

1897-01

Southampton County - Chancery

Appelwhite, Mary A.

vs

Appelwhite, Laura
m. ad

"^{leg.}
Is purchaser a partner
of land

Appelwhite, Thomas W.

Appelwhite, Natalie D

Appelwhite, Bessie

Appelwhite, George P.

Withy, Edgar

Ashen, H.

Bladdie, Emma G.

Appelwhite, Archer

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Applewhite & Co.
vs. { Bill & Co.

Applewhite & Co.

1. Case Rules

2x

JAMES L. MCLEMORE,
Attorney-at-Law,
COURTLAND, VIRGINIA.

Everett Wadley Co., Stationers and Printers, Richmond, Va.

18

To
The Hon. C. W. Hill, Judge of the
Circuit Court for Southampton County.
In Chancery

Your Complainants Mary A. Applewhite widow of the late Thos. A. Applewhite, Thomas W. Applewhite, Natali J. Applewhite, Bessie Applewhite and George P. Applewhite, complaining sheweth unto the Court, that some ^{time} during the year 189, Thos. A. Applewhite departed this life seized and possessed of a large tract of land lying near Drewryville in the County of Southampton containing about 1840 acres together with the following as his heirs at law and distributees, viz Mary A. Applewhite widow, Thos. W., Natali J., Bessie, George, Lewis M., Edgar J., Wilby, H. Ashton, Emma G., Gladis, and Archer A. Applewhite his children, the last named six being infants; that the said tract of land is undivided, and that there is upon the same an old mill house and pond now in a state of disuse; That all of the heirs of said decedent are residents of Suffolk save Lewis M. Applewhite who still resides upon the farm in this County.

Your Complainants would state further that Lewis M. Applewhite is desirous of

5
purchasing the old mill site together with a small lot of land lying on the South Side of the Mill containing about 120 acres. bounded as follows: beginning at mill ramp bridge, running westerly up County road to A. D. L. Whittemore's line, thence starting along Whittemore's line to the mill pond at High Water mark, thence around the North end portion of the mill pond at high water mark back to the bridge the point of beginning taking in the mill pond as it was when the dam was in repair for which property he has offered to pay \$600. provided this court will approve the dam and direct a good and sufficient deed to be made for the same.

Four orators, who are all of the adults in interest, are willing and anxious that the aforesaid offer may be accepted, because they think it will be to their interest, and to the interest of the infants as well, that the mill house and dam are decaying and will require considerable repairs before they can be used, the money required to do which, the infants have not, as their father's estate consisted almost entirely of real estate.

In tender consideration whereof and for as much as your Complainants are without remedy save in a Court of equity or here

matters of this nature are alone & properly
cognizable to the end therefore, that justice
may be done your orators pray that
Lewis M. Applwhite, Edgar J. Wilby,
W. Ashton, Emma G. Gladdis, & Sarah A.
Applwhite may be made parties defendants
to this bill and required to answer the
same under oath, that a proper guardian
ad litem may be appointed to defend the
interest of the infant defendants, that
the offer of \$600. as made by Lewis M.
Applwhite for the land herein mentioned
be accepted, that a good and sufficient deed
be made to him by or at the direction of the
Commissioner appointed for the purpose. that all such
decrees may be entered and inquiries directed,
and such further justice and special relief
may be granted as the nature of the case
may require or to equity may seem meet.
And your complainants will ever pray.
(Sign. J. W. A.) J. W. Applwhite

Gas. L. McLeone p. q.

Subscribed and sworn to before me this
the 25th day of October 1893.
Robert T. Heynis
Commissioner in Chancery
Circuit Court of Loudoun Co., Va.

20-60-28-18-100-33-15-15-216-40-25-25-25

Black-	6.22
Shff	.50
Lawy.	16.50
Board B 7m	5.

Future costs to L. Agay. \$1.00 Paid L. Agay \$28.22
 Carins. Ex.

Carins. on \$300.	5%	15
" " "	2%	6

Druid 10

Costs of Smith 28.22

Future costs

600
 61.22
 1538.78
 48.98

48.98

539.78 195.92

600
 54.22
 540.78

59.22

61.22

Received of Jas. L. McLemore Special Commissioner in the Chancery
cause of Applewhite et als. VS. Applewhite et als. the sum of \$269.35
same being the shares of Wilby, H. Ashton, Emma G. ^{Gladys P} and Archa A. Apple-
white infants of T.H. Applewhite decd. in the funds coming into the
hands of said Commissioner from the sale of the tract of land known
as the Mill tract, sold by virtue of a decree of the Circuit Court
of Southampton County, after paying the cost of the said suit, the
total amount to be distributed after paying the cost being \$538.78
which amount is to be divided among eleven children.

May 15, 1896.

M A Applewhite

^{Gladys P}
Guardian for Wilby, H. Ashton, Emma G., and
Archa A. Applewhite, infants.

Received of Jas. L. McLemore, Special Commissioner 1
in the Chancery cause of Applewhite et als VS. Applewhite et als.
the sum of \$48.98 each, same being our share in the funds coming into
the hands of said Commissioner from the sale of the tract of land
known as the mill tract, and described in the plaintiffs bill, sold
by virtue of a decree of the Circuit Court of Southampton County, af-
ter paying the cost and expences attending the said suit, the total
amount after paying the cost as aforesaid, being \$538.78 .

May 15th. 1896.

2440
263
51
4.5

244.90
4898
29388
26935
568.78

2ma. W. Applewhite
N. J. W. Applewhite
B. A. Applewhite
Geo. P. Applewhite
Edgar. Applewhite
L. M. Applewhite

Applewhite et al.
vs. 3 Report Sale.

Applewhite et al.

1896 May 25. filed.

L. A. Gay Co.

Disbursement of funds.

Applewhite et als.

Vs. Report of Special Commissioner. McLemore,

Applewhite et als.

The undersigned, your Commissioner, begs to report that pursuant to a decree entered in this cause May term 1894, he has collected the purchase price of \$600, not from Lewis M. Applewhite as the decree directed, he being unable to raise the same, but Mrs. F. A. Applewhite did raise and pay him the money, and with the consent of said Lewis M. Applewhite, evidenced by his joining with your Commissioner in the deed to her, he executed to said F. A. Applewhite a deed with special warranty for the real estate described in the plaintiff's bill, including the Mill, and the land covered by the water at high water mark the funds coming into his hands, he has disposed of as follows

Total amount received		\$600.
Commissions on same	\$ 21.	
For writing deeds,	10.	
Paid Cost of the suit,	28.22	
Paid M. A. Applewhite, Guardian, for Wilby	244.90	
H. Ashton, Emma G., Gladys P. & A. A. Applewhite,		
Paid T. W., N. J., Bessie, Geo. P., Edgar J. &		
Lewis M. Applewhite,	293.88	
Future Cost,	2.	
	\$ 600.	\$ 600.

Vouchers filed.

Respectfully Submitted.

Geo. McLemore
Special Commissioner.

May 25, 1896.

203
Applewhite et als

" } Stat: Rules

Applewhite et als

Ex cat-

Mary A. Applewhite,
Thos. H. Applewhite,
Katali J. Applewhite,
Bessie Applewhite,
+ George O. Applewhite.

Pltffs.

Against

In Chancery.

Lewis M. Applewhite,
Edgar J. Wilby, H.
Nelson, Emma L.,
Gladis, + Archibald.

Defts.

Applewhite the last
six infants by J.B.
Prince *q d n ad litem*.

1893. Sept 25 Process filed to 1st Oct Rules.

" 1st Oct Rules Process ~~not~~ Executed, Bill
+ Ex filed. J.B. Prince Affs
q d n ad litem to infants
deave nisi to adults.

1893. 2 Oct Rules Bill taken for con-
fessed as to adult +
cause set for hearing
as to him.

11/540.78.
49.16
196.64

Appelwhite et al.
v. In Chy.
Appelwhite et al.

Answer of Infants over 14 yrs of age.

The joint and several answer of Edgar J. Wilby, and H. Ashton Appelwhite infants over 14 yrs of age to a bill in equity in which Mrs Mary A. Appelwhite and others are plaintiffs and Lewis M. Appelwhite & others are defendants.

These infants for answer to said bill say, that although they have not yet arrived at the age of 21 yrs. yet they believe they are old enough to know something of what is to their interest: that they believe the offer made by their brother for the land described in the bill is a good one, and ought to be accepted, but that they submit their right to the protection of this court, and having fully answered they pray leave to be dismissed with their reasonable costs.

(sign &c) Edgar J. Appelwhite
(" Wilby &c) Wilby M. Appelwhite
(" H. Ashton &c) H. Ashton Appelwhite

Subscribed & sworn to before me this
the 25th day of October 1893.

Robert T. Flewitt
Commissioner in Chancery
Circuit Court Housewood &c.

Applwhite et als.
v. 3 Answer of Infant
3 by Dn. at litem
Applwhite et als.

Edgar J. Wilby & H. Ashton,

The joint answer of Emma G. Gladdis,
and Archer A. Applewhite, ^{the said Emma} infants under
14 yrs. of age by J. B. Prince their
guardian ad litem appointed to defend
them in a certain suit in Equity in
which Mary A. Applewhite & others are plain-
tiffs and Lewis M. Applewhite ^{others} are defendants.

For answer to said bill the infant
aforesaid through their said guardian
ad litem, J. B. Prince answering say: That
being ~~as~~ infants, they know nothing of the
true intent touching the subject matter of
complainant bill, they therefore submit
the protection of their interests to the
care of the Honorable Court ^{being} & fully
answer and they pray hence to be dismissed
with their reasonable cost &c.

J. B. Prince
Gdn ad litem.

Subscribed & sworn to before me this the
5th day of Nov. 1893.

B. F. McLean
Clerk in Charge

Applewhite et als

v" } Sum

Applewhite et als

1893. 1st Oct Rules

Coir. let.

I hereby acknowledge
legal service of this sum-
mons, this the 29th day
of September 1893.

Sign

E. J. Applewhite

M. H. Applewhite

H. A. Applewhite

M. Lemore, Jr.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

*Lewis M. Applewhite, Edgar,
J. Willey, W. Ashton, Emma S., Gladdis &
Archer A. Applewhite the last six infants
by J. B. Prince g'd'n ad litem,*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for
the said Court on the *First* Monday in *October* next, to answer a Bill in Chancery

exhibited against *them* in our said Court by *Mary A. Applewhite,
Thos W. Applewhite, Natalie Applewhite,
Bessie Applewhite, George S. Applewhite,*

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *25* day of

Sept, 189*2*, in the 11*th* year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

Applewhite et als

vs 3 Surv.

Applewhite et als

1893. 1st Act. Rules.
lin. l. b.

Executed this 2nd day
of Oct 1893 by delivering
a copy of this Decree to
Mary A. Applewhite
Mother of Lewis M.
Applewhite a member of
the family over the age
of sixteen and explaining its
purport to her the said
Lewis M. Applewhite
not being found at his
usual place of abode
Attest

for J. H. Williams
W. L. Lemore p. q. J. H. Williams

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *Lewis M. Applewhite,*
Edgar J. Wilby, H. Ashton Emma L.
Gaddis & Archibald Applewhite the last
Six infants by J. B. Prince pdr ad litem

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for
the said Court on the *First* Monday in *October* next, to answer a Bill in Chancery

exhibited against *them* in our said Court by *Mary A. Applewhite*
Thos. W. Applewhite Adeline Applewhite
Bessie Applewhite & George P. Applewhite

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *25th* day of
Sept, 189³, in the 11th year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

Southampton Circuit Court, Nov Term 1893.

Applewhite & others

vs

}

Deceit

Applewhite & others

This day this cause came on to be heard on the bill & exhibits filed, bill taken for confessed as to the adult defendants, J.B. Prince appointed guardian ad litem for infant defendants, answer of infants by guardian ad litem, and was argued by counsel on consideration whereof the Court doth adjudge order and decree that this cause be referred to one of the Commissioners of this Court, who will enquire and report, 1st, What is the fair cash value of the tract of land described minutely in plaintiffs bill. 2nd Whether or not it would be to the interest of all parties that the offer of \$6000 made by Lewis M. Applewhite for the said land be accepted. 3rd Any other matter specially stated deemed pertinent by the Commissioner or required to be stated by any party interested and of

which the said Baron, will report
to Court that a further decree
may be entered herein.

A Copy

Teste: J. M. Howard C. C.
" "

We hereby acknowledge legal service
 of the within Notice. This 5th day of
 April 1894.

Procedent

Sign - Mary A Applewhite -
 Sign - Matt Applewhite
 Sign - Natalie J. Applewhite
 Sign - Isaac Applewhite
 Sign - J. B. Applewhite

San Antonio

Applewhite et. al:
 v. Notice

Applewhite et. al:

1894. April 10."

Commissioner's Office,

Jerusalem, Va., *Meh 30* 1894

To M. A. Applewhite. J. M. Applewhite.
Natalie J. Applewhite. Bessie Applewhite.
and Geo. F. Applewhite. & Lewis M. Applewhite.
Edgar J. Wilby. H. A., Emma G., Gladie
and A. A. Applewhite. ~~infants~~ last six
infants, by J. B. Pince, *Ex. ad litem*.

You are hereby notified that I have fixed upon the *10th* day of *April*
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 - What is the fair cash value of the tract of land described minutely in the Plaintiffs' bill?
- 2^d - Whether or not it will be to the interest of all parties that the offer of \$600.⁰⁰ made by Lewis M. Applewhite for the said land, be accepted?
- 3^d - Any other matter deemed pertinent *&c.*

required to be taken by a decree of Southampton Circuit Court, rendered at the *November*
term, 1893, 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.

B. F. McLeann
Commissioner.

To the Sheriff of Southampton County to execute.

FIRE,
LIFE,
ACCIDENT,
AND
LIVE-STOCK
INSURANCE.
CALL ON US
FOR CHEAP
AND
RELIABLE
INSURANCE.
SPECIAL
ATTENTION
GIVEN TO
COLLECTION
OF RENTS,
ETC., ETC.

Office of

LEE & DOGGETT,
INSURANCE, REAL ESTATE AND
Collection Agents.

Suffolk, Va., April 6 1894

Mr B. F. McLenore.
Courtland Co
Dear Sir.

I find it will
not be convenient
for me to be in
Courtland on the 10th,
therefore I write as you
request. Ma. Natalie,
Bessie, & Geo. each
have expressed themselves
as being perfect willing
to the sale of the
land, & think it best
for all concerned
that the sale should be
effected. And also

FIRE,
LIFE,
ACCIDENT,
AND
LIVE-STOCK
INSURANCE.
CALL ON US
FOR CHEAP
AND
RELIABLE
INSURANCE.
SPECIAL
ATTENTION
GIVEN TO
COLLECTION
OF RENTS,
ETC., ETC.

Office of

LEE & DOGGETT,
INSURANCE, REAL ESTATE AND
Collection Agents.

Suffolk, Va., ... 189

think \$600 is a fair
price for some.

Geo is still
up at Lewis.

We are yours
Very Truly,

W. Applewhite
H. J. Applewhite
M. A. Applewhite
Bessie Applewhite

FIRE,
LIFE,
ACCIDENT,
AND
LIVE-STOCK
INSURANCE.
CALL ON US
FOR CHEAP
AND
RELIABLE
INSURANCE.
SPECIAL
ATTENTION
GIVEN TO
COLLECTION
OF RENTS,
ETC., ETC.

Office of

LEE & DOGGETT,
INSURANCE, REAL ESTATE AND
Collection Agents.

Suffolk, Va., April 2 1894

Mr B F McLenore.
Courtland Va
Dear Sir.

Enclosed please
find notice signed as
requested. Geo is at
Levies. if I am unable
to be at Courtland
on 10th will
write you.

With kindest
regards I am Yours
Very Truly
H W Afflerholt

Commissioner's Office.
Courtland, Va

April 10. 1894.

To The Circuit Court of Southampton Co.
Pursuant to a decree of said Court, entered
at the November Term 1893, in the Cause
of Applewhite et. al: v. Applewhite, et.
al: the undersigned Commissioner, to
whom said decree has been referred—
reports to Court: that having first issued
Notice against the parties to this suit—
requiring them to appear before him,
at his Office, in Courtland, on the 10th
day of April 1894, to attend the taking
and reporting of the Accounts required
by the aforesaid decree. and legal service
of said Notice having been acknowl-
edged by the Adults: The Commissioner,
thereupon, proceeded to take the following
Accounts:

1st: What is the fair Cash value of the
tract of land described in the Plaintiff's
bill.?

The Commissioner is of opinion that
six hundred dollars is a fair price for
land described in the bill.

2nd. Whether or not it would be to the interest
of all parties that the offer of \$600.00, made

by Lewis M. Applewhite, for the said land be,
accepted?

Your Commissioner is of opinion, from the
evidence, that it will be to the interest of
all parties concerned for the bid of \$600.
made by Lewis M. Applewhite, to be accepted.
the tract of land mentioned. Contains only
120 acres. is very poor. and separated from
the main tract, by the old mill pond. The
improvements on the land are very ordinary.
The mill has been down for many years,
and would cost considerable to put it
in repair. and there is not now, nor
has not been, for years past. any income
from this property.

Your Commissioner recommends a
Confirmation of the sale, at the
price agreed upon between the
adul parties to this sale.

Respectfully Submitted.

B. F. McLemay

Com in Chancery

Comms fee 5

\$5.00

Applewhite et als,
Versus. Decree.
Applewhite et als.

Enter this,

1896 September 28,

Robert D. Dentis

Entered Page 92

A

Applewhite et als.

Vs.

Applewhite et als.

This day this cause came on again to be heard upon the papers formerly read, and upon the report of Special Commissioner Jas. L. McLimore, filed May 25, 1896, to which no exceptions have been taken, and was argued by Counsel. On consideration whereof, and it appearing to the Court that a deed has been executed to F. A. Applewhite, by and with the consent of Lewis M. Applewhite, and that the funds coming into the hands of the said Special Commissioner, have been properly disbursed, doth adjudge order and decree that the said report of the Special Commissioner be and the same is hereby confirmed, and the deed executed to said F. A. Applewhite made firm and binding, and nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket.

Applewhite rather.

v. 3 Deer

Applewhite rather

1893 Nov.

To be entered.

Cross

To be this acct at
once 22m

Apr 10. / 94

Entered

Applewhite & others.

vs.

Decree,

Applewhite & others.

This day this cause came on to be heard on the bill or exhibit filed, bill taken for confessed as to the adult defendants, J. B. Rimer appointed guardian ad litem for infant defendants, answer of infants by guardian ad litem. and was argued by counsel. On consideration whereof ~~and it appearing to~~ the Court doth adjudge order and decree that this cause be referred to one of the Commissioners of this Court, ^{who will inquire report} 1st, what is the fair cash value of the tract of land described minutely in plaintiffs bill; 2nd Whether or not it would be to the interest of all parties that the offer of \$600 made by Lewis M. Applewhite for the said land be accepted. 3rd. Any other matter specially stated deemed pertinent by the Commission or required to be stated by any party interested. all of which the said Clerk will report to Court that a future decree may be entered herein.

Applewhite rather
v. Decree
Applewhite rather

1894 May Term
To be entered
cost

entered 661

Applewhite et al.

vs.

Decree

Applewhite et al.

This day this cause came on again to be heard upon the papers formerly read and upon the report of Commr. B. F. McLeimore filed April 14, 1894 to which there are no exceptions and was argued by Counsel. On consideration whereof, and the Court being of opinion from the said report that it would be to the interest of the infants ~~defendants~~ that the tract of land described in the bill & proceedings of this cause be sold to Louis M. Applewhite, upon his paying therefor the sum of \$600. doth the judge order and decree that J. L. McLeimore who is hereby appointed a special Commr. for the purpose, do proceed to execute to Louis M. Applewhite the purchase deed with special warranty for the tract of land described in the bill, containing about 120 acres, upon receipt from the said Applewhite of the purchase price of \$600. as aforesaid & the said Commr. will report to Court;

But before the said Commr. shall proceed to act under this decree he shall enter into bond with approved security before the Clerk of this Court in the sum of \$800. conditioned for the faithful discharge of this or any subsequent decree that may be entered hereon.