1893-10 Southampton County Chancery - Beamon, T. L. & Mary Ann vs Edwards, Luther R. et als

Suit to sell land to help raise children

* Plat inside

Beaman, Walter E.
" , Pattie M.
" , Luther T.
" , George E.
" John, I.
" , Mary, L.
} 4 children

Tyler, James R.

Beeman & Wife &
v } Bill
Edwards

1878 October Rules

To the Hon George Bond Judge of the Circuit Court of Southampton County In Chancery

Your Complainants J J Beaman and Mary Ann Beaman his wife, respectfully represent and shew unto your Honor as follows.

That Jordan Edwards in his life time together with Susan Edwards, his wife, made a certain deed of trust bearing date on the day of 1870 as will be seen by a copy of said deed filed herewith as Exhibit "A" and prayed to be taken as a part of this Bill by which deed they Conveyed unto Luther R. Edwards that certain tract of land lying in the County of Southampton, near the town of Franklin, Containing by estimation One Hundred and Seventy five acres more or less, and bounded by the lands of George Camp, Luther R. Edwards, the lands belonging to the heirs of Barbara Gardner, and the lands of J. D. Barlow and others, to be held by the said Luther R. Edwards in trust for the sole and separate use and benefit of the said Mary Ann Beaman one of your Complainants, and the Children of herself and Joseph J. Beaman, her husband, free from the debts, Contracts and control of the said husband and Father, with power to the said

Luther R Edwards, trustee, to manage the lands so as to promote the comfort, convenience, and advantage of the said Mary Ann Beaman and Children"

That since the execution of said deed, the family of your complainants has increased until they now have six Children, and named as follows, Wallin E. Beaman, Pattie M Beaman, Luther J Beaman, George E Beaman, John J Beaman and Mary S. Beaman, so that it became necessary to enlarge and repair the dwelling house on said land so as to render the same convenient and comfortable. That your Complainants being poor and without the means (apart from the trust Estate above described) to so enlarge and repair said dwelling house, and in order to procure money necessary for that purpose, and to fully secure the payment of the amount borrowed by them, did by the advice, and with the consent of the said Luther R. Edwards, join with him in a certain deed of trust by which they conveyed the aforesaid tract of land to A.H. Chopfield trustee, to secure to C.C. Whitfield the payment of the sum of four hundred dollars, as will be seen by a copy of said deed filed herewith as Exhibit "B" and prayed to be taken as a part of this Bill. That the said sum of money was not sufficient to complete the repairs of said dwelling house, but on the contrary, after it had been fully expended, it was left incomplete, and in an uncomfortable condition, and still so remains.

ors

That since the Execution of the deed of trust last named a doubt having arisen as to whether the power expressed in the deed of the said Edwards and Wife vests in the said Luther R. Edwards authority to dispose of the said lands in manner and form above stated, And that your Complainants still being poor and unable to pay unto the said C.C. Whitfield the said sum of four hundred dollars without resort to such means as above indicated, and being desirous to pay the said sum of money, and to procure an additional sum sufficient to complete their dwelling house so as to make it comfortable for themselves and their little Children. And being remediless save in a Court of Equity, where such matters are peculiarly Cognizable. Your Complainants pray that your Honor will Construe the deed of Jordan Edwards and wife, and define the power of the said Luther R. Edwards, under the same. And if it appear to your Honor that no authority is vested in the said trustee to dispose of the Land as aforesaid, then your Complainants pray further, that a suitable and discreet person may be appointed a special Commissioner, to sell so much of that part of the tract of land above described, lying between the public road leading from the town of Franklin to Jerusalem and the lands of George Camp, J.D. Perkins and others, in separate and distinct lots of one acre each, for building lots, that may be necessary to pay the debt due the said C.C. Whitfield, with interest thereon, and to complete the repairs of the said dwelling house.

And that the said Luther R Edwards trustee, Walter E Beaman, Pattie M. Beaman, Luther T. Beaman, George E Beaman, John J Beaman, and Mary S. Beaman, the last five being minors by Jas. R. Tyler their guardian ad litem this day appointed, ought to be made parties defendants to your Complainants Bill, and required to answer specially the allegations therein Contained.

That your Honor will grant such further and general relief as the Equity of the case may require. And that your Complainants will ever pray &c

R. R. Griffin p.q.

Brannan & others
vs
Edwards

Exhibit A

Fee 62 cents

This deed made this 21st day of December eighteen hundred and seventy. between Jordan Edwards and Susan his wife. of the County of Southampton State of Virginia of the first part, grantors and Luther R. Edwards. Trustee for Mary A. Beaman, the wife of Joseph T. Beaman and the children now living, or that may hereafter be born: grantee of the second part witnesseth, that the said Jordan Edwards and Susan his wife, in consideration of the sum of two thousand dollars, to them paid, do grant with general warranty unto Luther R. Edwards trustee as aforesaid the following real estate to wit: a tract of land lying in the aforesaid County of Southampton, containing by estimation two hundred acres more or less, and bounded as follows, on the North by the land of Geo. W. Camp, on the east by the lands of said Geo. W. Camp and the farm formaly owned by Joshua Pruitow, and sold by him to Mrs Jane Pruitow, on the South by the same Pruitow tract and the land of Thomas H. Cross, and on the west by the land of Luther R. Edwards, the said tract being the tract of land owned by said Jordan Edwards, vested to said Luther R. Edwards said land being conveyed in trust to be held by said Luther R. Edwards, for the sole and seperate use and benefit of said Mary A Beaman and Children of herself and Joseph T. Beaman her husband, either now living or that may be hereafter born, free from the debts. Contracts and Control of the said husband and for the Joseph. T. Beaman & with power to the said Luther R. Edwards trustee as aforesaid to manage the land aforesaid so as to promote the Comfort, Convenience and advantage of said Mary A Beaman

and Chesorus. The said Jordan Edwards and Susan his wife do hereby convey together with said land, all rights, ways, and appurtenances thereunto belonging.
Witness the following signatures and Seals

Jordan Edwards (seal)
Susan Edwards (seal)

State of Virginia
Southampton County to wit:

I J. F. Bryant a Justice for the County and State aforesaid, do hereby certify that Jordan Edwards whose name is signed to the writing above bearing date the 21st. day of December 1870 this day personally appeared before me in my County and acknowledged the same to be his act and deed. Given under my hand this 27th. day of January 1871

J. F. Bryant J. P.

State of Virginia
Southampton County to wit:

We Joseph J. Darden and J. F. Bryant Justices of the aforesaid County and State do hereby certify that that Susan Edwards the wife of Jordan Edwards whose names are signed to the writing above bearing date the 21st day of December 1870 this day personally appeared before us in our County aforesaid, and having been examined by us privily and apart from her husband and having the writing aforesaid fully explained to her. She the said Susan Edwards declared the same

to be her act and deed, that She had willingly Executed the same and that She does not wish to retract it. Given under our hands this 27th. day of January 1871.

J. J. Darden J.P.
J. T. Bryant J.P.

Southampton County In the Clerks Office December 13th 1875.
This Deed of Trust from Jordan Edwards & wife to Luther R. Edwards, trustee for the benefit of Mary A. Beaman and children, was this day received and together with the certificates thereto annexed admitted to record.

Teste,
T. R. Edwards Clk

Beaman & others

vs

Edwards

Exhibit B

Fee 67 cents

Whereas Jordan Edwards did by deed convey to Luther R. Edwards as trustee a certain tract or parcel of land lying in the County Southampton, State of Virginia, with provision that said land should be used for the comfort and support of Mary A Beaman and her children and whereas the said Mary A. Beaman is desirous of making improvements in the dwelling house for her comfort, and whereas the said Luther R. Edwards is of opinion that such improvements are necessary for her comfort, therefore this deed made this 21st day of April 1876 between Luther R. Edwards, Mary A. Beaman and J. T. Beaman of the aforesaid County of Southampton State of Virginia grantors of the first part and A.W. Norflet of same County chosen as trustee of the second part. Witnesseth: that the said Luther R. Edwards, Mary A. & J. T. Beaman grantors aforesaid do grant with general warranty unto the said A.W. Norflet trustee aforesaid the above mentioned tract ~~of~~ parcel of land lying in the aforesaid County of Southampton State of Virginia and bounded as follows: North by the land of Geo. W. Camp, East by the land of J. D. & S.B. Pulliam & sisters, South by the land of said J. D. & S.B. Pulliam & sisters, Sam: Murden & Thomas Johnson & west by the land of said Luther R. Edwards containing by estimation one hundred and seventy five acres more or less in trust to secure the following debt. One note of four hundred dollars dated the 21st day of April 1876 and due two years after date with interest, unto Wardy L. Whitfield. And when said note shall fall due if the said Wardy L. Whitfield shall so instruct then it shall be the duty of said A.W. Norflet trustee to sell said land, and after the amount of said

note shall have been paid, then he shall pay unto the said Luther R. Edwards, the remainder, on his the said Edwards giving bond and sufficient security for the proper investment of said surplus so to carry out the provisions and intentions of the deed first mentioned from Jordon Edwards to him the said Luther R. Edwards. And if the said Luther R. Edwards should fail to give the required bond, then the said Mary A. Beaman or her children shall select a trustee or guardian to receive such surplus, who shall give such bond or shall be approved by the Court under whose jurisdiction such a selection shall come.

Witness the following signatures & seals.

Luther R. Edwards (Seal)
Mary A. Beaman (Seal)
J. T. Beaman (Seal)

State of Virginia
County of Southampton

We Justices in and for the afore said County & State do certify that this day personally appeared before me in our County Luther R. Edwards and J. T. Beaman whose names are signed to the writing above bearing date the 21st day of April 1876 and acknowledged the same to be their act and deed. And we further certify that Mary A. Beaman the wife of J. T. Beaman also personally appeared before us our County the same day, and having been examined by us privily and apart

from her husband J. S. Beamon and they after having the said writing bearing date the 21st day of April 1876 and to which her name is signed fully explained to her, acknowledged the same to be her act and deed and declared that she had willingly executed the same and does not wish to retract it

Given under our hands and seals this 21st day of April 1876

W. B. Holland J.P.

Joshua Pruitow J.P.

Southampton County: In the Clerks Office April 22nd 1876.

This deed of trust from Luther R. Edwards and Mary Ct. to J. T. Seaman to A. W. Norfleet Trustee for the benefit of Cordy & Whitfield was this day received and together with the certificate thereto annexed admitted to record.

Teste. L. R. Edwards C. C.

Braman wife

&c.s

Edwards & others

This cause this day came on to be heard on the Complainants bill, taken for confessed as to the defendants Luther R. Edwards and Walter E. Braman on whom process has been duly served, they still failing to appear and plead answer or demurr to the said bill, and on the answer of Pathie M. Braman, Luther T. Braman, George E Braman, John J Braman and Mary S. Braman, by James R. Tyler their guardian ad litem, with general exhibits, proofs, and deposition of Witnesses, and was argued by Counsel. On Consideration whereof ~~the Court being of the opinion that Luther R. Edwards, trustee, in the deed of Jordan Edwards and wife bearing date on the 24th day of December 1870, had power under said deed to sell portion of the land therein conveyed to promote the Comfort of Mary Ann Braman and Children, should the necessity arise, and~~ it appearing to the Court that a sale of a portion of said land is manifestly necessary to "promote the Comfort Convenience and advantage of the said Mary Ann Braman and Children, doth adjudge order and decree that the said Luther R. Edwards be and he is hereby appointed a special Commissioner, who shall after thirty days notice of time and place of sale, published at three or more public places in the County of Southampton, and in the Franklin Monitor a News paper published in the Town of Franklin, proceed to sell at public Auction to the highest bidder fifteen acres of that portion of the land described in Complainants bill as lying on the East side of the road leading from Franklin to Jerusalem, in lots of one half or one acre each as may be to the best advantage, on the following terms to wit- One half of the proceeds of said sale to be paid in Cash, the remainder on a credit of six and twelve months, the purchaser giving bond with approved

~~In the Circuit Court of the~~
County for the deferred payments. Title to be re-
-tained until further order of the Court; & upon the same
And the Court doth further adjudge order and
decree that said Commissioner, after paying
the costs of this suit and the claim of C.C. Whitfield
and others, now outstanding for the repairs of the
dwelling house of the Complainants, and all claims
for such other reasonable repairs of said dwelling
house as the necessities of the case may, in the opinion
of the Commissioner for the completion of the same, he shall deposit the
remainder of the proceeds of said sale in the Bank
of Portsmouth in the City of Portsmouth Virginia
subject to the further order of the Court. And
report to Court this proceedings under this decree
But the said Commissioner shall not proceed to execute
this decree until he shall have executed in the Clerks
office of this Court a bond with Security to be approved by the Clerk thereof a bond
with sufficient security in the penalty of three
hundred dollars conditioned for the faithful
performance of the same

Benjamin Smith
&c

Edmund Porter
&c

Nov Term C.C. 1858

Teste
W. H. Burbage
D.C.

Beaman & wife
vs
Edwards trustee

This cause was again heard this day on the papers formerly read and the report of Commissioner L.R. Edmunds, to which no exceptions have been filed, and was argued by counsel. On consideration whereof the Court confirming said report doth adjudge, order and decree that the said Commissioner after paying the costs of this suit - and the expenses of sale, is hereby directed to pay the claims of C.C. Whitfield and others now outstanding for the repairs of the dwelling house of the complainants, taking receipts for the same. And the Court doth further adjudge order and decree that the said Commissioner is hereby authorized to make such other reasonable repairs to the said dwelling house as may be necessary to complete the same and promote the comfort and convenience of the said Mary A Beaman and children, provided that said repairs do not require an additional outlay of more than five hundred dollars. And for that purpose he is hereby directed to withdraw from the papers in this suit the bonds for the deferred payments of the purchase money of the lots sold and made a former decree and cancelled the same as they become due, and after paying all claims for such other reasonable repairs of the said dwelling house as the necessities of the case may hereafter require he shall deposit the remainder of the proceeds of sale in the Bank of Portsmouth, in the City of Portsmouth Virginia as directed by a former decree subject to the further order of the Court. And the said Commissioner is further directed, as he

collect the last payment of the purchase money of said lots as mentioned in his last report to execute a deed with special warranty to the purchaser thereof. And report to this Court his proceedings herein in order to a final decree

Beaman
vs
Edwards et al
Decree

Nov Term A.D. 1879

To be entered

Yeates Clerk

Beaman
vs
Decree
Edwards, Trustee.

May Term 1883.

To be entered,

Geo. Bliss.

Removed
November
1893

Beaman
vs
Edwards, Trustee.

Decree.

This day this cause came on to be further heard on the papers formerly read, the report of Comr Tyler, filed Oct 10, 1882, showing a balance due L.R. Edwards, as Trustee for Mrs Mary A. Beaman, dec'd, of $173.98 and also the report of Account of Debts against the estate of the said Beaman, and was argued by counsel. On consideration whereof, no exceptions being filed to said report, the Court doth adjudge, order and decree that they both be confirmed.
And the Court doth further adjudge, order and decree that L.R. Edwards, out of the rents and profits from the land of the said Mrs Mary A. Beaman pay first, the balance of $173.98 due to him as Trustee, and second, the debt of Gardner & Lee amounting to $178.35, the debt of Gardner & Lee [redacted] amounting to $99.65 and the debt of the Commercial Bank of Suffolk amounting to $177.60 pro rata, and report his proceedings under this decree to this Court.

Know all Men by these Presents, That we Luther R. Edwards & K. R. Griffin

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

Sealed with our seals, and dated this 17th day of October A. D. 1879

The condition of the above obligation is such, that ~~the~~ whereas the above bound Luther R. Edwards was by a decree of the Circuit Court of Southampton County rendered on the 9th day of November 1878 in a chancery suit in said Court pending betweem Beamon &c against Beaman's Trustee &c appointed Commissioner for purposes in said decree mentioned Now if the said Luther R. Edwards

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

Signed, sealed and delivered in presence of ~~the Court~~.

Luther R. Edwards [SEAL.]

K. R. Griffin [SEAL.]

[SEAL.]

[SEAL.]

Southampton County, to wit: In the Clerk's Office Circuit Court

This Bond was acknowledged by Luther R. Edwards 2nd & K. R. Griffin, the obligors therein, and K. R. Griffin the surety thereto, justified on oath as to his sufficiency, the said Bond is admitted, to record.

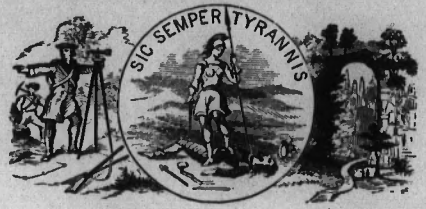
Teste: L. R. Edwards C.C.

A Copy, Teste

L. R. Edwards C.C.

Pearson &c
vs
Com. Bond
Pearson &al

Copy



Commissioner's Office,

Jerusalem, March 1st 1883 ~~187~~

TO THE CREDITORS OF THE ESTATE OF

Mrs. Mary A. Beaman,

AND ALL OTHERS CONCERNED.

You are hereby notified, that, by a decree of the Circuit *Court of Southampton County, I have appointed the* 17th *day of* April *next, at my Office, for receiving proof of all the debts, or demands, against the said decedent, or his estate; at which time and place you are required to attend.*

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

James R Tyler *Commissioner.*

BELL'S POTOMAC PRESS, ALEXANDRIA, VA.

An account of the unpaid debts against the estate of Mary A Beaman decd as proved before Commissioner Tyler on 17th april 1883

1883			$ cts	$ cts
April	17	To amt due Gardner & Lee for necessaries furnished	134.59	
		with interest from 12th Decr 1877 to 12th April 1883	43.16	
				178.05
April	17	To amt due Gardner & Lee by note	73.00	
		with interest from 15th march 1877 to 15 april 1883	26.65	
				99.65
April	17	To amt due Commercial Bank of Suffolk	136.09	
		with interest from 4th march 1878 to 4 april 1883	41.51	
				177.60

Respectfully Submitted,

James R Tyler

Comm in Chancery

Comm $10.00

Beaman
vs
Edwards, Trustee

Petition of A. L. Gardner

To the Honorable George Blow, Judge of the Circuit Court of Southampton County, In Chancery.

Your petitioner, A. L. Gardner and Lee, merchants and partners, doing business at Franklin in Southampton County, under the name of Gardner and Lee, respectfully represent and show unto your Honor as follows:

That, at sundry times during the year 1877, they furnished, from their store in Franklin, Southampton County, to Mrs Mary A. Beaman, the wife of J. T. Beaman, necessaries and supplies, for the use of herself and family, to the amount of One Hundred and Thirty Four Dollars and eighty nine cents, with interest thereon from the 12th day of December 1877, till payment;

That, on the 15th day of March 1877, the said Mary A. Beaman, together with the said J. T. Beaman, her husband, executed her note to the said Gardner and Lee for the sum of Seventy Three Dollars, for necessaries and supplies previously furnished by them, from their said Store, to the said Mrs Mary A. Beaman for the use of

herself and family.

And your petitioners further state to your Honor that the said Mrs Mary A. Beaman has since died, but that there is sufficient estate due her in the control and management of Luther R. Edwards her legally appointed and qualified Trustee to meet their demand.

Your petitioners, therefore, pray that Your Honor will, out of the funds in his hands, direct the said Luther R. Edwards, Trustee &c, as aforesaid, to pay to Wm K. Parker, their attorney, the sum of Two Hundred and Seven Dollars and eighty nine cents, the amount of their claim.

And, as in duty bound your petitioners will ever pray &c.

Wm K. Parker
For Petitioners

W. H. P.

May Term 1882.

Beaman
vs
Petition
Edwards, Trustee

Mrs Mary A. Beaman and children

In account with Luther R. Edwards Trustee

			Dr		Cr		Interest
1881			$	cts	$	cts	$ cts
Jan	1	To paid W.E. Beaman & Co acct	8	39			
"	1	To paid Pattie M. Beaman	42	00			
June	1	To paid W.E. Beaman & Co acct for Mrs Beaman and children	87	10			
Nov	30	To paid J.C. Schell Exrs acct	29	72			
Jan	1	By cash rcd for rent of property (in 1880)			160	31	
		To commissions on $160.31 @ 5 per cent	8	02			
Dec	31	By balance due Trustee	142	92	14	92	
1882			175	23	175	23	
Jan	1	By balance due Trustee	14	92			
"	1	By cash rcd from rent of property (in 1881)			221	44	
Oct	23	To paid J. M Story for 12 months board for Mary L. Beaman	84	00			
"	23	To paid J. M. Story for 12 months board for John J. Beaman	84	00			
Jan	1	To paid W.E. Beaman & Co acct	30	48			
"	1	To paid W.E. Beaman & Co "	22	45			
Oct	1	To paid W H Goodman a medical bills for Mrs Beaman and children	142	00			
Oct	26	To commissions on $221.44 @ 5 per cent	11	07			
		By balance due Trustee	167	48	167	48	
1882			388	92	388	92	
Oct	26	By balance due Trustee	167	48			
"	"	Commissions fee for this and copy and notices	5	00			
"	"	Clerks fee for recording this acct	1	50			
"	"	By balance due Trustee	173	98			

The commissioner states specially that in

the distribution of the rents and profits of the land held by the trustee they have been distributed between only three of the six children of Mary A. Beaman deceased and the trustee desires information whether such rents and profits shall be distributed pro rata among all the said six children or shall they be applied to the needs and necessities of the younger ones that are unable to support themselves.

Respectfully Submitted,
James R Tyler,
Commissioner

Commissioner's Office,
Jerusalem, Va.
October 23d. 1882.

To the Judge of the Circuit Court of Southampton County:

Your Commissioner reports to the Court that in obedience to a decree of the Circuit Court of Southampton County rendered at the May Term 1882, in a suit in Chancery therein depending wherein J. T. Beaman & wife, and Plaintiffs, and Luther R. Edwards Trustee & others and Defendants, he issued Notice against the several parties to attend the Settlement of the following accounts at his office on the 20th day of October 1882, which were returned to your Commissioner, duly executed.

1st "An account of L.R. Edwards transactions as Trustee, for Mrs. Mary A. Beaman."

2nd "An account of the demand of Sarah Gardner, against Mrs. Mary A. Beaman, wherein they be for Receiver is ask". Which accounts together with the decree & Notices aforesaid are herewith returned. Given under my hand as Commissioner aforesaid, this 1st day of November 1882.

James R Tyler,
Commissioner in Chancery.

Beamon
vs.
Deere

Beamon's Trustee &c

(Oct 20th 11)

Southampton Circuit Court, May Term 1882.

Beaman
against
Luther R. Edwards Exrs of
Mary J. Beaman, & Deft
This day this cause (and it to be further
heard on the papers formerly read, and the
petition of Gardner & Lee filed during the
Term & now argued by counsel. On consideration
whereof the Court doth adjudge, order and
decree that) a (commission) of this Court
take the following accounts, to wit.
1st An account of L. R. Edwards'
transactions as Exrs of Mrs. Mary
J. Beaman.
2nd An account of the demand of
Lee & Gardner, & of any other demand
against Mrs. Mary J. Beaman,
whether they be for Necessaries actually
furnished or not; Which account the
(commissioner) is to report to Court, together
with any other Matter deemed pertin-
ent by himself, or required by any
other interested party to be so
stated, & report the same to Court
with such Evidence as may be
produced. A Copy.

Teste. J. K. Tyler D.C.

Beaman

vs.

Beaman's Trustee &c

1882 Oct. 20th

Beaman

vs.

Beaman's Trustee &c.

Petition

1882. Oct. 27th Returned & filed.

COMMISSIONER'S OFFICE,

Jerusalem, Va., October 9 188 2

TO J. T. Beaman & Mary Ann his wife Plffs

against

Luther R. Edwards. (Trustee) Walter E Beaman Pattie M. Story, (formerly Beaman) Luther T Beaman George E. Beaman; John J. Beaman; Mary E. Beaman defendants

You are hereby notified that I have fixed upon the 20th ***day of*** October ~~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 An account of L R. Edwards transactions as trustee for Mrs Mary A. Beaman

2nd An account of the demand of Lewis Gardner against Mrs Mary A. Beaman. whether they be for necessaries actually furnished or not which accounts the commissioner will report to court together with any other matter deemed pertinent by himself or required by any other interested party to be so stated & report the same to court with such evidence as may be produced

required to be taken by a decree of Southampton Circuit Court, rendered at the May ***term, 18*** 82 ***, 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 the said Court, the day and year first aforesaid.

JAMES R. TYLER, Commissioner.

To the Sheriff of Southampton County to execute.

We want the following done to the house and premises. The house to be plastered & painted blinds to be put to the windows – the basement to be enclosed & the floor of dining room in basement to be cemented, the yard fence to be repaired, and such other alterations when ~~cut~~ altered will not ~~exceed $1000.00 in~~ ~~or may be necessary~~ increase of an expenditure in the whole including the first named, $1000.00/100

C. R. Edwards

Beaman & wife

vs

Edwards & Athens

Communicate to Clk for bonds

Jerusalem Va
Apl 13th 1880

Received this above date of the following bonds
& filed with my report of Sale of land Oct 18th
1879. in suit of "Beaman &c" against Edwards Trustee
To wit:

Two against M. E. Daughtrey of Twelve dollars each
payable as follows one six, the other twelve months
after date both dated Oct 18th 1879

Two bonds against J. D. Pullen of Twenty eight 50/100 dollars
each payable six & twelve months after date respectively &
dated Oct 18th 1879

Two bonds against W. E Beaman & M. A Beaman of
Twenty dollars each. due six & twelve months after
date respectively & dated Oct 18th 1879

Two bonds against C. D. Hutchinson of Fifteen dollars
each and due six & twelve month after date respec-
tively dated Oct 18th 1879

Two bonds against L. T. Joyner of Seventeen & 50/100 dollars
Each and due six & twelve months after date respectively
dated Octob 18th 1879

Two bonds against John Pullen jr of One Hundred
Twenty seven & 50/100 dollars each and due six &
twelve months after date respectively. Dated Oct 18th
1879.

One bond against J. T. Beaman of Eight & 50/100
Dollars and due six months after date. Dated Oct 18
1879.

Two bonds against L. L. Mabry of Thirty seven & 75/100
dollars and due six & twelve months after date respectively. Dated
Oct 18th 1879.

Two bonds against Orren Pruitt of Twelve & 75/100

dollars each and due six & twelve months after
date respectively. Dated Oct 18th 1879.
All of said bonds carrying interest from date.
Darius R Edwards (Commissioner)

We acknowledge Service of the within Notice.

J. R. Tyler
Gen'l de Clerque

W. E. Beaman

Luther R. Edwards

To Luther R. Edwards, trustee, Jas R Tyler guardian ad litem of Nathl. H. Braman Luther T. Braman, George E. Braman, John J. Braman and Mary S Braman and Walter E Braman in his own right

You will please take notice that we shall by our attorney, on Tuesday the 29th day of October 1878, between the hours of of sunrise and sunset of that day, at the town of Franklin in Southampton County, proceed to take the depositions of Alfred Pollet, A. L. Gardner, Charles Smith and others, to be read in our behalf in a suit in Chancery, now pending in the Circuit Court of Southampton, in which ~~I am plaintiff~~ we are plaintiffs and you are defendants, for a sale of land in the County of Southampton and described in bill filed in said suit.

Yours Respectfully
J. T. Braman
Mary Ann Braman
by R. R. Griffin Their
Atty.

J. T. Beaman & Wife

vs

Luther R. Edwards, Trustee &c

Report of Commr

1879 October 24 Received & filed.

To the Hon George Blow
Judge of the Circuit Court
of Southampton County.

The undersigned a Special Commissioner appointed by a decree of said Court at the November Term 1878 in the suit of J.T. Beaman and wife against L.R. Edwards Trustee & others for the purpose of selling certain real estate in said decree mentioned begs leave respectfully to report as follows

That having duly advertised the said real estate as required by said decree he exposed the same at public auction in the Town of Franklin Saturday the 18th of October 1879 and the following named parties being the highest bidders became the purchasers as follows

Description of Property			Price	Purchaser
Lot No 1	containing	about 1 1/2 acres	$140.00	W.E. Beaman
" No 2	"	about 8/10	$140.00	W.E. Beaman
" No 3	"	about 8/10	$228.00	John Pretlow jr
" No 4	"	about 8/10	$151.00	L.L. Maury
" No 5	"	about 8/10	$151.00	John Pretlow jr
" No 6	"	about 8/10	$70.00	L.T. Joyner
" No 7	"	about 1	$60.00	C.D. Wiechman
			$1040.00	

Amt brought over	$940.00	
No 8 of about 1 acre	61.00	Oswin White
No 9 " about 1 acre	55.00	J. D Prellow
No 10 " about 1 acre	55.00	John Prellow jr
No 11 " about 1/2 acre	20.00	J. D. Prellow
No 12 " about 1 acre	36.00	John Prellow jr
No 13 " about 1 acre	36.00	M. E Daughtrey
" 14 about 1/2 acre	12.00	M. E. Daughtrey
" 15	19.00	J. D. Prellow
" 16	20.00	J. D. Prellow
" 17	40.00	John Prellow jr
" 18	17.00	J. T. Beaman
" 19	27.00	D. J. Watkins
" 20	20.00	R. N. B. Cobb
" 21	12.00	Wm Deatce
Total amount	$1360.00	

One half of which said total sum to-wit $680.00 has been paid to the Commissioner in Cash as required by said decree, by said purchasers who have also executed their several bonds with sufficient personal security for the other half

By Cash in hands		$680.00
To paid Clerk's fees	$8.20	
" " Sheriff's "	1.50	
" " Attorney's "	30.00	39.70
Net cash in hands		$640.30

The Commissioner upon specially states that he employed a surveyor who surveyed and laid off the above-mentioned lots by metes and bounds and that said surveyor will furnish a plat or diagram of same - No lot sold exceeds One acre

The Commissioner begs leave to add that he thinks the said real estate was sold for a full fair and reasonable value.

All of which is respectfully submitted

Lenker R Edwards, Commissioner.

Jerusalem Tn
Oct 24th 1879.

Execution by delivering a true copy of this Writ to L. H. Edwards one for himself and also a copy for Walter E. Beaman and one for Pattie M. Beaman

Oct 6/78

W. H. Briggs Shff
by Jno. H. Lanmeed Dpt

Beaman Wife
vs
Edwards Sums. Chy
Edwards Vo
1878 October Rules

The Commonwealth of Virginia:

To the Sheriff of Southampton County:---*Greeting.*

We command you to summon L R Edwards Trustee Walter E. Beaman, Pattie M Beaman Luther L, George E, John I & Mary L Beaman last five infants

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* October next *to answer a bill in Chancery exhibited against them in our said Court by* J T Beaman & Mary Ann his Wife

and have then and there this writ. **Witness, LITTLETON R. EDWARDS,** *Clerk of our said Court at the Court House, this* 14th *day of* September *1878 in the* 103d *year of the Commonwealth.*

L R Edwards c c

Braman wife

vs

Edwards & others

Answer of Pathia A
Braman. Luther I
Braman. Geo E Braman
John F. Braman and
Mary S Braman. Cy
James R. Tyler their
guardian ad litem

Braman &wife

vs

Edwards &others

The answer of Pattie M Braman, Luther T Braman, Geo. E. Braman, John J Braman and Mary S Braman by James R. Tyler their guardian ad litem assigned them by the court to defend their interest in this suit to the foregoing bill filed against them and others in the Circuit Court of Southampton County by J. T. Braman and wife

The defendants saving and reserving to themselves all benefit of just exception to said bill, answer and say, that being infants under 21 years of age, and being ignorant of the law, they submit their interest to the care and protection of the court; And having answered pray to be hence dismissed &c

Jas R Tyler Gdn

ad litem

Beaman &c

vs } Depositions

Beamans Trustee

1878 Nov. 1st received
under Seal.

The depositions of A W Norfleet and others taken before me, Joel H Cauthen, a Notary Public for the County of Southampton, in the State of Virginia, pursuant to notice hereto annexed, at the office of K R Griffin in the Town of Boonsboro Southampton County, Virginia, on the 27th day of October 1878, between the hours of sun rise and sunset, to be read as evidence on behalf of J D Braman and Mary Ann Braman, his wife, in a certain suit in Equity depending in the Circuit Court for the County of Southampton, wherein the said Braman and wife are plaintiffs, and Walter E. Braman, in his own right, and Luther R Edwards, Trustee and Jas R Tyler, Guar. ad litem, for Pathe M Braman & others are defendants.

Present: K R Griffin Counsel for plaintiffs

Dr W H H Goodman, being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith as follows:

1st Int. by Counsel for plaintiffs. What is your age?

Answer - 37 years

2nd Int. by same. Do you know the parties to this suit?

Answer - I do

3rd Int. by same. Do you know where the dwelling house of the plaintiffs is situated, if so, state whether or not it is in good repair, and whether an additional

outlay is necessary to complete the same so as to render it Comfortable to plaintiffs and family. Also state whether or not in your opinion, the plaintiffs are able to complete said dwelling house, without a sale of a portion of the land described in the Complainants bill for that purpose.

Answer. I know where the dwelling house referred to is situated, know that it is not in good repair, that it is by no means Comfortable, and think that and additional outlay is necessary to make it Comfortable. I, of Course, don't know of my own knowledge, that the plaintiffs are not able to Complete their dwelling house, without a sale of a portion of the land referred to, but am of the opinion that they are not.

4th Int. by Same. Are you acquainted with that portion of the land referred to in the plaintiffs bill, and for which a sale is asked, if so, state whether or not in your opinion a sale of the same in one lot, would be wise and judicious, Also whether a sale of the same will in any way diminish the value of the farm on which the dwelling house is situated?

Answer. I know well the piece or parcel of land mentioned, and am satisfied that, in as much as the public road leading to Jerusalem cuts that portion off from the farm proper, no injury will be done to the

farm. I also think that the only way to utilize the land ought to be sold, owing to the peculiar quality of the soil, is to cut it up into building lots as indicated in the above question.
And further the deponent saith not.

W H L Goodman

And Wm Norfleet being duly sworn on the Holy Evangelists of Almighty God deposeth and saith as follows.

1st Interr. What is your age.

Answer. 53 years of age

2nd Question. Do you know the parties to this suit?

Answer. I do

3rd Question. Did you hear the questions propounded to Dr W H L Goodman in regard to the condition of the dwelling house of the plaintiffs. &c &c

Answer. I did, and fully concur with him in every thing he said

And further the deponent saith not.

Wm Norfleet

A S Gardner Esq being duly sworn on the Holy Evangelists of Almighty God, deposeth and saith as follows;

1st Inter. What is your age?

Answer 28 years.

2nd Inter. Do you know the parties to this suit.

Answer. I do, and I have

heard the questions asked of Dr K. H. Sloot Freeman and A. H. Horsfield Esq. and fully agree with them as to the condition of the plaintiffs dwelling house, their ability to complete it, and think a sale of the land referred to in building both of one acre each would be wise and judicious

And further the deponent saith not

A. L. Gardner

Lurton R. Edwards being duly sworn deposes and says as follows.

Question. Do you know anything of the merits of this suit, and if so state them.

Ans. The property in question to-wit the land was conveyed to me by my father Jordon Edwards by deed, as trustee to be held and controlled for the benefit of ~~my~~ Elizabeth, the wife and children of W. J. F. Brown, and to be subject to no control or his part.

It became apparent that the dwelling house would soon become so uncomfortable from rapid decay, that the family (including my sister and her children (for whose benefit I was made trustee in said deed) would have their health jeopardized by allow-

ing it to remain contrary upon, and thinking it probable that under said deed that I might have the power to unite ~~xx~~ a conveyance with Mr Benson & his wife in a conveyance for the purpose of raising funds to put such upon or said dwelling as might be necessary; I did convey said land to a trustee for the purpose of securing the loan of four hundred dollars from said C. C Whitfield, thinking that out of the rents and profits of said land the same could be paid. It has since been proven to my satisfaction that said debt cannot be paid in that manner, & by such means— The house is still in complete and in an uncomfortable state— The loan was used as judiciously as possible, and in view of said facts I think that a portion of the farm is necessary to be sold not only to pay this loan but to make such further improvements to the dwelling as will make it comfortable. And further this the deponent sayeth not.

Luther R. Edwards

J. T. Benson Esq being duly sworn deposeth and sayeth as follows

Question. Do you know anything of the matter in question and if so what is

Ans. I have heard the statement of Luther R Edwards read, and agree with him as to the facts stated.
It will be impossible to use the property in any manner so as to procure from the rents and profits (after the family has had a support) enough over to pay the debt much less to put any additional upon to the house. The work done on the house was as cheap as it could be done, and the amount was insufficient to complete the upon and make it comfortable and I know of no way except by sale of a part of the farm to complete it. And further the deponent sayeth not.

S. T. Bainum

State of Virginia
County of Southampton – to wit:

I, Lord N Culchin,
a Notary Public in and for the County
of Southampton State of Virginia
do certify that W. H. L. Goodman, A. C.
Mitchell, A. L. Gardner, Luther R.
Edwards and J. S. Beaman whose
names are signed to the foregoing
deposition has sworn and subscribed
to the same before me this 29th day
of October 1898. Given under my
hand and seal this 29th day of Oct
1898.

Lord N. Culchin

Beaman
Trs ½ Deed
Edwards Trustee

May Term 1882.

To be entered.

Geo. Bloss.

Beauvais
vs Decree
Edwards, Trustee

This day this day this cause came on to be further heard on the papers formerly read and on the petition of Gardner and Lee filed during the term and was argued by Counsel. On Consideration whereof, the Court doth adjudge, order and decree that a Comr of this Court take the following accounts, to wit: An Account of L.R. Edwards Transactions as Trustee for Mrs Mary A. Beauvais. An Account of the demand of Gardner and Lee and of any other demands against Mrs Mary A. Beauvais, whether they be for necessaries actually furnished or not, which accounts the Comr will report to Court together with any other matter deemed ~~pertinent~~ pertinent by himself or required by any other interested party to be so stated. and report the same to Court with such Evidence as may be produced

Received of L. R. Edwards Trustee
the sum of ~~Five hundred and~~ One hundred and
and forty-three 20/100 Dollars
~~in full~~ in full of the claim
of the Commercial Bank of
Suffolk against Mary A.
Beaman. as directed to be
paid by L. R. Edwards Trustee
in suit of Beaman as Edwards
Trustee pending in the Circuit
Court of Southampton Co. Va.
Paid by note of Williams & Jackson, endorsed
L. R. Edwards. - The note was paid May 29. 1889.
$143.20/100 Robt R. Reuter,
Atty. for Sydney D. Ellis, Trustee.

Dear Parties:

Please sign this as atty
for the bank & return to me.

J. C. Porter

Received of L. R. Edwards Trustee.
the sums of $178.05 + $99.65. with
compute interest thereon. in
full of our claims against
Mary A. Beaman. directed to
be paid by said Edwards Trustee.
in suit of Beaman vs Edwards
Trustee. now pending in the
Circuit Court of Southampton Co
Va.

A. L. Gardner
For
Gordon & Lee

Received of myself as Trustee under decree of the Circuit Court of Southampton Co. Va. in the suit of Brannan as Edwards Trustee the sum of $170.98 with accrued interest thereon in full payment of my debt as Mary A. Brannan.

L. R. Edwards

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

The undersigned, who was
appointed by the said court,
by a decree thereof, rendered
at the May Term. 1883 in the
Chancery cause of Beaman
&c Edwards, Trustee, &c and
others wherein Mary A.
Beaman is plaintiff and said
&c other defendants therein mentioned, re-
spectfully reports to the Court
that since that time he has
collected the rents from said
land, & has applied the same
to the payment of the debts
mentioned, as follows, to
wit: to himself, L. P. Edwards, as
Trustee, he has paid the balance
due of $170.98 with interest thereon;
he has paid the debt of Gordon
& Lee, $277.70 with interest; &
he has paid the debt due
the Commercial Bank of
Suffolk $177.60 with interest
thereon; receipts for all
of which payments are here-

with filed as vouchers.

And I further report that there is no balance left in my hands after paying said Debts.

Respectfully submitted.

L. R. Edwards (Trustee)

Beaman
vs
Edwards, Trustee

Southampton Cir: Ct.
May Term 1883

Decree.

This day this cause came on to be further heard on the papers formerly read, the report of Commr Tyler, filed Oct. 10, 1882, showing a balance due L. R. Edwards as Trustee for Mrs Mary A. Beaman, dec'd of $173.98 and also the report of account of Debts against the estate of the said Beaman, and was argued by counsel. On consideration whereof, no exceptions being filed to said reports, the court doth adjudge, order and decree that they both be confirmed. And the court doth further adjudge, order and decree that L. R. Edwards, out of the rents and profits from the land of the said Mrs Mary A. Beaman pay first, the balance of $173.98 due to him as Trustee, and second, the debt of Gardner & Lee amounting to $178.05 the debt of Gardner & Lee amounting to $99.65 and the debt of the Commercial

Bank of Suffolk amounting to $177.60 pro rata, and report this proceedings under this docu to this court.

A copy - Test:

B. F. McLemore C.C.

Bernard
v
Edwards et al

A copy

1890 - April 25 - Filed

70

Beaman & wife

vs } Stat. Rules

Edwards Trustee &c

In Southampton Circuit Court.

J. T. Beaman and Mary Ann Beaman his wife Plaintiffs

against

Luther R Edwards Trustee Walter E Beaman, Pattie M Beaman, Luther T Beaman, George E Beaman, John J Beaman and Mary L Beaman, the last five being infants. Defendants

1878 Sep 14 Summons issued

" Oct 8 Summons returned. Executed. Bill filed. Jas. R Tyler

" Nov " assigned Wm ad litem to infant Defendants & Decree Nisi vs. adult Defts.

" Nov " Bill taken for confessed as to adult Defts and cause set for hearing as to them.

" " J. Decree for sale.

1879 Oct 24th Report.

" Nov. J - Decree Nisi to collect

1883 May Term Decree Jr.

1

The following diagram
is possing a parcel of land
sold by L. R Edwards as
said land belonging to
Estate of Edwards Heirs
adjoining The Town of
Franklin

S. L Wiley
Surveyor

