

1874 ~ 14

Southampton County Chancery - Clements, John R. et als vs Bristow, & Bristow

Partition of land -

Clements, Margaret

Lewis, James B

" , Mary

Johnson, Z. T.

" , Caroline

Turner, James W.

" , Lucy S.

Gay, Esra C.

" , Victoria

Oney, John T

" , Martha J.

Raiford, ?

" , Dolly

Joyner, Margaret

Clements & others
vs
Brester & als

Report of
Commefforner
Octs 26th 1874

To the Hon Geo B Shaw Judge of the
County Court of Southampton
County

The undersigned who was
appointed a Special Commissioner
by a decree of the County Court of
Southampton County at its July
Term 1878 to sell a certain tract of land
mentioned and described in the
the suit of Clement and others against
Mester & others, as belonging to the estate
of Sally Howell deceased, and as lying
in the County of Southampton Va and
containing ^{more or less} acres more or less, did
on the 18th day of October 1878, after
due publication of time & place
of sale, sell at public Auction, on
the premises the land aforesaid,
at which time Solathus Lewis bid
the sum of Four hundred and fifty
dollars which bid, being the highest
made, was accepted by your Com-
missioner your Commissioner would
state that at the suggestion of the parties
to the suit ^{or with the consent of the Court} ~~it was~~ that he sold
the land ~~only~~ on a credit - agreeing Cash
for as much as was necessary to pay costs
and expenses of suit; Taking bond for

Balance payable on the 1st day of January
1874, which Board was duly collected
in accordance with the decree of the Court
with interest thereon, making an aggregate
of Four hundred and Sixty Two dollars,
And your Commissioner would state
further that in accordance with said
decree he paid to the parties entitled
to a distribution under the said decree
said the following amounts, viz.

✓ To Clements and wife	\$101.31
✓ " John F. O'Neary and wife	20.00
✓ " Jas. Porter and wife	40.00
✓ " Jas. B. Lewis " of M. E. S. A. Howell	34.00
✓ " E. Gay and wife	21.00
✓ " O. Williams and wife	17.00
✓ " Jas. Brister for J. F. Rayford	20.00
✓ " Jas. B. Howell	17.00
✓ " R. B. Joyner	25.00
✓ " L. T. Johnson and wife	25.00
✓ " J. A. Howell	17.00
✓ " W. J. Joyner per L. T. Joyner	25.00
✓ " Jas. W. Turner	25.00
✓ " Jas. B. Lewis	16.15
	402.46

Costs

To Clerk's exemption Ch.	7.50
" K. Griffin atty	15.00
" Ely Davis Auctioneer	5.00
" Reserved for drawing deed	5.00
" Commission to divide land	6.00
" " for sale	18.24
	56.74

56 74
459 20

Balance secured for costs accrued
since decree for sale \$2,80

2,80
\$462,00

Your Commissioner would report further
that the decree of the County Court
directing a sale of the land of ac-
cused and a distribution of the pro-
ceeds thereof among the parties en-
titled under the said title to pro-
vide for the execution of a deed
to the purchaser after the purchase
money was paid, and would there-
fore respectfully suggest that this
Commissioner be directed to execute
a good & perfect deed to the said
purchaser with Special Warranty.

Respectfully Submitted

H. R. Kniffin

Commissioner

Clements

→ } Copy Decece

Brister &

422.00 in
28 16
845-0

John C. Smith
George Gardner

Dorchester County Court, July Term 1873.

Claims of others
against
Prisoners

Supp.

Supp.

2. In the name of
the Court

This day this Cause came on again to be heard on the papers formerly read and the report of the Commissioner this day made to which no exceptions were made, in consideration whereof the Court doth adjudge, Order and decree that N. R. Griffin who is hereby appointed a Commissioner for that purpose, proceed to sell the Land mentioned and described in the Complainant's Bill, whereof Sarah Morrell died Seized and possessed, after due publication of the time & place of Sale, for Cash, and after paying Costs of Suit and expenses of Sale he shall distribute the balance among the parties named in the Complainant's Bill as they are entitled under the law, and make his report to this Court. And it is further ordered that the said N. R. Griffin shall not execute this decree, until he has executed his Bond in the Clerk's Office with Security, in the Sum of Five Hundred Dollars, for the faithful performance of the duties herein required.

clerk

Law 1^o

17.50 p^o LRE

Attest

John James R. Tyler & Co.

102
Chenier & Co } B. H.
vs
Bristol & Amster

1873 June

June 5 1873

June 18 1873

To the Hon Joseph M. Wigham, Judge of the
County Court of Southampton County

Humble, Complaining their unto your Honor, your
Complainants ~~Thomas E. Joyner, James B. Briston, John R.~~
~~Clement and Margaret~~ his wife, James B. Lewis and
Mary J. his wife, Z. J. Johnson and Caroline M.
his wife, James M. Turner and Lucy S. his wife,
Eura L. Gay and Victoria his wife, John J. Oney
and Elartha J. his wife. Raiford and Doll,
his wife, Richard B. Joyner, And Margaret J. Joyner.
That one Sarah Morrell was in her life time seized of
a certain tract of land lying in the County of Southampton,
bounded by the lands of William A. Johnson, John
Camp and the lands belonging to the heirs of George
Gardner deceased And containing One hundred and
fifty acres more or less; that the said Sarah Morrell
was seized of and in possession of the land afore-
said at the time of her death; that she departed this
life on the 16th day of February 1873 instant. That
your Complainants, as well as Benjamin B. Briston &
J. B. Briston, who are infants under 21 years of age,
are the heirs at law and entitled as follows, to wit:
~~Thomas E. Joyner, tenant by the entirety in right of his~~
~~wife Ann who died leaving issue, and was the daughter~~
~~of Sarah Morrell, James Briston, tenant by the entirety~~
~~in right of his wife Sarah M., who died leaving issue~~
~~and was the daughter of Sarah Morrell, John R. Clement,~~
~~who intermarried with Margaret Morrell now deceased~~
~~and daughter of the late Sarah Morrell, Z. J. Johnson~~
~~who intermarried with Caroline M. Joyner the daughter~~
~~of Thomas E. Joyner and Ann his late wife, and~~

grand daughter of the late Sarah Worrell on her mother
side James W. Turner who intermarried with Lucy
J. Joyner daughter of Thomas E. Joyner and Anne, his
late wife, and grand daughter of the late Sarah Wor-
rell, Ezra L. Gay who intermarried with Victoria
W. Minter, daughter of James Minter and Sarah W. his
late wife and grand daughter of the late Sarah Worrell
by her mother side John J. Oney, who intermarried with
Martha J. Minter, daughter of James Minter and Sarah
W. his late wife, and grand daughter of Sarah Worrell
on her mother side, Raiford and Sally A. who in-
termarried with Reace, Minter, daughter of James
Minter and Sarah W. his late wife, and grand daughter
of the late Sarah Worrell, Richard B. Joyner son of
Thomas E. Joyner and his late wife and grand son
of the late Sarah Worrell, and Margaret J. Joyner,
daughter of Thomas Joyner and Anne, his late wife,
and grand daughter of the late Sarah Worrell, all
of whom are your Complainants; that the land
mentioned and described in this your Complainant's bill
belongs to the decedent of interest ~~fast~~ is becoming of
less value every day; and that your Complainants
are therefore desirous of partition or division in
kind if practicable, and if such a division be
impracticable, then they are desirous of a sale
of said real estate that the proceeds may be dis-
tributed among the parties herein mentioned as they
are entitled under the law. And for as much
as your Complainants are helpless in the premises
done in a Court of Equity, where matters of this kind
are peculiarly cognizable, it is prayed that
Benjamin B. Brewster and James L. Minter - infants under

24 years of age - Children of James Minter and
Sarah W. his late wife, & grand children of the
late Sarah Worrell - be made parties defendants to
this bill, and a proper guardian ad litem be ap-
pointed for them to defend their interest in this
suit - And that you ~~before~~ the Court will decree
such other and further relief as the nature of
the case may require or to Equity may seem just.
And your Complainants will ever pray, &c.

Subscribed by

Joyner & also
VS
Minter & Minter } In Chancery

The answer of of Benjamin B. Brew-
ster and James L. Minter, infants under 21 years of
age - by ~~James R. Tyler~~ their guardian ad litem, appointed
by the Court to defend their interest in this suit to
the foregoing bill, and these defendants having and
receiving to themselves all benefits of just exceptions
to said bill, answer and say, that being infants
under 21 years of age they submit their interest
to the Court and protection of the Court, and
have and answer and pray to be dismissed &c.
James R. Tyler, Esq.

Elements - vol
 28
 Phil. Johnston

Report

1873 July 21

750

[The page contains dense handwritten cursive script, likely a letter or manuscript, which is mostly illegible due to fading and bleed-through from the reverse side.]

Clements of
vs
Mortimer of Bristol

To the Hon Court of Chancery in
Court

That the undersigned Commissioners
appointed by the Court of Chancery at the June
term thereof to determine in kind if practicable
the real estate described in Complaints filed
in the Cause of Clements vs Mortimer vs
and others, among the parties named in said
bills as entitled under the law, they have
to report that having viewed said real estate,
find it impracticable to make such division
having regard to quantity & quality for the
following reasons to wit: The number of
parties entitled to share as claimed in their
bills makes a division impracticable, with-
out subdividing it into such small parcels
that it would be of no value to any one.
That the buildings on the land are worth as
much as the land on which they are situated,
& would therefore make a division impracticable.
That they believe the property of one tenant
would be undivided to a much greater
advantage to all the parties interested than
a division of the same in kind even if such
a division were practicable. We therefore
recommend that said land be sold under
the direction & supervision of the Court.
Respectfully submitted

Solothiel Lewis }
Elisha Lewis } Commissioners
John Camp }

Clements & Co

vs { Owen
Wright & Wright }

June 17th 1873

To be entered

J. W. Magnan

Judge D. H.

Helements & al

vs

Wright & 15 miles

This cause came on this day
to be heard on the bill of the Com-
plainant and the answer of
its defendants by James R Tyler
their guardian ad litem, with
application thereto and was ar-
gued by Counsel. On considera-
tion whereof the Court doth
adjudge order and decree
that S Lewis, Eliza Lewis &
John W Camp who are ap-
pointed Commissioners for that
purpose, proceed to divide ^{in kind} if
practicable the land mentioned
and described in the Complain-
ant's bill among the parties named
in said bill as they are entitled
under the law having regard to
quantity & quality, and it
is further ordered that should
said Commissioners find it impracticable
to divide said real estate in kind
among the parties so entitled, they
shall report their reasons why it cannot
be done with their recommendations
in the present as to the value of said
divided parts.

Clement & Co
Esq. }
Messrs. }
of the interior }
St. George's }
Judge

Received by Clerk Circuit
Court Aug: 13th 1873.

12

11

Clementials

vs

Procterals

Diece

Octo Dec- 1874

To be ruled

Geo. Blod

1874 October Term

Clementals

25

Breretonals

This day this Cause came on again to be heard on the paper formerly used and on the report of the Commissioner this day made to which no exceptions were made, and was argued by Counsel. On Consideration whereof the Court-Confirming said report- doth adjudge order and decree that Mr Griffin who is hereby appointed a Special Commissioner, for that purpose, be sent to Salathiel Lewis the purchaser of the land mentioned & described in the report aforesaid a good & perfect deed with Special Warranty, and ~~make his report~~ to this Court-And being nothing necessary to be done further in this Cause, it is ordered that it be removed from the docket.

Jan B Sewer
Grandson

Dr W R Sniffin
Son

July 23 1874 Received of R. B. Griffin
Commissioner in the suit of Clement
and others vs. Master rather thirty
four dollars ~~at~~ the distribution
share of Margaret E. and Sally
Ann Worrell of the proceeds of the
sale of a tract of land belong-
ing to the estate of Sady Worrell
deceased. This receipt is given
at their funeral and duly appointed
by the County Court of Buchanan
town

James B. Lewis

E. J. M.

Gas Meter
:Gsm:

To

Whiffin Com

July 23 1874. Received as the
Guardian of Benj B Brister, and
James H. Brister, of H B Griffin
Commission in the suit of Clements
& others vs Brister & others, the sum
of Forty dollars as their distribution
of the proceeds of the sale of a
tract of land belonging to the
estate of Sally Worrell deceased
James Brister

Jan 15 1884

To {Receipt
R. R. Whiffen

Com-

1874 July 20th Received of K. S. Griffin
Commission in the suit of Clements &
others vs Brewster and others Seventeen dollars
as my share in part of state proceeds
of the sale of the tract of land belonging
to the estate of Sally Morrill deceased
Lark

Jas. B. ^{Wm} Morrill
Master

J. A. Vaughan

John T. Quincy

To

H. R. Sniffin

Om

July 23 1874 Received of H R Griffin
Commissary in the suit of Clement
v. other vs Brewster and other Twenty
dollars My indebtedness to him in
right of my wife Martha J. of the
proceeds of the sale of a tract of
land of which Sally Worrell and
myself are owners

John T. Greer

R B Joyner

Receipt

To Griffin Com

1874 June 13th Received of R. R. Shuffin
Commissioner in the suit of Helmer
vs Briston vs others Twenty five
dollars and twenty four cents said
amount being my ~~share~~ share of
the proceeds of the sale of land
belonging to the estate of Sally
Hovell deceased

R. B. Jones

Mr. R. R. Griffin

I rec'd in your
conceit please pay Mr S. Heron twenty
five dollars & this shall be my receipt
for the same

May 1st 1874

Yours Respectfully
James M. Linn

August 22nd 1894

J. R. Griffin Esq

you will
please pay to J. Lewis the
Amount due me from the
Sale of the Sarah Worrel's land
I oblige

John Pilkington

In pursuance of the above order
I have received ^{of J. R. Griffin Esq} the sum of One hundred and one $\frac{9}{100}$
dollars in full of the said Amount due of the proceeds of

of the sale of Land belong in 25th The Col. -
 of Lally, Mont 804 2009

Sept - 5. to 1874) 894 3 3.
 S. Lally

413
 371 7

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 6 19

362
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 2913
 2500
 413

May 9th 1874 Received
of H. C. Claffin. Comptroller
in the suit of Belvidere
v. other vs. Boston & other
twenty five $94/100$ dollars
in full of my share
of proceeds of sale
of my Grand Mother's
Estate. (Sally Worrell)

Margaret L. Lyon
Witness: Dr. Thomas E. Torner
M. E. Daughton

Z T Johnson
Order

Z T Johnson
Es
K R Claffin Com

Mr.

Mr. Kenneth R. Griffin you
will please pay to S. Lewis
The Sum of Twenty five dollars
\$25.00 and This shall be my
receipt of said a portion of the sale
of land belonging to Sally worn
deceased, I being one of
the legatee. This ~~at~~ day
of April 1874
G. T. Johnson

Order

James H. Rayford

July 23 - 1874. Received
of H. R. Griffin Com. in the
sum of One hundred and sixteen
and no/100 Dollars the
debt due to me of my
daughter Julia Rayford, of
the proceeds of the sale of a tract
of land ~~which~~ of which said
Worrell did receive

James Brister

Mr Kenneth R Griffin you will please pay to
James Bristol my portion of the proceeds of money
due me from the sales of Lands of Sally
Worrell Dec. and this order shall be good against
me for the same

July 18th 1874

Juneata L. Raiford

Sept 19th 1874 Recd of K R Shiffin Commission
in the suit of Clements & others vs Brister & others
The sum of Seventy dollars as my
distribution share in right of my wife,
of the proceeds of the sale of the tract of land
of which Sally Worrell died possessed
Sally Worrell

Mr R. R. Griffin you will
please pay at H. C. & S. S. S. S.
dollars & pence 75.6 ¹⁵ - and charge
to my A/c. (May 18, 1874)

James B. Lewis

Gay }
Jo } ~~Receipt~~
Griffin } Corn

July 20th 1874 Received of RR Griffin
Commissioner in the Court of Elements order
against Master order. The sum of
Twenty one dollars and fifty cents as
my distributive share in right of
my wife Victoria, of the proceeds of the
sale of the land belonging to the estate
of Sally Worrell deceased & Grace Gay

to A Worrell

To

R Ruffin Co.

July 23 1874. Received of W. R. Griffin Com.
in the sum of Elements & other respects
other the sum of seventeen dollars my
distribution share of the proceeds of the sale
of the tract of land of which Rachel Morrell
did possess & to Morrell

KNOW ALL MEN BY THESE PRESENTS, That we

Samuel R. Griffin & J. T. Johnson

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

Five hundred dollars, good and lawful 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 *15th* day of *September* A. D. 1873 .

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above bound *Samuel R. Griffin* Commissioner appointed by the County Court of Southampton at July Term 1873 in the chancery suit therein pending, the style of which is "Clements & others against Brister & Co."

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court.

S. R. Griffin [SEAL.]

J. T. Johnson [SEAL.]

[SEAL.]

[SEAL.]