

1810-021

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CALVERT vs. CLEMENTS et al ^{10/1810}

other surnames: bec

To the worshipful Court of Southampton County in Chancery
sitting - Humbly complaining sheweth unto your wor-
ships your orator Samuel Calvert that a certain Thomas
Clements late of the County of Southampton being indebted
to him in the sum of Seventeen pounds 10/4 and being
desirous to make the said debt safe and secure, on the
18th day of February in the year 1798 executed to him
a Deed of Mortgage conveying to him Divers articles
of perishable estate as will fully appear by
an attested copy of the said Mortgage hereto annexed and
prayed to be taken and considered as a part of this bill.
That the said Thomas Clements has since that time de-
parted this life intestate, leaving, as your orator believes,
little or no estate except that conveyed to him by the
above mentioned Mortgage - having left a widow
Martha Clements and seven infant children, to wit,
Moses Clements, Sampson Clements, Benjamin Thomas
Clements, Martha Clements, Amey Clements, Mary Clements
and Judith Clements, all of whom your orator prays
may be made defendants to this bill - Your orator
begs leave further to add that no person having
applied for administration on the estate of the said
Thomas Clements deceased, ~~the~~ administration
hereof has been in due form of law committed
by the Court of Southampton County to James Gee, the
present Sheriff of the said County, whom your

water ways may be also made a defendant to this bill - Your orator will further add that although the aforesaid debt due to him is thus clearly proven and supported by evidence, yet the same cannot be collected without the aid of a court of chancery where matters touching trusts and mortgages are properly cognizable - In tender consideration whereof and to the end that all equity of redemption as it relates to the said mortgage may be forever foreclosed, your orator prays that the said Martha Clements widow of the said Thomas Clements ^{senr.}, ~~that~~ the said Moses Clements, Sampson Clements, Benjamin Thomas Clements, Martha Clements, Amey Clements, Mary Clements and Judith Clements infant children of the said Thomas Clements dec'd & their guardian to be specially appointed to defend them in this behalf and ~~that~~ the said James Gee to whom administration of the estate of the said Thomas Clements dec'd has been committed as aforesaid may be compelled to answer, on their corporate oaths, all & singular the allegations of this bill as fully, perfectly, distinctly and unequivocally, as though each & every of them were herein again repeated and they & each of them were respecting each and every of them particularly interrogated. Then upon your orator prays that your worship will decree ~~that the property~~ ^{that the property} on the mortgage here to annexed, mentioned or so much thereof as will discharge and satisfy your orators claim, including principal, interest and costs, shall be sold a

public sale for ready money, unless before the day & he appointed for the said sale, the said claim should be paid and settled - that your worship will render any other decree and grant any other & general relief in the premises, which from the bill, answers and exhibits may seem meet and applicable - And your orator as in duty bound will ever pray
L Off the for mpt.

The Answer of Martha Clements widow & relict of Thomas Clements to the foregoing bill of complaint exhibited by Samuel Calcutt - The said defendant saving and reserving to herself every benefit of exception to the said bill of complaint for answer ~~that~~ saith - that she cannot gainsay the allegations therein contained, and will acquiesce in the decree prayed for ~~the~~ the complainants bill -
(Signed) ~~Martha Clements~~

The answer of Moses Clements, Sampson Clements, Benjamin Thos. Clements, Martha Clements, Amey Clements, Mary Clements and Judith Clements, infant children of Thomas Clements dec'd, by Martha Clements, their guardian specially appointed by the court of Southampton County to defend them in this behalf, to the foregoing bill of

complaint exhibited by Samuel Calvert - The said
defendants by their said guardian, saving & reserving
to themselves every benefit of exception to the said bill
of complaint for answer thereto say - that the allega-
tions therein contained are true and that they will
acquiesce in the decree prayed for in the com-
plainant's bill. Having answered &c. they pray &c.

(Signed)
Martha Clements

The answer of James Gee Sheriff of Southampton County, to whom
administration on the estate of Thomas Clements deceased has been
committed according to the act of the General Assembly in such
cases made and provided, to the bill of complaint exhibited
in Southampton Court by Samuel Calvert against the widow &
heirs of Tho. Clements and himself as adm^r of said. The said
defendant saving and reserving to himself every ^{benefit} of exception to the
said bill for answer thereto saith, that he has never received
any estate belonging to the said Thomas Clements dec^d, and
has no doubt of the truth of the complainant's bill - He has
no objection to any decree ^{consistent with law & equity} which the wisdom of the Court may
dictate - I pray the same decreed &c.

(Signed) James

Rec^d 1870. Dec 20

Order decreed announced

Calvert
vs
Clements
et al.
No 293

Calvert-
as
Clements & } Spec in
Chancery

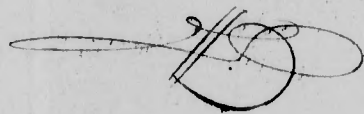
To Sep: Court 1809.

Executed on Mary
Clements & not
on the other copy.
B. Calvert

The Commonwealth of Virginia to the Coroner of Southampton
County greeting: We Command you to summon —
Patsy Clements widow (and relict of Thomas Clements dec'd
& Moses, Sampson, Benjamin Thomas, Martha Arney, & Inorth
Parker Clements infant children of the said Tho^s Patsy Clements
to appear before the Justices of our County Court of Southampton
at the Court house on the third Monday in September next
to answer a Bill in Chancery exhibited against them by
Samuel Calvert. And this they shall in no wise omit
under the penalty of 100 £ each —

And have then there this wit- Witness Samuel Kello
clerk of our said Court, at his office, the 13th day of July
1809. in the 34th year of the Commonwealth

Samuel Kello



Memo:

a Spec issued to Store. last- and
was not by the coroner and on
Moses Clements only

W. M. M. D. B.

Calvert } 32
vs }
Clements } pa in
Chy-

To March 1870

Executed, ~~as per order of court~~

~~except the balance of~~

~~the debt~~, Carl Darden

Deputy of

James Lee Shipp

The Commonwealth of Virginia to the Sheriff of Southampton
County Greeting you are hereby commanded to Summon
Martha Clements widow of Thomas Clements. Moses Clements. Sampson
Clements. & Mary Ann Clements, Martha Arney. Mary Judith Clements
children to appear before the justices of our County Court of Southampton
at the Court house on the 3rd Monday in March
next to answer a bill in Chancery exhibited against them by
Samuel Calvert. and this they shall in no wise omit under
the penalty of £100 and have then there this writ witness
Samuel Kello Clerk of our said Court at his office the
26th day of February 1870 and 34th year of the
Commonwealth

Sam Kello.