1860-021 SOUTHAMPTON COUNTY CHANCERY PAPERS RAMSEY et al VS CLAUD 4/1860

other surnames: McLemore, Westbrook, Ramsay

Ramsey vals

vs 3 Bill answer
Cloud and Decree

1857 Nov. Decree as filed

1858 Mar. Rept.

1860 Aprd. Final decree

Clerks fees $5. paid

No examination of witnesses filed.

To the worshipful county court of Southampton in Chancery sitting

Humbly complaining your orators Sarah Ramsey James Ramsey and James McLemore and Elizabeth his wife who before her marriage was Ramsey and Joshua Cleland show unto your worships that one Jacob Ramsey by virtue of his marital rights was the tenant by the curtesy of a tract of land supposed to contain 135 acres of land more or less. which he acquired by virtue of his marriage with, and survival of his wife Sarah, who before her marriage with him was the widow Westbrooke, she at her death left five children to wit, Augustus Westbrook and John Westbrook, by her first marriage, and your orators Sarah, James and Elizabeth by her last marriage in the lifetime of Jacob Ramsey, Augustus and John Westbrook sold their interest and share in the above land to Joseph Cleland as will appear by copies of the said deeds herewith files marked A and B and prays to be taken as a part of this bill, and that the said Joseph Cleland by his last will and testament gave this land to his two sons Joshua and Cornelius Cleland the last of whom is now an infant of tender years as will more fully appear by a copy of the said will herewith files marked C and prayed to be taken as a part of this bill, so that the land will have to be divided into five equal parts, and that the shares to each will be less than three hundred dollars one each to the two Ramsey and one each to the two Cleland

Your Orators further show that Jacob Ramsey is now dead and the land now belongs to the above named parties in fee simple, and as a division of the same would not amount to the benefit of either it being difficult, if not impossible to divide the land equally, except one to Cornelius Cleland inasmuch all the parties are of age and desire a sale, and he is unwilling, and unable

from infancy to gain clear from them, and your orators are satisfied it would be to the interest of all parties to have a sale

In Tender consideration whereof, and inasmuch as your orators are without relief except in a court of chancery May it please your honor that Cornelius Cland an infant of tender years may by some fit and proper person his guardian ad litem appointed for that purpose be made a party defendant to this bill and compelled him as full and perfect answer to the allegations herein contained as if he had been thereunto fully and specially interrogated, that the court would decree a sale of the above mentioned tract of land on such terms as to it may seem best and division of the proceeds of sale according to the rights of the parties, and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of this case may require and as in duty bound your complainants will ever pray &c

Shands p.q.

The answer of Cornelius Cland an infant by Joseph W Cland his guardian ad litem to a bill in chancery in the county court of Southampton by Sarah Ramsey and others on him

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering says he pleas the interest of his ward under the protection of this court whose duty it is to protect the rights of infants and reasonably fully answered prays hence to be dismissed with his costs &c

Shands p. d.

Ramsey &c als
vs
Dean
& Cland

This day this cause came on by consent of parties to be heard on the bill and exhibits therewith filed, answer and general replication, examination of witness and was argued by counsel on the consideration whereof the court doth adjudge order and decree that William B Shands who is hereby appointed a special commissioner for that purpose after having given at least ten days notice of the time and place of sale by public advertisement at the court house and in the neighborhood proceed to sell on the premises at public auction to the highest bidder the tract of land whereof Isaac Ramsey died possessed containing 13.5 acres more or less on the following terms to wit enough cash to defray the costs of this suit and expenses of sale and the balance on a credit of twelve months and take for the same five bonds in equal amounts with approved security, and assign one bond to Sarah Ramsey one bond to James Ramsey one bond to Jane McClemon and Elizabeth his wife one bond to Joshua Cland and one bond to the said guardian of Cornelius Cland, and the title to the said land reserved until all the purchase money shall have been paid, and the said commissioner is directed to report his proceedings to this court in order to a further decree

But the said William B Shands is not to act under this decree until he shall have executed in the clerks office of this court a bond in the penalty of six hundred dollars conditioned as the law directs

Ramsey Co

vs Copy Decree

Claud

Southampton County Court November Term 1857.

Sarah Ramsey, James Ramsey, and James M Lemoine & Elizabeth his wife who before her marriage was Ramsey & Joshua Bland Pffs

against } In Chancery

Cornelius Bland by Joseph W Bland his guardian ad litem Dft

This day this cause came on by consent of parties to be heard on the bill and and exhibits therewith filed, answer and general replication, examination of witnesses and was argued by Counsel. On the consideration whereof the Court doth adjudge, order and decree that William B. Shands who is hereby appointed a Special Commissioner for that purpose shall after having given at least ten days notice of the time and place of Sale by public advertisement at the Courthouse and in the neighbourhood proceed to sell on the premises at public auction to the highest bidder the tract of land whereof Jacob Ramsey died possessed containing 135 acres more or less on the following terms to wit. enough cash to defray the costs of this suit and expenses of Sale and the balance on a credit of twelve months and take for the same five bonds in equal amounts with approved Security and assign one bond to Sarah Ramsey one bond to James Ramsey one bond to James M Lemoine and Elizabeth his wife one bond to Joshua Bland and one bond to the lawful guardian of Cornelius Bland and the title to the said land reserved until all the purchase money shall have been paid. And the said Commissioner is directed to report his proceedings to this Court in order to a further decree.

But the said William B Shands is not to act under this decree until he shall have executed in the Clerks Office of this Court a bond in the penalty of Six hundred dollars conditioned as the law directs.

Clks Costs $5.00

A Copy

Teste. L R Edwards Cc

Ramsay vols
vs 3 Commissions report
Glands vols

1858 March 19.

Ramsay ne
vs Commissioner Report
Blanc ne

The undersigned special Commissioner appointed for that purpose begs leave to report that in obedience to a decree of the county Court of Southampton entered at the November term 1857 he did after having given notice of the time and place of sale in the mode prescribed thereby proceed to sell on the 16th of December 1857 on the premises at public auction to the highest bidder the tract of land mentioned in the decree previous to the sale it had been surveyed and it was ascertained that there was more land than was mentioned in the decree, the commissioner sold 282 acres Sarah A Ramsay became the purchaser at $2.25 cts per acre the sales amounting to $634.50 and after deducting the costs of the suit and sale to wit, Commissions $21.69 attorneys fee $10, Clerks fees $5. Paid for survey $5.00 Paid auctioneer $1.50 cts it left the sum of $591.00 for which the commissioner took five bonds with approved security in the sum of $118.20 cts each payable twelve months after date and assigned one to Sarah M. A. Ramsay, one to James M Ramsay one to J. W Blanc guardian of Cornelius Blanc, one to Joshua W Blanc, and one to James McLemore and wife All of which is most respectfully submitted by

Wm B Shands special Commissioner

Ramsay re
vs 3 Commissioners Report
Cleaveland

1860 Apl. 16

Ramsay vs
vs 3
Shands vs

Commissioners report

The commissioner begs leave to report further that Sarah A Ramsay the purchaser of the land having paid for the same he in obedience to the decree under which he acted has made her a deed with special warranty all of which is most respectfully submitted by

Wm B Shands Commissioner

Receipt
L. R. Edwards

1857 Dec. 23. Rec'd of W. B. Shands Com. five dollars Clerks fees in suit for sale of Jacob Ramsey land.

L. R. Edwards 66

Recivd of Wm B Shands Commissioner a bond for $118.20 cts
my portion from sales of land belonging to Lucy Ramsay
sold under decree of court Dec 15th 1857

Sarah M A Ramsay

December 15th 1857 Recivd from Wm B Shands a bond
for $118.20 cts my portion from sales of land belonging
to Lucy Ramsay sold under decree of Court

James M. Ramsay

December 15th 1857 Recivd from Wm B Shands a
bond for $118.20 cts for Cornelius Bland his portion
from sales of land belonging to Lucy Ramsay
sold under decree of Court

J. W. Bland
Guardian

Dec 15th 1857 Recivd from Wm B Shands Commissioner
a bond for $118.20 cts for Joshua Bland his portion of
from sales of land belonging to Lucy Ramsay
sold under decree of Court

J. W. Bland
for Joshua V. Bland

March 9th 1858 Recivd from Wm B Shands Commissioner
a bond for $118.20 cts for James McSimon and Elizabeth
his wife their distributive share from sales of land
belonging to Lucy Ramsay and sold by decree

James his + McSimon
Mark

Tract of Land	Name of Purchaser
282 Acres of Land	
282 — $2.25 per acre	Miss Sarah A. Ramsey —

(Exhibits A #13)

This Indenture made this 28th day of December in the year of our Lord one thousand eight hundred and forty between Augustus T Westbrook and Emmely his wife of the first and Joseph T Bland of the second part Witnesseth that the said Augustus T Westbrook and Emmely his wife for and in consideration of the sum of One hundred dollars of good and lawfull money of this Commonwealth to them in hand paid by the said Joseph T Bland at or before the ensealing of these presents the receipt whereof is hereby acknowledged by the said A.T. Westbrook and Emmely his wife and that he the said Augustus T. Westbrook & Emmely his wife have bargained and sold and by these presents doth bargain and sell unto the said Joseph T Bland his heirs and assigns, all the interest title or claim that he the said Augustus T Westbrook and Emmely his wife have or may hereafter have in a certain tract or parcel of land lying and being in the County of Southampton and State of Virginia and now in the possession of Jacob Ramsay in right of his dec'd wife Lucy formerly Lucy Bland which said land is held by the said Ramsay for one hundred and thirty five & 3/5 acres be the same more or less and adjoining the lands of the said Joseph T. Bland Benjamin C Waller Samuel Ellis the heirs of Scharborough and the heirs of Joseph Turner To have and to hold the aforesaid interest right claims or titles in and to the aforesaid tract or parcel of land together with all the appurtenances belonging or in any wise appertaining and all its priviledges, to and for the only proper use of him the said Joseph T. Bland his heirs and assigns forever and he the said Augustus T. Westbrook and Emmely his wife doth for themselves and their heirs hereby convey the said interest claims rights or titles in and to the said tract or parcel of land with all and singular the premises and appurtenances before mentioned unto the said Joseph T Bland his heirs and assigns forever free from the claims or claimes of them the said Augustus T Westbrook and Emmely his wife and of all and every other person or persons whatsoever and he the said A T. Westbrook & Emmely his wife a good and perfect title to the same doth hereby warrant and will forever defend unto the said Joseph T Bland In Witness whereof the said Augustus T. Westbrook and Emmely his wife have hereunto set their hands and affixed their seals the day and

year

first written.

A. P. Westbrook (Seal)
Emmaly her Westbrook (Seal)
mark.

Signed. Sealed and delivered
in presents off
E. B. Eland
Wm Judkins
Sol D Parker.

3

Southampton County to wit.

We Edwin B Eland and Sol D Parker justices of the Peace in the County aforesaid and State of Virginia do hereby certify that Emmaly Westbrook the wife of Augustus P Westbrooks parties to a certain deed bearing date on the 28th day of December 1840 and thereunto annexed personally appeared before us in our County aforesaid and being examined by us privily and apart from her husband, and having the deed fully explained to her she the said Emmaly Westbrook acknowledged the same to be her act and deed and declared that she had willingly Signed Sealed and delivered the same and that she wished not to retract it.

Given under our hands and Seals this 28 day of Dec 1840.

E B Eland (Seal)
Sol D Parker (Seal)

Southampton County In the Clerks Office the 17 day of May 1841.
This deed of bargain and Sale from Augustus P Westbrook and wife to Joseph T Eland was proved by the oath of Edwin B Eland one of the witnesses thereto and having been before proved in the office on the 19 day of April 1841 by the oath of William Judkins and Solomon D Parker the other two witnesses thereto is together with the certificate annexed of the privy examination and acknowledgment of the wife admitted to record

Teste

J R Edwards Clk

Mosby

Teste J R Edwards Clk

This Indenture made this 1 day of May in the year of our Lord one thousand eight hundred and forty between John P Westbrooke and Mary I F his wife of the County of Sussex State of Virginia of the one part and Joseph T Eland of the County of Southampton and State of the other part Witnesseth that the said John P Westbrooke and Mary I F his wife in consideration of one hundred dollars lawfull money of this Commonwealth to them in hand paid by the said Joseph T Eland at or before the ensealing and delivery of these presents the receipt whereof is hereby acknowledged, have bargained and sold and by these presents do and each of them doth bargain and sell unto Joseph T Eland his heirs and assigns all of a certain right title interest or claim, which we the said John P Westbrooke and Mary I F his wife have or may ever have in a certain tract or parcel of land lying in the County of Southampton & State of Virginia and now in the possession of Jacob Ramsey and it being the tract of land wherein the D. Ramsey now resides and bounded by the lands of Joseph T Eland, Samuel Ellis, Benjamin B Waller &c and held by the said Ramsey for one hundred and thirty four acres, be the same more or less, which said land is held by the said Jacob Ramsey for his life and at the death of the said Ramsey to the heirs at law of one certain Lucy Ramsey formerly the wife of the said Ramsey. To have and to hold the said interest or parcel of land together with all and singular the premises herein before mentioned or intended to be bargained and sold and every part and parcel thereof with every of their rights, interest and claimes in and to the said appurtenances unto the said Joseph T Eland his heirs and assigns forever to and for the only proper use and behoof of him the said Joseph T Eland his heirs and assigns forever and the said John P Westbrooke and Mary I F his wife for themselves and their heirs the said right, interest and claim in the before mentioned land with all Singular the premises and appurtenances as before mentioned unto the said Joseph T Eland his heirs and assigns free from the claim or claims of them the said John P Westbrooke and Mary I F his wife or either of them or either of their heirs and of all and every person or persons whatsoever shall will and do warrant and forever defend by these presents. In Witness whereof the said John P Westbrooke Mary I F his wife have hereunto set

their hands and Seals the day and year first written

Signed Sealed and delivered
in presents of
Saml Drewry
James B Lundy
John A Fitzhugh

John P. Westbrooks (Seal)
Mary J. F. Westbrooks (Seal)

Southampton County to wit:

We William L Everett and Saml Drewry Justices of the Peace in the County aforesd in the State of Virginia do hereby certify that John P. Westbrooks a party to this deed bearing date the 7th day of May 1840 and hereunto annexed personally appeared before us in our County aforesaid and acknowledged the same to be his act and deed and desired us to certify the said acknowledgment to the Clerk of the County Court of Southampton in order that the said deed may be recorded. Given under our hands and Seals this 10th day of May 1840.

Wm L Everett (JP)
Saml. Drewry (JP)

Southampton Cty. to wit

We William L Everett and Saml Drewry Justices of the Peace in the County aforesaid in the State of Virga do hereby certify that Mary J. F. Westbrooks wife of Jno P. Westbrooks parties to the certain deed bearing date on the 7th May 1840 and hereunto annexed personally appeared before us in our County aforesaid, and being examined privily and apart from her husband and having the deed aforesaid fully explained to her she the said Mary J. F. Westbrooks acknowledged the same to be her act and deed and declared that she had willingly Signed Sealed and delivered the same and that she wished not to retract it Given under our hands and Seals this 16th day of May 1840

Wm L Everett (JP)
Saml Drewry (JP)

Southampton County. In the Clerks Office the 18 day of May 1840
This deed of bargain and Sale from John R. Westbrooks and wife to Joseph T Cleaud was returned and together with the certificates annexed admitted to record

Teste L R Edwards Clk

A Copy

Teste L R Edwards Clk

(Exhibit C)

In the name of God. Amen. I Joseph J Cland of the County of Southampton, in the State of Virginia of sound and disposing mind and memory, do make and constitute this as and for my last Will and Testament.

In primis After the payment of all my just debts and funeral expenses It is my will and desire that all my Estate, real and personal shall be kept together and managed as now arranged into farms and plantations and managed by my executrix and executor herein after named, until my son Joseph W Cland attains lawful age for the support and education of my younger children and that of my wife and children as one family The surplus of the profits of the plantations and the interest of monies belonging to my estate, after a liberal support for the family and giving my Children a good education, to fall in and form a portion of my undivided estate

Item On the marriage of either of my daughters including my daughter Elizabeth B who is now married It is my will that such daughter shall take a childs share of all my negro slaves, except those specifically bequeathed counting my wife as a child, that is to say, if at the happening of that event, there be seven children living I give to each of my daughters so marrying one eighth part of my negroes and so if there be a greater or smaller number. I also give to my daughter Elizabeth B. a negro girl named Mariah, and to my daughter Martha a negro girl named Harriet (yellow) and to my daughter Adeline a negro girl named Harriet (black) I also give to each of my daughters on her marriage one feather bed and furniture two cows and calves two ewes and the sum of two thousand dollars to be delivered and paid as soon after the marriage as practicable, my daughter Elizabeth B portion to be paid as soon after my death as practicable. In all allotments so to be made one childs share is to be reserved with the undivided shares of the other children for the use of my wife and at her death I give the share so to be reserved for her to be equally divided between my three youngest children, Joshua, Cornelius J and Rosa J. Cland

It is my wish that the several divisions so to be made be effected by the same Commissioners to be appointed by the County Court of Southampton, as far as practicable.

Item. I give to my Son Joseph W Cland when he attains the age of twenty one years my plantation consisting of the lands bought of John and Joseph Barham and the Williford tract and the parcel of land I purchased belonging to the estate of Benjamin Phillips dec. and the plantation devised to me by Jesse Holt now in the possession of Mrs Nancy Holt for her life which will come into his possession at her death. I also give him all the Stock of every kind which may be on the said plantations when my said Son

attains full age, and all the crops of every kind which may be made on the said plantation in the year of his coming of age I also give to my said Son an equal childs part of all my negroes Slaves except those Specifically bequeathed counting his mother as one to share as before directed at that time, also the sum of Five hundred dollars then to be paid him to buy him furniture And if I shall not in my life time take down, move and have finished for him the dwelling house in which John Barham dec^{d} lived at my will and desire that my executrix and executor have it done for him at the expense of my estate, the house to be moved to a place on said plantation where I have already made a Settlement. I also give to my said Son one bed and furniture, and his choice of all my horses

Item I give to my two Sons Joshua and Cornelius at the death of my wife, of the remains my widow otherwise at her marriage all the rest of my lands of which I may die possessed except the tract of land I purchased of John D Turner called the river plantation to be equally divided between them. And if my wife shall live to see them attain lawful age I authorize her to place either or both of them in possession of any portion of the same less than one half and in the division to be made at her death such portion to be allotted at its value to the one in possession thereof. In the event of her so settling either of my said Sons, the executrix or executor is authorized to give to such Son a portion of the stock of cattle, sheep &c as she or he may think proper not exceeding a childs portion of the whole then in possession. As my said Sons Joshua & Cornelius respectively attain the age of twenty one years I give to each of them a childs share of the undivided negroes including those children who may have received their shares and counting their mother as a sharer as above directed.

Item It is my will and desire that my river plantation shall be kept up by my executrix and executor as I have directed the balance of my farms until the death or marriage of my wife Upon the happening of either event It is my will and desire that the said land shall be sold and the proceeds be divided between my living children and the descendants of any that may be dead taking per stirpes.

Item At the death of Mrs Nancy Holt widow of Jesse Holt dec^{d} It is my will and desire that the negroes in her possession to which I am then entitled by the said Jesses Will shall fall into my estate and if any of my children shall have received his or her share of my negro Slaves that such child or children shall then draw his or her share of them in the same manner as if they had been in possession of my estate when such divisions may have taken place. And if the said negroes cannot be divided in kind, so as for their respective shares to be allotted to those of my children who may have received their shares, then I direct that their respective shares of them shall be valued and such valuation to be paid to each to be deducted out of my monied estate

Item It is my will and desire that all the money which may remain of my estate, after payment of debts and the pecuniary legacies and other charges made on it in this Will with the accruing interest and surplus profits of my estate including the money to which I am entitled at the death of Mrs Nancy Holt and the legacy left by Jesse Holt to Joshua Cloud of Tennessee which I purchased of him in his lifetime, be kept at at interest, the interest to be collected annually and placed at interest during the life or widowhood of my wife, and at her death or marriage I give the same to be equally divided between all my children then living and the descendants of any that may be dead taking per stirpes.

Item. If my wife renounces this Will or marry again I hereby annul and revoke all bequest herein in her favour, and it is my will on her second marriage or renunciation that her powers as executrix shall be revoked. But it is my will and desire in either event that the share of negroes which she would have been entitled to for life shall be set apart to my youngest children as an equivalent for the legacies ~~for the legacies~~ given their brother and sisters

Item I devise that the piece or tract of land which I purchased of Thomas D Ridley and wife, if unsold at my death shall be sold by my executrix or executor and the proceeds form a part of my monied estate and pass as that portion of my estate is directed to be divided amongst my children.

Item If contrary to my expectations, my wife shall renounce the Provision I have herein made with an anxious desire for her comfort and the interest of our children. I give and devise to my three Sons all my lands as herein before directed Subject to her claim of dower, to be possessed by them from the date of her renunciation. I also give and bequeath, in that event all my negroes except those specifically bequeathed, subject to her claim of dower, to be then divided into eight parcels of equal value, one of which I give to Joseph W. one to Elizabeth B, one to Martha, one to Addison and the other four eighths to my three younger children to be equally divided And after the payment of two thousand dollars to each of my three eldest daughters and five hundred to Joseph I bequeath all my monies and other estate to be equally divided amongst all my children.

Item If one or more of my children shall die without issue and under age I give all the property herein given to such child or children to the survivors, and as if all die but one, then I give all my estate to that one. If on the death of one of my said children there be living a child or children ~~of that~~ previously dying Such child or children to take the share which the father or mother would take by this clause if then alive.

Item It is my will and desire that my executrix and executor shall sell any of my property as they may think best for the interest of my estate and the proceeds to be invested in property of the same kind as that sold.

Item. I hereby authorize my executrix or executor to purchase the land I sold to

Ethelred Murrell upon which I have a deed of trust and to pass to my two youngest sons as before directed unless the land will sell for enought to pay the debt due me by said Murrell.

Lastly I nominate and appoint my beloved wife Elizabeth Executrix and my son in law Joseph H Prince Executor and my son Joseph when he attains the age of twenty one years executor of this my last Will and Testament.

In Witness whereof I have hereunto Set my hand and affixed my Seal this 29th day of April one thousand eight hundred and forty four.

Jos T. Bland (Seal)

Signed published and declared by the testator as his last Will and testament before us, and by us attested in his presence and at his request

Wm A. Jones
Simon T. Westbrook
Sampson C Reese.

At a Court held for the County of Southampton on the 17th day of June 1844.

This last Will and testament of Joseph T. Bland dec'd was proved by the oaths of Wm I Jones Sampson C Reese & Simon T Westbrook the witnesses thereto and ordered to be recorded and Elizabeth Bland the executrix therein named refused to take upon herself the burthen of the execution of said Will. On the motion of Joseph H Prince one of the Executors therein named who made oath and together with Joseph H Prince John A Prince, David Prince & Thomas B Williamson his Securities entered into and acknowledged a bond in the Penalty of One hundred and Sixty Thousand dollars conditioned as the law directs. Certificate is granted him for obtaining a Probat of said Will in due form Liberty being reserved for the other Executor to be joined in the said probat when he thinks fit.

Teste

J R Edwards cc

A Copy

Teste. J R Edwards cc

Copy the deeds from Augustus and John Westbrook to Joseph Cland and also Joseph Cland's wife and put them in these papers

Cland

Know all men by these presents that we William B. Shands & Wm W Briggs

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Six hundred ——— Dollars current money of Virginia, 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. Sealed with our seals and dated this 23d day of November A.D. 1857.

The Condition of the above obligation is such that if the above bound William B Shands who is appointed Commissioner for certain purposes by a decree of the County Court of Southampton entered on the 16th day of November 1857 in the Suit of Ramsey &c. against Bland

Shall faithfully discharge the duties of his 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 the presence of the Court

Wm B Shands (Seal)
Wm W Briggs (Seal)
(Seal)
(Seal)