

1885-14

Santhampton County - Chancery

Davis, J. B.
et al

vs

Lamb, William
et al

" To Partition, or sale
and proceeds to be divided
according to the rights of
the parties

Davis, J. B. +
Davis, Eliza his wife

Lamb, John

Simmons, Villeray +
Simmons, Evaline his wife

Russell, J. S. +
Russell, Sarah his wife

Ely, Catharine +
Wife of Shephard
Lamb.

Davis wife

Dr. Z. Dean.

Laurel

May term 1888 -

To be entered -

Geo. T. Brown,

Entered 12 3

Dismissed

Davis wife

107. 3 Decr.

Lamb

This day this cause came on to be further heard upon the papers formerly read and upon the Report of J. B. Price, Commissioner, showing disbursement of funds, and was argued by Counsel. On consideration whereof, the Court doth approve & confirm the said Report; and it appearing to the Court that nothing further remains to be done in this cause it is ordered that the same be removed from the docket.

Southampton County Circuit Court November
Term 1882.

J. D. Davis & Eliza his wife Vellroy Simmons
& Evaline his wife J. S. Russell & Sarah his
wife Catharine Eley and the heirs of
Theophilus Lamb whose names and number
are unknown. Plaintiffs

Against
Wm B. Lamb & John Lamb. Defendants

This day this cause came on to be
further heard on the papers formerly
read and the report of Commissioners
appointed at the last term of this Court
to make partition of the land in the
proceedings mentioned, to which there
is no exception and was argued by
counsel, on consideration whereof
and no exceptions being filed to said
report, the same is hereby confirmed. And
it appearing to the Court that W B Lamb
is willing to accept the whole subject
matter and pay therefor the sum of
\$700, the Court doth adjudge order ^{and}
decree that J B Prince be and he is
hereby appointed a special Comr for
the purpose. That if the said W B Lamb
shall within sixty days from the adjourn-
ment of this Court pay to said Comr
one half of said sum of \$700 and ex-
ecute to him a bond for \$350 due in

Twelve months from Nov 10-1882 with in-
 terest from said date then that the said
 Lamb shall be considered as the purchas-
 er of the land in the proceeding mention-
 ed; but if said Lamb shall fail to
 comply as above indicated, then the
 said Prince, Comr as aforesaid after
 20 days public notice of time and place
 proceed to sell the said real estate upon
 the following terms To wit: One half
 cash - balance in twelve months
 the purchaser to give bond with
 approved security carrying interest
 from day of call and title to be retained
 for deferred payment But the said
 Comr will not proceed to execute this
 decree until he shall have entered into
 bond in the penalty of \$1000 before
 the Clerk of this Court with security
 to be approved by him, Conditioned
 to execute this and any further decree
 in this cause, And said Comr will
 report his proceedings to Court

Hoping

Letk	\$9.13 ps	Jesse	S R Edwards & Co
Shy	1.00 ps		
Lam & Co	15.50 ps		
	\$21.63		
Deer	5.00 ps		
	<u>31.63</u>		

Davis }
 and } Decree
 Lamb }

Dorchester Circuit Court, May Term 1882

B. Carr & Eliza his wife,
Plaintiffs

against
Wm B Lamb & John Lamb
Defendants

That this cause and do to be heard on
the Bill of the Plaintiffs taken for
infringement of the said Defendants, and
was argued by Counsel, a decision being
whereof the Court doth assign, order and
decree that partition be made of the
land in the Bill mentioned, as follows;
to wit, $\frac{1}{2}$ to B. Carr, & Eliza his wife, $\frac{1}{2}$
to Vellery Simmonz, & Edwin his wife, $\frac{1}{2}$
to J. S. Rapier & Sarah his wife, $\frac{1}{2}$
to Caroline Eley, $\frac{1}{2}$ to Wm B. Lamb, $\frac{1}{2}$
to John Lamb & $\frac{1}{2}$ to the heirs of
Philip Kilar Lamb, whose names and
quarters are unknown, & for the
purpose of effecting such partition,
the Court doth order J. R. Kells, Henry
C. Crismon & Josiah Webb, who are
hereby appointed Commissioners
for that purpose, to assign to the
several persons before named the
respective Shares of said land, by Metes

of hands, or the entire Subject may be allotted
to one party who will accept & pay therefor
to the other parties such Sums & Money as
their interests therein may entitle them
to, & if in their opinion such partition
of the real Estate cannot be made, in
kind, without loss or injury to the
parties, then the said Commissioner
will report what part of the Estate,
together with the reasons upon which
such opinion is based, and also the
real Value of the said, & make
reports to Court.

Copy
Teste,
R. 1761, J. B.

David L. Davis
1761

Davis &c.

vs 3 Deane,
Lamb.

This day this Cause came on to be further heard on the papers formerly read, and the report of Commissioners appointed at the last term of this Court, to make partition of the land in the proceedings mentioned, to which there is no exception and was signed by Counsel. On consideration whereof, and no exceptions being filed to said report, the same is hereby confirmed. And it appearing to the Court, that W.B. Lamb is willing to accept the whole subject matter and pay therefor the sum of \$700. the Court doth adjudge order and decree that I.B. Deane he and he is hereby appointed a special Commissioner for the purpose. That if the said W.B. Lamb shall within ~~the~~^{eight} days from the adjournment of this Court, pay to said Commissioner one half of said sum of \$700. and execute to him a bond for \$350. due in twelve months from Nov: 10. 1882, with interest from said date, then that the said Lamb shall be considered as the purchaser of the land in the proceedings mentioned; but if said Lamb shall fail to comply as above indicated, then the said Deane, Commissioner as aforesaid,

after 20 days public notice of time and place, proceed to sell the said real estate upon the following terms, To wit, one half Cash - balance in twelve months, the purchaser to give bond with approved security conveying interest from day of sale, and title to be retained for deferred payment. But the said Court will not proceed to execute this decree until he shall have entered into bond in the penalty of \$1000. before the Clerk of this Court, with security to be approved by him, conditioned to execute this and any further decree in this cause. And said Court will report his proceedings to Court.

470 Davis dothens

in 3 decrees

Seems to

Nov Term 1882

To be entered.

Geo. W. Brown.

Davis wife & others
vs ~~the~~ Decree,
Lamb & others

This day this Cause
Came on to be heard on the Bill of
the Complainants taken for Confessed as
to the adult defendants and was ar-
gued by Counsel. On Consideration
whereof, the Court doth adjudge, order
and decree that partition be made of
the land in the Bill mentioned as fol-
lows, to wit: $\frac{1}{7}$ to J. B. Davis and Eliza
his wife, $\frac{1}{7}$ to Villeroy Simmons and
Evaline, his wife, $\frac{1}{7}$ to J. S. Russell
and Sarah, his wife, $\frac{1}{7}$ to Catherine
Eley, $\frac{1}{7}$ to W^m B. Lamb, $\frac{1}{7}$ to John
Lamb, $\frac{1}{7}$ to the heirs of Theophilus
Lamb whose names and numbers
are unknown: and for the purpose
of effecting such partition the Court
doth order J. R. Kells, Henry Ferguson
and James R. West who are hereby
appointed Commissioners for that pur-
pose to assign to the several persons
before named the respective shares af-
oresaid by metes and bounds* and
if in their opinion such partition of
the real estate cannot be made in kind
without loss or injury to the parties,
they may

*or the entire
subject matter
may be allotted
to any party
who will
accept it and
pay therefor
to the other
parties such
sums of money
as their interests
therein may
entitle them to.

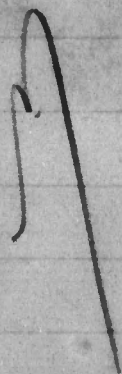
+ When the said Commissioners will report
that fact to the Court, together with the
reasons upon
reasons upon which opinion is based:
and, also the real value of the land,
and make report to Court.

Said wife to the
to Decree
Land to others

May Term 1882

To be entered.

Geo. W. Brown.



} David & wife
vs $\frac{1}{3}$ Report
Lamb.

Vouchers inside

May 2, 1885,

Filed - L.B.Pee

Davis & Co

or 3 Report of Comr. L.B. Paine,
Lamb.

In this Cause your comr. submits the
following report. That W.B. Lamb on
the 22nd Jan'y 1883 paid me in Cash
\$700- and I have distributed it
after paying costs as follows.

By amt recd.

\$700.

Exp^s Costs 31.63

" " Funeral Expenses 44.50

76.13

623.87

By amt recd paid me

60.00

net amt for distribution

\$683.87

into 7 shares-

✓ To Wm Lamb 2/7 = 195.39 ✓

✓ " Geo W. Lamb 1/7 97.69 ✓

✓ " L.B. Davis 1/7 97.69 ✓

✓ " O.P. Simmons 1/7 97.69 ✓

✓ " Thos Lamb. 1/7 97.69 ✓

✓ ~~Wm Lamb~~ 1/7 97.69 ✓ 683.87

I have made a deed to W.B. Lamb.

as directed by decree of Nov Term 1882.

And there is nothing further to be done in
this Cause. All of which is respectfully
submitted.

L.B. Paine

May 2, 1885.

Comr.

To Judge Cir. Ct. Southampton.

Laura Lee Lamb
to 3 Neft
I.R. Pioneer Camp
T.

Statement of money collected by I. B. Price
Comr. in favor of Miss Laura Lee Lamb,
from sale of land belonging to her as land
Ent in Co.

1889

By your share of land sold to Geo. Davis

$\frac{1}{4}$ of 6.07 =

1.52

1883

July 22

By your share of land sold to W. B. Lamb.

$\frac{1}{4}$ of \$97.69 =

19.42

Int to July 22. 1890.

8.15

\$29.09

Charges.

To 5% Comr.

1.45

\$27.64

Received Feb. 10. 1890 of I. B. Price atty
and Comr. Twenty Seven & 64/100 dollars,
in full of above statement.

Laura Lee Lamb.

V.P. Sumner
of the Lamb
Heris

to $\frac{1}{2}$ Rept

W.P. Price Comm

Statement of money belonging to
the heirs of Thos. Lamb decd,
from sale of land in Va. and
 $\frac{3}{4}$ ~~$\frac{2}{5}$~~ of which has been sold
by said heirs to V. P. Simmons -
as will appear by paper filed
hereunto.

1883

July 22	Acct of Thos. Lamb's share	97.69
	Int to Sept 22. 1883	3.90
	$\frac{3}{4}$ =	<u>\$101.59</u>

Recd Sept 22. 1883 of J. B. Prince, Comr
in Chancery suit of Davis & Co. vs
Lamb. Seventy six $\frac{17}{100}$ dollars in
full of above statement.

Wm. T. Parker Atty
for V. P. Simmons

Recd of J. B. Prince Comr. the one fourth retained
in above say \$25.33.

J. B. Prince atty

Received of J.B. Paice Court in Chancery
Suit of Davis vs Lamb, &c. Ninety Seven $69\frac{1}{100}$
dollars. in full of my portion of purchase
money for land formerly owned by Susan
Lamb decd. also same amount for
William Simmons wife. ~~also same~~
~~amount for Geo. Lamb &c.~~

J B Davis

Recd July 22. 1883 of J.B. Paice
Court in Chancery Suit of Davis vs
Lamb &c. Ninety Seven $69\frac{1}{100}$ dollars
in full of my portion of purchase
money for land formerly owned by
Susan Lamb. decd.

John W Lamb

~~114~~ 107 106 75

Davis & wife V

v { Stat. Rules

Lamb

In Southampton Circuit Court

M. B. Davis & Eliza his wife, Villeroy Simmons & Evaline his wife,
J. S. Russell & Sarah his wife Catharine Eley and the heirs
of Theophilus Lamb whose names and number are unknown Plaintiffs
against
Wm B Lamb & John Lamb. Defendants

1882 March 27th Summons issued

" April Rules - " returned Executed - Bill filed & Decree
Nisi & Defts.

" May " Bill taken for Confessed & Cause set for hearing

" " To Decree for partition

" Nov " Report of Comm^r & Decree

Davis 9th
vs 3
Lamb 4th

Report of Cases

1882 Nov 5

Davis &

vs 3 Report of Comm-
Lamb

In this Cause your Comm- sub-
mit the following report. That pursu-
ant to decree of May Term 1882, we
have viewed the land in the proceed-
ing mentioned, and do not hesitate
to report to Court that in our judgment
it cannot be divided in kind, because
there are only 70 acres and upon it
is a large dwelling house; to divide
the land into 7 shares, one of the
shares would contain nothing but the
dwelling house, and then that share
would be worth more than any other
share. We value the land at \$700.
if sold upon the usual credit, and
have allotted the entire subject matter
to W.B. Lamb, one of the interested parties,
who is willing to accept it at that
price of \$700. None of the other parties
are willing as far as we know to take
it at that price. Phoned W.B. Lamb and
he willing to accept it at the price
named. We recommend that it be
sold.

Respectfully Submitted

Oct 30. 1882.

To Judge C. C.

Do Hampton

James R. Kello

Henry Ferguson

} Comm-
"

of the Courtroom

March 1882

128

near

and from these the Court of the County

Davis & wife &
} Sum. Chy.

Lamb

1882 April Rules

Executed by delivering
Wm D Gant and
John Gant each a
Copy of this Summons
on the 29th day of
March 1882

Releg Caroon
by for W W Wagg

AD COMPTON AND CO

AD COMPTON AND CO

The Commissioners of the County of Middlesex

The Commonwealth of Virginia,

To the Sheriff of Southampton County - GREETING:

WE COMMAND YOU TO SUMMON

Wmⁱⁿ B. Lamb & John Lamb,

to appear at the Clerks Office of our Circuit Court of Southampton County
at the Rules to be holden for the said Court on the first Monday in April
next to answer a bill in chancery exhibited against them in our
said Court by *J. B. Davis & Eliza his wife, Vallery Simmons &
Eveline his wife, J. S. Russell & Sarah his wife, Catherine Gley
& the heirs of Theophilus Lamb, whose names and names*
are unknown.

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court
House, this 27th day of March, 1882, in the 106th year
of the Commonwealth.

L. R. Edwards Clk

J. H. Paine
to J. P. D. atty.
W. C. Briggs

Know all men by these presents, that I, J. H. P. Prince, do hereby constitute and appoint W. W. Huggs my true and lawful attorney in fact, for me and in my name, to sign my name as security to a bond required to be given by J. B. Prince or Special Commissioner in a Chancery suit depending in the Circuit Court of Southampton, styled Davis vs. Prince & Co. Lamb & Co., by a decree entered at Nov Term 1882, in the penalty of \$1000. and I do hereby ratify and confirm what my said attorney may do hereunder. Witness my hand and seal July 4. 1883.

J. H. P. Prince *(Seal)*

Virginia, Southampton County Court.

J. G. M. Hughes a Justice of the Peace for the County aforesaid in the State of Virginia - do certify that J. H. P. Prince whose name is signed to the writing above dated July 4. 1883, has acknowledged the same before me in my County aforesaid. And I do hereby further certify that the said J. H. P. Prince has made affidavit before me that his estate after the payment of his debts, and the exemptions allowed by law is worth the sum of \$2000. Given under my hand July 4. 1883.

G. M. Hughes J.P.

Know all men by these Presents, That we
and J. B. Prince

J. B. Prince

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

One thousand

Dollars, 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. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this

16 day of

July

A. D. 1883

THE CONDITION of the above obligation is such that if the above bound

Whitaker the Circuit Court of Southampton County at its November Term 1882 by a decree entered in the Chancery suit therein pending in which Davis vs. Whitaker

were plaintiffs and Wm Lamb & others

Defendants

J. B. Prince was appointed Commissioner for certain purposes in said decree mentioned. Now therefore if the above bound

J. B. Prince shall faithfully discharge his duties under said decree, and under any other decree which may be rendered in said suit

shall faithfully discharge the duties of
remain in full force and virtue.

office or trust according to law, then the above obligation to be void, or else to

Signed, sealed and delivered

in presence of the Court.

J. B. Prince [Seal.]
J. H. Prince [Seal.]
By W. W. Moggally [Seal.]
in fact

W. J. Sumner

Do { Power of
Attorney

Do B. Davis



State of Mississippi }
Hinds County, }

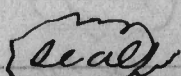
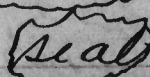
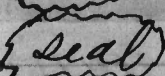
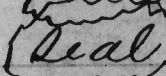
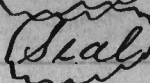
This is to
Certify that I T. P. Simmons
of the County of Hinds
and State of Mississippi; do
hereby constitute and appoint
you S. Davis of the County of
South Hampton Virginia, my
attorney in fact with full power
to Sign my name receive
any money due me and receipt
for same or make any
conveyance of Estate real
and or personal,

Signed this 19th day of Octo-
ber 1882 T. P. Simmons

The State of Mississippi, Before me Geo. E. Davis
Hinds County I an acting Justice of the
Peace, and an Ex Officio Notary Public
(by Virtue of the Laws of said State
of Mississippi) & County of Hinds aforesaid
personally appeared T. P. Simmons and
acknowledged that he signed and delivered the annexed
and foregoing Power of attorney on the day & year therein
written as his own act & deed, and for all the purposes
therein expressed. In witness whereof I have hereunto
set my hand and official seal at my officiating Station
in said County of Hinds October 19th 1882. Geo. E. Davis J.P. &c.

This is to certify that we, the undersigned, are the only heirs at law of Theo. Lamb, dec'd, that we have sold all our interest in whatever may be due us from the sale of land in Virginia in right of our father to V. P. Simmons, and that he is entitled to receive the same. We further certify that we are all twenty one years of age.

Given under our hands and seals
This eight day September 1883.

Effie Lamb 
W. P. Lamb 
J. D. Wells 
Emma Wells 


State of Mississippi,
Hinds County, 3 to wit:

I, J. B. Birdsong — — —, a Justice of the Peace for the County of Hinds in the State of Mississippi, do hereby certify that V. P. Lamb, Effie Lamb, J. D. Wells and Emma Wells, whose names are signed to the writing above, of date 8th day September 1883, personally appeared before me in the County and State aforesaid, and made oath that they are the only heirs at law of Theo.

Given under my hand this
8th day of September 1883.

A. Pirasong J.P.

No.

Mr. *Susan Lamb (Dower)*

1882.

To JAMES E. SEBRELL, Treasurer of Southampton County, Dr.

SUBJECTS OF TAXATION.	State Tax.		County Levy		SCHOOL TAXES.		TOTAL TAX.
	40c. on \$100.		40c. on \$100.		County. 5c. on \$100.	District. 10c. on \$100.	
To 70 acres of Land, value \$	2	24	2	24	28	56	5 32
" Personal Property, value....\$							
" Capitation Taxes.....							
" Income.....\$							
Total.....							
Fee Bills.....							26
5 per cent. additional							
Total.....							5 58

Received payment *3^d* day of *Jan'y*, 1882, *J. E. Sebrell* Treasurer.

Received of W B Bruce, Comr. in Chancery
Suit of Davis vs Lamb & ^{Worth} ~~that~~ four ⁵⁷/₁₀₀
dollar - same being amt of funeral
expenses assumed by me, and
One Hundred & ninety five ³⁹/₁₀₀
same being in full of the two shares
owned by me in the land formerly
held by Mrs Susan Lamb as her
dower -

William B Lamb

Mr Sarah R
Russell

Receipt

1883

Jan 22

Statement of money collected by
J. B. Purice Comr. in Suit of Davis
vs. or Lamb. in favor Mrs.
Sarah R. Purice. formerly Lamb.

By amt pd me -

97.69

Int to May 22, 1883.

1.95

\$99.64

Received June 1, 1883 of J. B. Purice
Comr. ninety nine ⁶⁴/₁₀₀ dollars
in full of above statement.

J B Davis

for Mrs Purice

No.

Mr. *Village Simmons wife*

1882.

To JAMES E. SEBRELL, Treasurer of Southampton County, Dr.

SUBJECTS OF TAXATION.	State Tax. 40c. on \$100.	County Levy 40c. on \$100.	SCHOOL TAXES.		TOTAL TAX.
			County. 5c. on \$100.	District. 10c. on \$100.	
To <i>34 1/2</i> acres of Land, value \$ <i>80</i>	<i>32</i>	<i>32</i>	<i>04</i>	<i>08</i>	<i>76</i>
" Personal Property, value.....\$					
" Capitation Taxes.....					
" Income.....\$					
Total.....					
Fee Bills.....					<i>04</i>
5 per cent. additional.....					
Total.....					<i>80</i>

Received payment *3^d* day of *Jan'y*, 1882 *J. E. Sebrall* Treasurer.

~~David~~ Davis wife sothers
vs $\frac{3}{4}$ Bill &c;
Lamb sothers

1882 April Rules

1882. April Rules

To the Honorable George Blow Judge
of the Circuit Court of Southampton
County. In Chancery.

Humbly Complaining, sheweth
unto your Honor, your Complainants,
J. B. Davis and Eliza, his wife, Villeroy
Simmons and Evaline, his wife, J. S.
Russell and Sarah, his wife, Catharine
Coley, and the heirs of Theophilus Lamb,
whose names and number are ~~particulars~~,
that during the year 1882, Susan Lamb
departed this life, intestate; that in her
life-time she was endowed ~~with~~ one third
in value of all the lands of which her
husband died seized and possessed in
Southampton County, which was a farm
containing _____ acres of land with
the improvements thereon; that the heirs
at law of the said Susan Lamb's hus-
band who are now entitled to the said
Susan Lamb's real estate, which was
held by her as dower, heir as follows
Eliza, who has intermarried with J. B.
Davis, Evaline, who has intermarried
with Villeroy Simmons, Sarah, who has
intermarried with J. S. Russell, Catharine
Coley and the heirs of Theophilus Lamb,
who are infants, but whose names and

Notice is hereby given that
Application will be made to
the Court for a reasonable
attorney's fee to Counsel
out of any fund that may
come under the control of
the Court.

13

numbers are unknown, William B. Lamb and John Lamb; that in the opinion of your Complainants the said real estate is not susceptible ~~among~~ of partition among the several heirs in kind, and that, William objects to a partition even if it could be made.

In Consideration of all which, and in as much as your Complainants are without remedy save in a Court of equity where such matters are properly cognizable, your Complainants pray that William Lamb and John Lamb may be made parties defendants to this bill and compelled to answer its allegations. That your honor will appoint Commissioners to enquire whether the said real estate is susceptible of division in kind amongst the heirs or not; and, if the same be so susceptible of division that the said Commissioners divide the same amongst the parties thereto entitled. And if the same be not susceptible of partition that the same may be sold and the proceeds divided according to the rights of the parties. That your honor will also

order a Commissioner of this Court
to enquire and report who are the
heirs at law of Theophilus Lamb, decd.
And that your honor will grant such
other, further, general and special
relief as the nature of this case may
require or to equity may seem meet.
And as in duty bound your Com-
plainants will ever pray &c.,

May it please the Court &c.,

J.B. Prince, f.c.