

1887-18

Southampton County - Chancery

Gurley, Richard a
et al

vs. Clements, W. B. J.

"To obtain Special
Warranty Deed for balance
owed"

Gurley, Mary J.

Applegate, Martha

Applegate, John W.

Applegate, Wm E

(Applegate, Natalie B
vs. Applegate, Richard S.

Gusley et als

vs } Chancery Papers

Clements

Shands & Son F.g.

Appluwhites hair
as 3 Bill in chain any
Clements

To The Honorable George Blow judge of the circuit
court for Southampton County In Chancery sitting.

Humbly complaining your orators Richard A
Gurdy and Mary F his wife, Martha Applewhite
John W. Applewhite, Wm. E. Applewhite, and Natalie
E and Richard S. Applewhite the last two infants
who sue by Wm. E. Applewhite their next friend
show unto your honor that in the 1872. Walter
S. Applewhite died intestate leaving some
real and personal estate and in the same
year his estate was committed to W. W. Briggs
sheriff of Southampton for administration. he
left the following parties his nearest heirs
and heirs at law, his widow Martha Applewhite
and Mary F. Applewhite now married to Richard
A. Gurdy. John W.; Wm. E.; Natalie E.; and
Richard S. Applewhite his children. That in his
lifetime to wit; sometime in the year 1872. he
sold to H. B. Clements a tract or parcel
of land lying in Southampton it being
near the line ^{of Sussex County}, containing some 96 acres more
or less for the sum of one hundred
dollars. he placed Clements in possession
at once the said Clements paying at
the time fifty dollars and he still
owes fifty dollars ^{with interest on the same} from the month of
October 1872 till paid. as he he never paid
the said balance of fifty dollars due on the

said land either to the said H.S. Applewhite during his lifetime or since his death to his aforesaid heirs. Now your orators wish for the said Clements to pay them the balance of the purchase money and upon his doing so they will give him a deed for the aforesaid land, which they are ready and anxious to do at any time upon his paying the said balance of purchase money. It tends consideration whereof and inasmuch as your orators are without relief save in a court of Equity where matters of this and like kind are alone and specially ^{recognizable} your orators pray that the said H.S. Clements may be made a party defendant to this bill and may be compelled to answer all the allegations therein contained as if he were more fully and specially interrogated thereto and the court would give the said Clements a reasonable time, say ninety days to pay the balance of the said purchase money and upon his doing so then that court will appoint a commissioner to make him a deed with special warranty for the said land. And if he does not pay the said balance of purchase money ^{in 90 days} then that the court will direct said land to be sold and the said

any balance to be paid. and the residue if
after paying costs of sale & suit paid to
said Clements. And that the court
will grant such other - further and
general relief as the nature of the case
may require or to equity shall seem meet
As in duty bound your orators will
ever pray - so may it please the court

Wm B. Shandas & Son Jr.

Gurley Jr.

vs. Stat: Rules

Clements

In Southampton Circuit Court.

Richd A. Gurley, & Mary F. his wife
Martha Applewhite. Ins v. Apple-
white. Wm E. Applewhite & Natalie
E. Applewhite & Richard S. Applewhite
last two infants
against.
H. G. J. Clements. Deft.

Pltffs. } In
Chancery }

1884 June 19. Summons issued to July Rules.
.. July Rules. " ret'd Execd. Bill filed. and
Decree nisi vs deft.
.. Aug " Cause set for hearing.
.. Nov Term Decree.
1885 July 24 Bond given for appo

Curley, J.^e

vs

} summons

Clements

1884 July Rules

~~Executed by deliver.~~

I went to the residence
of W. S. D. Clements on 30
July 1884 and he being
absent I delivered a copy
of this summons to Edgar
Clements he being a white
member of his family and
over the age of 16 years - also
gave information to him as
to the purpose.

Witness my hand
at W. S. D. 1884 J. H.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON

W. G. J. Clements

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for the said Court
on the first Monday in *July* next, to answer a bill in Chancery exhibited against *him*

in our said Court, by *Richard A. Gurley & Mary J. Gurley his wife, Martha Applewhite. Mrs. W. Applewhite, Mrs. E. Applewhite & Natalie E. Applewhite & Richard S. Applewhite the last two infants by Mrs. E. Applewhite their next friend.*

And this *he* shall in no wise omit; and have then there this writ.

WITNESS, J. B. PRINCE, Clerk of our said Court, this *19* day of *June*

, 188 *x*

in the *108th* year of the Commonwealth.

Teste. *J. B. Prince C. C.*

Gurley & al

vs $\frac{3}{3}$ Comes
Bond

Clement

1885. Jan'y 24

Know all men by these Presents, That we *Wm Shands and*
Wm B. Shands

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

Three Hundred — 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
and we the obligors hereby waive all claim or right to be discharged
we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our
any liability arising under the land many currency claim
seals and dated this *24th* day of *January*, A. D. 188*3*
or affect otherwise any legal title, currency of the United States

THE CONDITION of the above obligation is such that if the above bound
Wm Shands who was appointed
a special Commissioner for certain
purposes by a decree of the Circuit
Court of Southampton County
rendered at the November Term
1884 in a chancery suit therein
depending, styled *Gurley vs*
Clements

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 presence of the Court.

The Clerk of the
Circuit Court.

William Shands

W. B. Shands



Gurley et al
vs Report of
Clements

Special Com'r
H. Shands

1886. May 1. filed -

George B. Low
vs J. Report
Clements

To The honorable George B. Low judge of the
circuit court of Southampton County
In chancery sitting

Your undersigned commissioner begs
leave to report that in obedience to a
decree rendered in this cause at
the Nov term 1884 of this court. That
after giving due notice of place
time and terms of sale he proceeded
to sell on Feby 6 1885 the tract of
ninety six acres of land belonging
to H. S. Applewhite decd. and H. G. J.
Clements being the highest bidder
became the purchaser of the same
for the sum of eighty six dollars
that he consented for B. E. Horrell
to pay the purchase money and
take a deed for it in his name.
That your commissioner accordingly
upon the payment of all the purchase
money by said B. E. Horrell made
him a deed with special warranty
for the said tract of land. That
after paying all costs in this
cause there remained in the hands
of your commissioner the sum of
fifty seven dollars and ninety one cents

and there being five persons to whom the same belonged, he divided it into five shares of \$11.⁵⁵/₁₀₀ each and paid one share to Mary F. Gusey wife of Richard A. Gusey, one share to John W. Applewhite; one share to H. E. Applewhite. receipts for all of which are herewith filed. That there now remains in the hands of your Commission two shares; one of which belongs to Natalie E. Applewhite and one to Richard S. Applewhite and which your Commission has been unable to pay over to them as no one has qualified as their guardian. he wishes the court to instruct him what to do with it. all of which is respectfully submitted by

H. Shand

Special Court

April 26th 1886

Gurley & al

vs $\sum$ Leo: Deen

elements

Southampton Circuit Court
Nov. Term 1884

Gurley et al.
vs } Decree
Clements

This day this cause came on to be heard on the Plaintiff's bill taken for confessed as to the defendants W. G. I. Clements and was argued by counsel, on consideration whereof the Court doth adjudge order and decree that unless the defendant W. G. I. Clements shall on or before the 5th day of February 1885 pay to the Plaintiff the sum of \$50.00 with interest thereon from the 1st of October 1872, Richard A. Gurley being appointed to make him a deed as two of the Plaintiff's an infants, then William Pharo who is hereby appointed a special Commissioner for that purpose, shall after having given ~~at least~~ twenty days notice of the time & place of sale at Jerusalem and the

immediate vicinity of the land
by public advertisement process
to sell at Jerusalem on some
County Court day at public
auction to the highest bidder
the tract of 96 acres purchased
from Walter S. Applewhite
in his life time by W. G. J.
Clements, On the following
terms to wit one half cash
and balance of ^{the} purchase on
a credit of twelve months
purchaser giving bond with
approved security carrying
interest from the day of sale
with the option to the purchaser
of paying all the purchase
money and taking a deed at
the time of sale from the Comm-
issioner and after paying the
costs of this suit pay to the
plaintiff the sum of \$500.⁰⁰
with interest from the first
of October 1872, and the residue
of the purchase money if any
pay to W. G. J. Clements.
But the said William S. Hand

shall not proceed to act under
this order until he shall
have executed in the Clerk's
Office of this Court a bond in
the penalty of \$300. conditioned
for a faithful performance
of this order, and that a copy
of this certificate of the Clerk
that the Commissioner has
executed the bond according
to this order shall be appended
to the advertisements and
published therein, and the
certificate given by the
Clerk be returned with
his report to Court.

Attest

J. V. D. Prince C.C.

Costs-

clk.	6.59.	for J.B.P. C.C.
Shff.	.50	Paid H.S. for H.H. B shff
Lawy.	20.50	as per agreement; Paid H.B. Saff
	<u>\$28.59</u>	

J. J. B. Prince Clerk of the Circuit
Court of Southampton County do
certify that the bond required of
the Commissioners in the Chancery suit
of Gentry vs. the heirs of the late
J. J. B. Prince rendered at New
Linn 1884, has been given with
security approved by me. Given
under my hand July 24. 1885.

J. J. B. Prince C. C.

Mrs. William Shands.

Care of

Jerusalem.

W.E. Applewhite &

Pa

Carys March 23rd 1885

Mr. William Shands

Please send me the money due me that you have in hand for me from W. D. Applewhite Est. I send you a thank receipt to fill out which I hope will be satisfactory as I have signed it.

Respectfully
M. A. Gurley

Mary F. Gurly
To } Receipt
Shand. W. Conr

Received this day of Mr. Shands special
commissioner in case of Gurley & also Clements
the sum of \$11.⁵⁸/₁₀₀ as payment in full of
amount due ~~me~~ in above named case
as distributor. March 24 1883-

Mary H. Gurley.

John W. Applewhite

To } Receipt

Shanty W. Comr

Received this day of H. Shands
Special commissioners in case of Gudy
Dals vs Elements the sum of \$11.38
as payment in full of amount
due them in above named case
as distributed

March 24th 1885-

John W. Applewhite

W. E. Applewhite

To } Receipt

Shand & Co. Cash

Received this day of H. Shands
special commissioners in case of
Gurly & also vs Clements the sum
of \$ $11,58 \frac{00}{100}$ as payment in full
of amount due me in above
named case as distributee

March 24 1885-

H. E. ^{his} Applewhite
made

Gurley et al
vs 3 Report of
Elements

H. Shands Special Bonds

Gurley et als
vs 3 Report
Elements

To the Hon. C. H. Hill
Judge Circuit Court of Southampton Co Va
Your undersigned Special
Commissioner begs leave to report that
he has paid to the acting guardian
of Natalie E and Richard S. Applewhite
the sum of twenty three dollars
and sixteen cents, the same to be
divided equally among the said
wards. That there remains no
funds in his hands and there
is nothing further to be done by
him. All of which is

respectfully submitted by
H. Shands

Special Commissioner

th
April 25 1887

Receipt from
Martha Appluwhite
acting guardian of
Natalie & her Richard &
Appluwhite
\$11.55 to each

March 26 - 1887 Received from
William Shawas special commission
in the case of Gurly or Clements the
sum of \$1100.00 for Natalie &
Appelwhite and the sum of \$1100.00
for Richard S. Appelwhite the
~~sum of \$1100.00~~

Mrs Martha Appelwhite
Acting Secy for Natalie & R
Richard S Appelwhite
by
J. L. Barker

Gurley et al
vs } Deese
Clemens

To be entered
May Term 1886

Geo. Howard,

✓

Gurley et al
vs } Decree
Clements }

This day this cause came on again to be heard on the papers formerly read and report of Special Commissioner H. Shands of the sale of the tract of land directed to be sold by the last decree entered in this cause. & collection of the purchase money and payments made re to which report no exceptions were filed and was argued by counsel. On consideration whereof the court doth adjudge, order and decree that the said report be and is hereby confirmed

Gurley vs
w 3 Deane
Clements

This day this cause came on to be heard on the plaintiffs bill taken for conscience as to the defendant W. G. T. Clements and was argued by counsel. On consideration whereof the court doth adjudge order and decree that unless the defendant W. G. T. Clements shall on or before the 5th of February 1885 pay to the plaintiffs the sum of \$50 with interest thereon from the 1st of October 1882 Richard A. Gurley being appointed to make him a deed as two of the plaintiffs are infants, then William Shannock who is hereby appointed a special commissioner for that purpose, shall after having given at least twenty days notice of the time and place of sale at Jerusalem and the immediate vicinity of the land by public advertisement proceed to sell at Jerusalem on some court day at public auction to the highest bidder the tract of 96 acres purchased from Walter S. Applewhite in his lifetime by W. G. T. Clements on the following terms to wit one half cash and balance of the purchase on a credit of twelve

months purchase giving bond with
approve security carrying interest from the
day of sale with the option to the
purchaser of paying all the purchase
money and taking a deed at the time
of sale from the commissioner and after
paying the costs of this suit pay to the
plaintiffs the sum of \$50 with interest
from the 1st of October 1872 and the
residue of the purchase money if any
pay to W. G. T. Clements.

But the said William Shanks
shall not proceed to act under this
deed until he shall have executed
in the clerk's office of this court a
bond in the penalty of \$300 conditioned
for a faithful performance of his
duty and that a copy of the certificate
of the clerk that the commissioner has
executed the bond according to this
deed shall be appended to the
advertisements and published therein
and the certificate given by the
clerk be returned with his report
to court.

Gurley's
m 3 Decree
Clements

Nov 5 Jan 1884

To be entered

Geo R. Brown

Entered
89

Gurley et al
vs 3 Decree
Clements

May Term 1887
To be entered
C. M. Hill

✓

Gurley et als
vs } Deere
blements

This day this cause came on to be heard on the notes formerly read and upon the report of Special Commissioner H. Shands of the disbursements of the funds in his hands supported by proper vouchers to which report 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 nothing further appearing necessary to be done in this cause it is ordered to be removed from the docket.