

1872-045

SOUTHAMPTON COUNTY
CHANCERY PAPERS

MASSENBURG
MASSENBURG'S adme

VS. LAMB
VS LAMB

4/1872

Massenburg
 as Bill & Son.
 Lamb

1859 Dec. R. bill filed Br. pub. v.
 2/3

1871 Feby - Decree for sale

To the worshipful County Court for the
County of Southampton.

In Chambers

Humbly complaining sheweth unto
your worshipps your Orator E W Massey
that on the 22^d day of February 1851
Thos Phillips & Lamb executed his bond
to Clarke & Pope merchants & partners
for the sum of £23 with your Orator as
his security and on the 16th day of February
1852 the said Lamb also executed his
bond to Davidson & Clarke merchants &
partners for the sum of £41.53 with your
Orator as his security, and that on the 18th
day of May 1852 the said Lamb being
about to leave the County of Virginia
executed a power of attorney to your
Orator to sell a tract of land of which
he was seized containing about 34
acres lying in the County of South-
ampton the proceeds of the sale of the
said land to be applied to the payment
of the said bonds above mentioned
all of which will appear from the said
bonds and power of attorney then in
filed with the (H. B. & C.) - That the
said power of attorney having but one
witness your Orator was unable to

has it agreed as to set aside it, and
has been paid to pay the said bonds to
Clarke & Pope, and Dorton & Clarke.

That the said tract of land will not now
sell for enough to pay the said bonds
and that the said Theophilus Lamb has
no other property in this state except
his residence in the lower county of his
mother Susan Lamb - That the said
Theophilus Lamb is a non resident of the
state of Virginia -

In favor consideration of all which and
in as much as your brother is without
money in the premises except in a court
of equity where matters of this kind are
organizable to the end therefore that justice
may be done he prays that the said Theophilus
Lamb may be made a party ^{dependent} to this suit
and answer the allegations of this
bill and that an order of publication
may be made against him and that
the court will direct both the sale of the
said tract of land and of the said Theophilus
Lamb's interest in the lower county of
his mother and the application of the pro-
ceeds of said sale to reimburse your
brother for the amount by him expended
in the paying of the bonds afore said

and that such other & general relief in
the premises may be granted as equity
may direct, and as in duty bound he will
ever pray &c. May it please the court so

Chas. W. Maffett
attys for P. W.

Southampton County to wit;
This day E. W. Maffett appeared before
me the clerk of the County Court for the
County of Southampton and made oath
that Theophilus Lamb is a non resident
of the state of Virginia. Given under my
hand this 21 day of November 1857

J. R. G. Maffett

Mafsenburg

W. } Dr. Pat

Lamb

Rules held in the Clerk's Office of the County Court of Southampton County on the 5th day of December 1859.

E. W. Mapenbury
against

Theophilus Lamb

Jeff

Leff

In Chancery

The object of this suit is to obtain a decree for the sale of a tract of land belonging to the Defendant lying in this County, containing about 2 1/2 acres, also for the sale of the Defendant's interest in the dower lands of his mother Susan Lamb and for the proceeds of sale to be applied to reimburse the Plaintiff the amount he has paid as security for the Defendant, and affidavit being made and filed that the defendant is not a resident of the State of Virginia. On the motion of the Plaintiff by his attorney it is ordered that the said Defendant do appear within one month after due publication of this order and do what is necessary to protect his interest and that a copy of this order be inserted in some newspaper published in the City of Norfolk once a week for four weeks successively and posted at the front door of the Courthouse of this County on the first day of the next County Court thereof.

Marysburg ad.

23 Dec

A. Smith

Yr. R. entered

Febr. 1881

1871 Feb. Cont. Done

1872 A. Car. 18. Ref.
Sp. Ref. Confm.

Colt - 6.15 p.m.

5/1/8

Dr Pub. — 6.73

Law 21.00

34.40

Mapleburg's admin
as 3, Decem
Lamb

It being suggested that since the
bill was filed in this cause E. W. Mapleburg
the plaintiff Thum has departed this life and
that his estate has been committed to James
L. Dole late sheriff of Southampton for
administration on motion of the said J. L. Dole
this suit stands revived in his name as plaintiff
and administrator of E. W. Mapleburg dec'd and it
appearing to the court that the plaintiff has
presented in the mode prescribed by law against
the defendant Theophilus Lamb who is a non-
resident of this state, therefore this day this
cause came on to be heard on the plaintiff's
bill taken for confessed as to the said defendant
and the exhibits filed and was argued by
counsel on the hearing whereof the court doth
adjudge order and decree that William W. Briggs
sheriff of Southampton who is hereby appointed
for that purpose shall after having given at
least twenty days notice of the time and place
of sale by public advertisement at Jerusalem
and in the immediate neighborhood of the land
proceed to sell at Jerusalem on some court
day the tract of land owned by Theophilus Lamb
containing thirty four acres and if that does not

to pay the debts
sell for enough. Then sell his interest in his
mother Susan Lamb's share on the following
terms to wit sufficient cash to pay the expenses
of the suit and sale including a fee of twenty
dollars to Amos B. Shames the plaintiffs attorney
and for the balance of the purchase money
take from the purchaser a bond ^{with good and sufficient security} carrying ten
per cent interest from the day of sale and
payable twelve months after date retaining
the title until the purchase money shall
be paid and return the said bond with his
report to this court in order to a further
decree

Southampton County Court, February Term 1871

E. W. Mapentury
vs.

Theophilus Lamb

Deft.

Deft.

In Chancery

It being suggested that since the Bill was filed in this Cause E. W. Mapentury the Plaintiff therein has departed this life, and that his Estate has been committed to Lemuel S. Dole late Sheriff of Southampton for administration, on Motion of the said L. S. Dole this Suit stands revived in his name as Plaintiff and name of E. W. Mapentury deceased is appearing to the Court that the Plaintiff has provided in the manner prescribed by law against the Defendant Theophilus Lamb who is a free resident of this State Therefore this day this Cause came on to be heard on the Plaintiff's Bill taken for Confession as to the said Defendant, and the Exhibits filed and was argued by Counsel; On the hearing whereof, the Court doth adjudge, Order and Decree, that Wm. W. Briggs, Sheriff of Southampton who is hereby appointed for that purpose, shall after having given at least thirty days notice of the time & place of sale, by Public advertisement at Jerusalem and in the immediate neighborhood of the Land, proceed to sell at Jerusalem, on some Court day, the tract of Land owned by Theophilus Lamb, containing thirty four acres, and if that does not sell for enough to pay the debt then sell his interest in his Mother Susan Lamb's Share in the following

being to wit; Sufficiently in Cash to pay the expenses of
 this Suit and Sale including a few of Twenty Dollars
 to Messrs B. Shandy the Plaintiffs Attorney, and for the
 balance of the purchase money take from the
 purchaser of Bond with good and Sufficient
 Security, Carrying Six per Cent interest from the
 day of Sale, and payable twelve Months after
 date, retaining the title till the purchase
 money shall have been paid, and retain the
 said Bond with his report to this Court, in
 order to a further decree.

Alls less \$5.00 paid DRC

Attest
 Teste,

James R. Tyler, J.C.

Masfinkberg
 vs.
 Lamb

340 ever Dr. Ruchman 992

35
 35
 35

Mapleburg's Adm

vs 3 Decm

Lamb

To be entered

J. W. Myndhart Judge

April Term/72

Masfemburg: adms
of 3 Decm
Lamb

This day this cause came on again to be heard on the papers formerly read and the report of the commissioner W. W. Briggs acting under the decree of the February term 1871 of this court and and to which no exceptions have been filed and was argued by counsel. On consideration whereof the court doth adjudge, order, and decree that the said report be confirmed.

And it appearing to the court that there is nothing further to be done in this cause the court doth order the same to be removed from the docket.

Mapleburg
r } Summ. Chy.

Lamb

1859 August Rules

Thrs. Lamb no
inhabitant of my
County

Robt M. Wynn dpy
For Wm W Briggs shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Thos. Lamb

to appear at the Clerk's office of our ~~Circuit~~ ^{County} Court of Southampton County, at the Rules to be holden for
the said Court, on the first Monday in *August next* — to answer a bill in chancery
exhibited against *him* — in our said Court by *E. W. Maplesbury*

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *19* day of *July* 185*9*, in the *84* year of the
Commonwealth.

LR Edwards Clk

I, *James Baumhoff Esq*
The Virginian, a newspaper printed in the City of Norfolk, in the State of Virginia, do hereby certify that the order hereto annexed has been published once a week for four successive weeks in the Newspaper aforesaid.

Given under my hand this *20th*
day of *January* A. D. 1871

James Baumhoff
Prs,

Cost of executing the said order, paid by the above named plaintiff, \$ *6.75*

Advertising Rates, per square (10 lines nonpareil), first insertion 75 cts, each subsequent insertion 37½ cts, or 50 cents when ordered on alternate days.

AT RULES HELD IN THE
Clerk's Office of the County Court of Southampton county, on the 5th day of December, 1870.
H. W. Massenburg, Plaintiff.
Against
Theophilus Lamb, Defendant.

IN CHANCERY.

The object of this suit is to obtain a decree for the sale of a tract of land belonging to the defendant, lying in the county, containing about 34 acres, also, for the sale of the defendant's interest in the dower lands of his mother, Susan Lamb, and for the proceeds of sale to be applied to reimburse the plaintiff the amount he has paid as security for the defendant.

And affidavit being made and filed that the defendant is not a resident of the State of Virginia, on the motion of the plaintiff, by his attorney, it is ordered that the said defendant do appear within one month after due publication of this order, and do what is necessary to protect his interest in this suit. And that a copy of this order be inserted in some newspaper published in the city of Norfolk once a week for four weeks successively, and posted at the front door of this county on the first day of the next County Court thereof.

(A Copy—Teste:
de24-1aw4w OSWIN WHITE. C. C.

GLENNAN, RUFFIN & CO.

VIRGINIAN NEWSPAPER & JOB PRINTING OFFICE.

JOB PRINTING NEATLY AND
PROMPTLY EXECUTED.

Norfolk, Va., Dec 24 1870

Wm B Shand,

To NORFOLK VIRGINIAN, Dr.

For *Ad. Phil Massenburg & Lamb, Esq,* \$
1 ad 4 weeks, *6.75*

Received Payment.

Order of Publication

Massenburg
to Report
Lamb

1872 Mar 18

In Obedience to a Decree of the County Court
of Southampton County in the Chancery Suit
of Massenburg against Theophilus Lamb rendered
at February Term 1871, I sold to the highest
bidder in the Town of Jerusalem on the 3rd Monday
in March 1871, A Tract of Land belonging to
Theophilus Lamb Containing Thirty four acres
and at the sale so made Wm. Lamb became
the Purchaser by bidding therefor the sum of
Seventy two Dollars, and the said Wm. Lamb
failing to Comply with the Terms of the sale,
I sold the said Tract of Land to Wm. J. Gray for
the sum of Seventy five Dollars, Cash; and
Executed to the said Gray a Deed for said
Tract of Land with Special Warranty; I
distributed the Seventy five Dollars as
follows; Paid Clerk of County \$5.00 Atty.
fee, and order of Publication \$26.00 Auctioneer
\$2.00 my Commission for selling \$3.75 for
Executing Deed & Stamps \$6.00. Making in
all \$42.75. leaving a balance in my hands
of \$32.25; To be distributed:

W. W. Briggs Comr

March 15th 1872

July 16th 1872 Recd from D. L. Jones
adm of E. W. Mapenbury decd \$20 fee
for suit in case of Mapenbury
vs Lamb and \$5 for costs of
Publication in same case

Wm B Shands
att'y for plaintiffs

Mr. Larned & Bond

(A & B)

The amount

is

\$ 3.07

(A)

Th. Clarke

Pay to G. E. Foster

On demand I promise to pay Clark & Pope
the sum of Twenty Three ——— dollars
Cents for value received. At witness my
Seal this 22^d day of February 1851.

Theophilus Lamb Seal
E W Moberg Seal

J. Lamb &

Bond

\$ 41.53

(B)

B

J. Lamb &

41.53. And we promise to pay Haden & Clark
or order the sum of Forty one dollars and 83/100 for
Value Recd. As witness our hands and seals this 16th
day of February 1852.

Witness
Benj. F. Vick

Theophilus Lamb Seal
& W. Mapenbury Seal

The Lane 6
P. A. A. A. A.

(C)

Know all men by these presents that I
have and do hereby constitute and appoint
E W Moberly my attorney for me and
in my name to see a tract of land contain-
ing about three four acres lying in the
County of Loudoun Virginia adjoining the
lands of John Ridley and others at such time
and place, and on such terms as he may
think best and to execute a deed for the
same, the purchase money to be ap-
plied to the payment of said bonds and
from me to W D Clark amounting to
about Sixty dollars, for which debt
said Moberly is security: And I do
hereby declare this power of attorney ir-
revocable by death or otherwise until the
said bonds are paid by me: Witness my
hand and seal this 18th day of May 1852

Witness
Wm W Briggs

Theophilus Lamb Esq