

1893-79

Southampton County Chancery Whitehorne, A. B. v. Adams, W. J. et al

"To execute and in the
Plaintiffs for amount due"

Adams, Lilia
Adams, Pattie

~~107~~
White horned ~~108~~
~~84~~

vs 3 Bill. 91-

Adams et als.

Sampton Circuit Ct.

To The Honorable C. W. Still Judge
of the Circuit Court for Southampton
County.

Humly complaining, sheweth unto
your honor your complainant A. B.
C. Whitehorne that in the year 1882.
he purchased of Martha Adams and
W. T. Adams her husband a tract of
land lying in Southampton County
agreeing to pay therefor, the sum of
Twelve hundred dollars, five hundred
dollars of which was paid in cash
at the time your complainant made
the purchase, and his bonds were ex-
ecuted for the remaining seven hun-
dred dollars, one for five hundred
dollars payable one year from date
and one for two hundred dollars
payable two years from date.

Your complainant paid his bond
first falling due, at maturity, as
evidenced by said bond herewith filed
marked "A" and prayed to be taken
and read as part of this bill; leaving
due to the said W. T. Adams and Martha
Adams his bond for two hundred dol-
lars, which said sum your complain-
ant is now, and has been since it
became due, ready to pay. But your

complainant is advised that the said tract of land now owned by him was devised to the said Martha Adams by her father David Prince, that since the payment of the bond for five hundred dollars, the said Martha Adams has departed this life, leaving her husband W. T. Adams and two children Lelia and Pattie the last named an infant, her surviving, that by the death of the said Martha Adams, the title in the said tract of land became vested in her said children subject to the life estate of their father the said W. T. Adams, and that however willing the said defendants might be to execute a deed to your complainant they would be unable to do so, one ^{of} the children of the said Martha Adams being an infant.

Therefore your complainant being without remedy save in a Court of Equity where matters of this kind are alone properly cognizable, prays, that the said W. T. Adams Lelia and Pattie Adams, the last named an infant by some fit and proper

person to be appointed her guardian
as litim to defend her interests in
this suit, he made parties defendants
to this Bill, and that they be required
to answer the same, that an account
may be taken of the amounts due and
unpaid an account of said purchase
by your complainant, that a Commr.
of this Court be directed to execute a
deed for any or all the defendants
upon the payment of such amount
as shall be found to be due by them,
and that your honor will grant such
other further and general relief as the
nature of the case may require and
to Equity may seem meet.

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

Midway Bankham
Jc

Whitehorn 122

Stat. Rules -

Adams et al.

Leic \$3.82

Law \$16.50

Shff 1.50

A. B. C. Whitcomb Pettr }
" } In
Wm T. Adams. Lelia Adams } Chanery -
and Pattie Adams - an infant. Deft. }

1887 Aug 24. Sum: to Sept. Rules.

" Sept Rules: Sum Ext^d B. F. Mc-Lemore assigned

Gdn as litem to infant. answer
of infant. by Gdn as litem. Gnd
application. ~~Sum nisi & adnet~~
Deft. Bill filed. + ~~Sum nisi~~

" Oct. " B adnet Deft.

" Oct. " Bill litem for confessed is to
adnet Deft. + case set for
hearing.

Whitehorn

7th } Sum

Adams et. al:

1887. Sept: Rules

Cir: Ct.

Executed Aug. 29th 1887
by delivering a copy of
the within summons to

Wm J. Adams & Lelia
Adams & Patten Adams

J. W. Williams Sheriff

Chg'd.

J. W. W.

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Wm. T. Adams, Lelia Adams*
and Pattie Adams

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 *September* next, to answer a bill in
chancery exhibited against *them* in our said Court by

A. B. C. Whitehorse

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

B. F. M. Lemore
Witness, J. B. PRINCE, Clerk of our said Court, this

188 *7*, in the *112* year of the Commonwealth.

B. F. M. Lemore

C. C.

Whitehorn

2^d 3^d Court's Bond

Adams

1888. Mich 12 filed.

B. F. M. cc.

Recorded Page 21.

Know all men by these Presents, That we
E. C. Fredway

G. P. Barham and

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

Four 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 12 day of March

A. D. 1888

THE CONDITION of the above obligation is such that if the above bound

G. P. Barham, who was, on the 9th day of Nov: 1887. Appointed a Special Commissioner, by decree of the Circuit Court of Southampton County. entered in the Chancery Cause of Whitehorn & Adams: to collect from A. B. C. Whitehorn the sum of two hundred dollars, with interest thereon from Jan'y 1st 1885. till paid - to pay Costs of suit and distribute balance of the money to the parties entitled, as directed by said decree. and upon payment of said sum of \$200. to execute to A. B. Whitehorn a Deed with Special Warranty for the tract of land mentioned and described in the Papers of said Chancery Cause. shall faithfully perform the duties required of him under said decree, and those of any other decree which may be entered in said suit

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.

G. P. Barham, by W. J. Sebrule, atty in fact.
E. C. Fredway, by W. J. Sebrule, atty in fact.



Know all men by these presents
that J. E. C. Fredway of the County
of Greenville do hereby constitute
and appoint W. J. Sobrell my
true and lawful attorney for
me and in my name to execute
and acknowledge as surety for
U. P. Barham a certain bond requir-
ed of him the said Barham as
Commissioner in a certain suit
in Chancery, depending in the
Circuit Court of Southampton
County the style of which suit
is Whitehorne vs. Adams and
the penalty of which bond is
\$1400⁰⁰.

Hereby ratifying and confirming
all that my said attorney may
lawfully do in the premises

Witness my hand and seal
this 2nd day of March 1888.

E. C. Fredway Seal

Greenville County, Ga.

I, E. L. Turner a Commissioner in Chancery for the
Circuit Court of the County of Greene, in the State
of Virginia, do hereby certify that E. C. Fredway
whose name is signed to the foregoing writing
being dated on the 2nd day of March 1888

has appeared before me in my County
aforesaid and I further certify that
the said E. L. Fredway justified
on oath before me that after
the payment of his just debts
and what he is bound for others
and reasonably expects to have
to pay he is worth in real
and personal property in the
County of Greenville the penal-
ty of the bond aforesaid, to wit:
the sum of \$400⁰⁰

Given under my hand this
2nd day of March 1888.

E. L. Munn County
Clerk: Et. Greenville Co.

know all men by these
presents that I, G. P. Borham of the
County of Greensville do hereby
Constitute and appoint W. J. Seale
my true and lawful attorney for me
and in my stead to execute and
a certain bond required of me
in a certain suit in chancery
depending in the Circuit Court of
Southampton County, the style
of which suit is Whitehorn
vs. Adams and the penalty of
which bond is \$400⁰⁰; and
I hereby ratify and confirm
all that my said attorney
may lawfully do in the prem-
ises -

Witness my hand and
seal this 10th day of March
1888.

G. P. Borham (Seal)

Greensville County to wit;

I, E. L. Turner a Commissioner in Chancery
for the Circuit Court of the County aforesaid
in the State of Virginia, do certify that G. P. Borham
whose name is signed to the foregoing writing
bearing date on the 10th day of March 1888
has acknowledged the same before me in my County
aforesaid - Given under my

have this 10th day of march

1888.

E. L. Turner Comstock,

Cir. St. Louisville Co.

Whitehorn
753 answer of
Adamschall

To The Hon. C. Will. Judge of the
Ancient Court of Southampton
County.

The answer of W. T. Adams in
his own right, and also
as Admin. of all vouchers of the
goods & chattels credits which
were of Martha D. Adams, his
wife at the time of her death
who died intestate and also
of Liza Adams, & bill exhibited against
the respondents concerning & touching
the benefit of all past exceptions
to the said bill for answer thereto
or so much thereof as they are
advised it is material
that they should answer,
answers & says,

That it is true that the said
Martha J. Adams & W. T. Adams
bargained & sold unto the said
A. B. C. Whitham the tract of land
set forth in said bill for
the said sum of Twelve hundred
dollars. That the said sum
paid Four hundred dollars in
cash & executed two bonds

one for Four Hundred & the other
for Two Hundred dollars for
balance of the purchase
money due on said land
and that at the time the bond
for Four Hundred dollars
became due which was in
the life time of the said Martha
S. Adams, the said complainant
paid & took in the said
bond for Four Hundred
dollars. That before the last
instalment of Two Hundred dollars
became due the said Martha
S. Adams departed this life,
leaving two children who were
then under twenty one year of
age. That the said bond being
the individual property of the
said Martha S. Adams, descending
to her from her father's estate
the right thereto vested in her
solely in the said two children,
Lila & Walter Adams, upon her
death. That until the said infants
become of age there is no one
to make a lawful conveyance

of the same & the complainant.
And that all being willing
& make the same pray
that this court doth direct
& appoint V. D. Morrison as special
commissioner & receive the
aid for the same upon
the payment of said amount
of two hundred dollars with
interest thereon, & further report
to this court.

And having fully answered
the complainants bill pray &
be have dismissed with
their reasonable costs in this
behalf expended on

W. T. Adams } signed by counsel
Lelin Adams } V. D. Morrison

Whitcomb

72. 3 assumed of
3 Hoodian
Adams ad letum

Whitehorn

vs. 3.

Adams

The answer of, Pattie Adams
an infant under the age of
twenty one years by B. F.
McLe more, her guardian ad
litem assigned to defend
her interest in this suit to a
bill exhibited against the said
H. B. Whitehorn in the Circuit
Court for Southampton County.

This defendant for answer says
that she is an infant of tender
years, and therefore incapable
of understanding the matter
in controversy in this suit, and
therefore prays that your honor
will protect her interest in
this cause and that your honor
will permit no decree to be
entered which may in any
way prove prejudicial -

And now your respondent
having fully answered prays
to be dismissed hence with
her reasonable costs in this
behalf expended & she will
so pray &c.

B. F. McLe more
Gdn ad litem

46 109

White Lorne

W. J. Dwyer

Adams chals.

To be entered

C. M. H. H.

Nov 9, 1887

Entered 265

Whitehome

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

Adams et al

This cause which has regularly matured at rules and which has been set for hearing, came on this day to heard upon the bill of the plaintiff, the answer of the adult defendants and upon the answer of the infant defendant by B. F. McLeone her guardian ad litem appointed to defend her interest in this suit, with general replication to said answers, and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that G. P. Barham who is hereby appointed a Commissioner for the purpose collect the balance of the purchase money amounting to \$200⁰⁰ with interest from Jan'y 1st 1885 till paid, due from A. B. Le Whitehome the plaintiff in these proceedings, and pay first the cost of this suit, and after deducting ten dollars for preparing the deed, pay

the remainder to the parties
entitled thereto - that is to say,
to H. J. Adams \$35⁰² to Lelia J.
Adams \$83⁷⁹ and to the guardian
of Pattie Adams \$83⁹⁹₁₀₀

And the said Court is directed
when the said purchase money
is fully paid to execute a deed
with special warranty to A. B.
C. White home the plaintiff in
this cause for the tract of land
mentioned in these proceedings.
^{and report to Court.}
But the said Bosham Comm.
shall not act under this decree
until he shall have entered
into bond before the Clerk of
this Court in the penalty of
~~Three~~ ^{four} hundred dollars, with
security to be approved by
him, conditioned for the
faithful performance of
his duty under this or any
future decree to be rendered
in this cause -