court doth adjudge order and decree that the same be confirmed, and the same is declared firm and binding between the parties.

And in order to effectually carry out the said sale, it is decreed that I. B. Turner be and he is hereby appointed a Special Commissioner to receive the purchase money from the said Surry Lumber Company, to wit the sum of five hundred dollars - and when the same is duly paid that he execute a deed with special warranty for the said timber to the said Surry Lumber Co, for the said timber, in accordance with the

provisions of the agreement & deed, filed in the papers of the cause.

~~It further appearing from a statement marked X and filed in the papers that the interest of Mrs A.B. Urquhart in the purchase money is $ - the Court doth decree that the said Comr. I.B. Price when he shall receive the purchase money, pay to Mrs A.B. Urquhart the said sum of $ -~~

It appearing from a petition of A.B. Urquhart filed Nov 8. 1888 that the necessities of his infant children require that the balance of the purchase money for said timber shall be expended in their Education, maintenance and support, and the Court being of opinion that the same is expedient and proper, it is ordered that the said Comr. I.B. Price expend the balance of the purchase money, in the Education, maintenance and support of the said minor children.

But before the said I.B. Price shall proceed to act under this decree he shall give a bond before the Clerk of this Court, with security to

be approved by him, in the penalty of Eight hundred dollars, conditioned to faithfully execute this and any other decree in this Cause - and the Clerk of this Court will furnish a certificate to said Commissioner that such bond has been given. The said Commissioner will report his proceedings to Court.

Urquhart &c.

vs. Deed.

Urquhart &c

May term 1888

To be entered

C M Hall

Price & Sibbett,
Pa.

Urquhart &c., }
vs. } Decree.
Urquhart &c.

This day this cause came on to be heard upon the bill of complainants, exhibits thereto filed, the answer of the Drury Lumber Company, the answer of the infant defendants by g'dn. ad litem, the answer of the infant defendants over 14 yrs. of age, & was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to ascertain and report to this Court,

1st Whether or not the interests of the infant defendants would be promoted by a sale of the timber in the bill mentioned or any part thereof.

2nd Whether or not the rights of any person would be violated by such sale —

Which inquiries the said Commissioner will make and report to this Court together with any matter specially stated deemed pertinent by himself or which he may be required to so state by any interested party.

Unpleasant suits
vs 3 Divers
Unpleasants &c.

Nov Term 1889

To be reduced.

Upchurch Estate
vs
Dixon

Upchurch's.

This day this cause came on to be further heard on the papers formerly read, the report of Comr. L. B. Dixon showing collection of purchase money disbursement of all items except $141.44 supported by proper vouchers and execution of deed to purchasers. to which there is no exception and now signed by Counsel. On consideration whereof, the Court doth adjudge order and decree that the said report be and the same is hereby confirmed.

Urquhart (A B) Tribe
vs Z Deane
Urquhart &c.

Nov
~~May~~ Term 1890

To be entered.

C M D

Nov 7. 1890

Ent

Cuyahoga Tribe No.

vs Decree

Cuyahoga &c.

This day this cause came on to be further heard on the papers formerly read, the report of Comm. L.B. Smith filed May 20. 1890. showing disbursement of balance in his hands, supported by proper vouchers, to which report there is no exception, and not excepted by Counsel. On consideration whereof, the said report is confirmed. And nothing further appearing necessary to be done in this cause, the same is ordered to be removed from the docket.

Emphatic
vs 33 Degree
Emphatic

1890 May Term

To be entered.

C. W. Hoke

Entered

Unpeachant tribe
vs 33 Degrees.
Unpeachants &c.

This day this cause came on to be further heard on the papers formerly read, the reports of Comm. L.B. Prince filed Oct 23. 1889 and May 1. 1890 showing disbursement of certain money in his hands except $64.44, which disbursements were supported by proper vouchers and were agreed by Counsel on consideration whereof, no exceptions being filed to either of said reports, the same are hereby confirmed.