1892. 03 Southampton County Chancery- Clements, Ida Mary etals vs Clements, Eustice et Kinsm

the partition of real estate

Clements- Wm. Richard (an infant)
" , Thomas J. Edwards, L.R.
G.A.L.

To the Honorable George Blow. Judge
of the Circuit Court of Law and
Chancery for the County of South-
ampton in Chancery sitting.

Humbly complaining, sheweth
to the Court, your complainants Ada
Mary Clements, and William Pechard
Clements infant children of Thomas
J Clements and Nancy his wife.
suing by said Thomas J Clements
as their next friend; that on or
about the day of 1873
one William Atherton departed this
life in the County of Southampton
having previously made and published
his last will and testament, which
was duly admitted to Probate in the County
Court of said County, at the March term
1874, as will appear from the certified
Exhibit A copy thereof with certificate of Probate
annexed, marked A herewith filed
and prayed to be taken as a part
of this Bill.

The said testator by his said last will
and testament gave and bequeathed
absolutely and in fee simple his
whole estate, both real and personal
to the three children then living of the

testators nephew, Thomas C. Clements by his wife Nancy.
That the three Children of the said Thomas C Clements by Nancy his wife then living were your said Complainants, Ida Mary, William Richard and a third Child Eustace Atkinson the defendant hereinafter named; the said testator at the Time of his death was seized and possessed in fee simple of the following real estate lying in the County of Southampton, which never paid Tithe passed equally to the said Mary Ida, William Richard and Eustace Atkinson, to wit,
1st Homestead Tract of 333 acres adjacent to the lands of Evalow Lawrence, the Poor House" Mill Road and Mill Swamp
2d the Griffin tract of about 170 acres adjacent to the lands of "the Poor House" the Home Tract & Mill Tract
3d the Binford Tract containing by estimation 218 acres more or less, adjacent to the lands of John and Sabathias Lewis, John Edwards

4 the Mill Property and land adjacent,
upon and a part of said Mill
Property, containing by estimation
493 acres more or less, adjoining
the lands of the Poor House Division &
Tract, Pettyjay Johnson, Sherry Johnson and
William Deans
That the said Ida May, William Richard
and Eustace Atkinson, are entitled
to have Partition made of said lands,
equally between them:
In tender consideration whereof and
for asmuch as your complainants
are without remedy at law, and
can only be relieved by the aid of
this Honorable Court of Chancery,
where matters of this sort are cog-
nizable, to this end your complainants
pray that the said Eustace Atkinson
minor
[illegible] as aforesaid, by some one his
guardian ad litem appointed, to
defend him in this suit, may be
made party defendant to this bill and
the required to answer the same, and
by the decree of this Honorable Court
Commissioners may be appointed to
make Partition of said lands, and
allot one third thereof, having

regard to quantity and quality, granted to the said Ida Mary, William Richard, and Eustace Atkinson, and that such other further and general relief may be had in the premises as to the court may seem meet and may suit the Equity of the case, and your complainants will ever pray &c

Hayden & Boykin

Solicitors for Complainants

Complainants Sol

Supreme Court Rules 1874

(Copy)

William Atkinsons
Will

Clements by &c
v } Ex: with bill &c
Clements

40/

I, William Atkinson of the County of Southampton, in the State of Virginia, being in sound mind, do hereby make my last will and Testament as follows, to wit: I give and bequeath to the three children, now living, of my nephew Thomas J. Clements by his wife Nancy, all my estate, both real and personal, to them and their heirs forever. I nominate and appoint my friend A. P. Young, of Isle of Wight County, the executor of this will, and hereby revoke all other all other Wills made at any time heretofore, by me.

Witness my hand and seal this 19th day of April 1873.

William Atkinson (seal)

Signed, sealed and
acknowledged by the
testator in our presence
we being at that time
in the presence of each other.

W. A. Womble,
C. St. Clair,
A. P. Young

At a Court held for the County of Southampton at the Court house thereof, on Monday the 16th day of March A. D. 1874. This last will and Testament of William Atkinson dec'd was this day ~~recorded~~ proved by the oaths of W. A. Womble and C. St. Clair two of the subscribing witness, and Ordered to be recorded. And the Executor therein named refusing to take upon himself the burden of the execution thereof. On the motion of Thomas J. Clements, who made oath and together with Augustus H. Ballard, Wills S. Watkins and John C. Thomas,

his securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of three thousand dollars, conditioned as the law directs. which Bond is ordered to be recorded. Certificate is granted him for obtaining Letters of administration on the Estate of said William Atkinson dec'd. with his will annexed in due form.

Test L. R. Edwards C.C.

A Copy

Test. L. R. Edwards C.C.

Elements by Jᵒ

Elements

Southampton Circuit Court May Term 1875.

Ida Mary Clements, William Richard Clements & Infant Children of Thomas J. Clements who sues by the said Thomas J. Clements their next friend Plffs

against

Eustace Atkinson Clements, and Infant by L.R. Edwards his Guardian ad litem Defts

} Dr Chancery

This Cause this day came on to be again heard, on the papers formerly read and on the report of John Camp, Wm. H. Brandsham and Joseph D. Harris, three of the Comrs of Partition under the decree of the Oct. Term 1874 of this Court and was argued by Counsel, On Consideration Whereof the Court doth adjudge order and decree, that C.B. Hayden and Thomas D. Clements who are hereby appointed Comrs for that purpose proceed to sell at public auction at Southampton Court House on some Court day, after having given at least 20 days notice of the time and place of sale by advertisement at the Court House door of said County on some Court day previous to day of sale, on a Credit of one and two years in two equal payments with interest from the day of sale except so much for cash as will pay the costs of suit and sale, including an Attys fee of $50.00 to C.B. Hayden for his services in this Cause, the following tracts of land in the proceedings of this suit mentioned Whereof William Atkinson died seized and possessed in the County of Southampton to Wit:

1st The Homestead or Home place, containing by estimation 333 acres be the same more or less adjacent to the lands of Sudlow Lankford, "The Dorr House Mill Tract"

2nd The Griffith Tract of about 170 acres more or less, adjacent to the lands of the Door Stevens and Mill Tract.

3rd The Bumford Tract containing by estimation 218 acres more or less adjacent to the lands of John Camp, John and Sabastick Lewis et als, taking for the credit portions of said sale bond with sufficient security and waiver of the Homestead payable to themselves as Comrs in equal Amounts respectively one and two years from the day of sale with interest from that date, which bonds they shall return with their report to Court of their proceedings under this decree But the effect of this decree shall be suspended as to said sale until the said Comrs shall execute in the Clerk's Office of this Court a bond with sufficient security payable to the Commonwealth of Va in a formalty of $1200 Conditioned for the faithful performance of this or any future decree herein.

Clks costs $10.12
Shff "
Law Hay. 5.00

Paid. L.R. Edwards

A Copy.

Teste. L.R. Edwards Clk

2nd The Griffin Tract of about 170 acres more or less, adjacent to the lands of the Door Stevens and Mill Tract.

3rd The Bumford Tract containing by estimation 218 acres more or less adjacent to the lands of John Camp, John and Sabastick Swisehals, taking for the credit portion of said sale bond with sufficient security and waiver of the Homestead payable to themselves as Comrs in equal amounts respectively one and two years from the day of sale with interest from that date, which bonds they shall return with their report to Court of their proceedings under this decree But the effect of this decree shall be suspended as to said sale until the said Comrs shall execute in the Clerks Office of this Court a bond with sufficient security payable to the Commonwealth of Va in a penalty of $1200.00 Conditioned for the faithful performance of this or any future decree herein.

Clks costs $10.12
Shff "
Law Hap. 5.00

Paid. L.R. Edwards

A Copy.

Teste. L.R. Edwards Clk

Assessed value of the land

No. 1.	333 acres		$1198. 80
" 2	170	"	510.00
" 3	218	"	705.30

L. R. Edwards. cc
Aug. 26. 75

No 1 — 4/1198
299.50
3/4 898.50

No 2 — 4/510
127.52
3/4 382.50

No 3 — 4/705.30
176.32
328.98

To the Circuit Court of Southampton County.

The undersigned Special Commissioners of Sale under the annexed decree of said Court of May Term 1875, in the suit of Clements & als vs Clements respectfully report to the court, that pursuant to said decree, after having advertised as therein directed, they offered the lands therein mentioned at public auction before the Court House door of said County on Monday the 20th day of October 1875, being court-day, when Wm H Bradshaw, being the highest bidder purchased the Homestead Tract for $1400.00 & gave therefor with David L Bradshaw as his surety two bonds for $1000.00 each payable respectively 1 & 2 years from the day of Sale, with interest from that date:

That Benjamin L Barnett being the highest bidder became the purchaser of the Griffin Tract for $695.00 of which amount he paid $145.00 in Cash & for the balance with J H Buck & J J Buck as his sureties gave two bonds for $275.00 each payable respectively 1 & 2 years from the day of Sale with interest from that date - which Cash payment & Bonds made up the price of said land $695. as per

Statement A

Cash Payment	145.00
Bond at One year for	275.00
Bond at Two years for	275.00
	$695.00

That at said sale Wm A Whitehead became the purchaser of the Binford Tract at the highest bid of $1000.00 and with John A Hunley as his security executed two bonds of $500.00 each payable respectively 1. & 2 years from said day of sale with interest from that date -

The Cash Payment of $145.00 was applied in payment of the costs of suit as per

Statement B -

Cash paid Clerks Costs --	10.12
Atty. Fee Smith Tax - Paid C. B. Hyde	56.00
Plaintiff -	1.25
Comm on $300.00 -	15.00
" " $2795.00	55.90
	$133.27
Balance in Commissioners Hands	11.73
	$145.00

Orig. Rec'd of Commissioner paid me T. J. Clement.

The Gross amount of Sales was $3095.00 - as per Statement C -

Howell Place - - - -	1400.00
Griffin Tract	695.00
Binford Tract -	1000.00
	$3095.00

All of said tracts sold above their appraised value as appears from the Certificate of Assessment Thereunto annexed -

The said Bonds all contained a waiver

of the Homestead with the receipts of the parties aforesaid are herewith returned —

Your commissioner would further Specially report that there being across the Griffin Tract a much used Mill Path necessary to access to the Mill, they in the sale of said Griffin Tract, reserved the said right of way as incident to the Mill & sold the Griffin Tract as subject to the same —

Signed C. B. Hayden
Thomas J. Clements

Oct 20 — 1875

Jany 18th 1876 Received of the Clerk of the Circuit Court the within named Bonds of Wm H Bradshaw & David L Bradshaw for Seven Hundred Dollars each payable respectively one & two years from Sept 20th 1875=

C B Hayden Comr.

Clements &c
vs
Clements &c

Report of Sale

1875 Nov 3

May 6- Recd of the Clerk of the Circuit Court the within named Bonds of Benjamin L Barnett & Wm A Whitehead for collection

C B Hayden Comr.

Clements &c
vs
Clements &c

Rough Clarke
Oct Term 1875
To be entered —
Geo. P Blow.

Clements &c.
vs
Clements &c.

This cause this day came on to be again heard on the papers formerly read & on the report of C B Hayden & Thos J Clements Commissioners of sale under the decree herein of May Term 1875: & was argued by counsel, on consideration whereof, the court confirms said report to which no exception was filed, doth adjudge order & decree that the clerk of this court deliver to C B Hayden & T J Clements on their filing their receipt therefor the two bonds of Wm H Bradshaw & David L Bradshaw for $ 200.00, payable respectively 1 & 2 years from the 20th day of October 1875: — the two bonds of Benjamin L Barnett, J H Duck & J J Duck for $. 275.00 each payable on the same dates: & the two bonds of W A Whitehead & John A Henley for $ 500.00 each payable as aforesaid all bearing interest from said date, which Bonds the said C. B. Hayden & Thos J Clements who are here & appointed Special Commissioners for that purpose are here & authorized & required to collect on maturity, as before stated the parties desire to pay the same, & the proceeds thereof, after paying thereout the unpaid costs of this suit, pay equally to the, legal guardian of Ida Mary Clements, William Richard Clements, & Eustace Atkinson Clements if any, if not paid the same to their respective

credit in the Farmers Bank of Nansemond at Suffolk subject to the future order of the court in this cause taking the receipt of said guardian, or the Cashier's of deposit of the Cashier of said Bank therefor, as the same may be paid to said guardian or deposited as aforesaid returning said receipt with their report to court of their proceedings under this decree.

And the court doth further adjudge order & decree that on the payment of said Bonds of Wm H Bradshaw & Daniel L Bradshaw in full, that the said C B Hayden & Thos J Clement who are hereby appointed Special commissioners for that purpose shall execute & deliver to the said Wm H Bradshaw, a good & sufficient deed in fee simple with Special warranty for the Homestead Place whereof Wm Atkinson died seized & possessed in the county of Southampton containing by estimation 333 Acres more or less adjacent to the lands of Ludlow Lawrence &c. & that on the payment by said W A Whitehead of his said bonds in full, the said C B Hayden & Thos J Clement who are hereby appointed Special commissioners for that purpose shall execute to the said W A Whitehead a good & sufficient deed in fee simple with Special warranty for the Binford Tract of Land whereof the said ~~Wm A Whitehead~~ Wm Atkinson died seized & possessed in the county

of Southampton containing by estimation 218 Acres
More or less, adjacent to the Lands of John Camp &
& others. & that on the payment in full of the
Bonds of Benjamin L Barnett, the said C B
Hayden & Thos J Clements who are hereby appoint-
ed Special Commissioners for that purpose
shall execute & deliver to the said
Benjamin L Barnett, a good sufficient
deed in fee simple with special warrant-
for the Griffin Tract of land whereof the
said Wm H Rivers died seized & possessed
in the County of Southampton containing
by estimation 170 acres More or less, ad-
jacent to the Poor House Lands & others —

Know all Men by these presents, That we, C. B. Hayden, Thos. J. Clements and W. W. Briggs are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of Twelve Hundred Dollars, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and dated this 16th day of August A.D. 1875.

The Condition of the above obligation is such that whereas by a decree of the Circuit Court of Southampton County, rendered on the 4th day of May 1875, in a suit therein pending between Clements per friend against Clements, the above bound C. B. Hayden and Thos. J. Clements were appointed Special Commissioners to sell certain real Estate therein described: Now, if the said C. B. Hayden and Thos. J. Clements shall discharge the duties of their said office, under the said decree or any future decree herein, according to law, then the above obligation to be void or else to remain in full force and virtue.

C. B. Hayden {Seal}
T. J. Clements {Seal}
W. W. Briggs {Seal}

In the Clerk's Office of the Circuit Court of Southampton County on the 16th day of August 1875.

This bond was acknowledged by C. B. Hayden T. J. Clements and W. W. Briggs, whose names are signed

Whereto, before me, in my office aforesaid and thereupon recorded.

Teste, S.R. Edwards C.C.

A Copy.

Teste, Geo. H. Parker D.C.

Edwards &c
to
Bonds
Edwards

Clements by &c.
vs
Z Decree.

Clements

This day this cause came on to be
further heard on the papers formerly
read and were argued by Counsel
And it appearing to the Court that
Martha A. Whitehead, widow of
Wm A. Whitehead dec'd has been
duly summoned to appear and
show cause why the land bought
by Wm A. Whitehead dec'd of Thos J.
Clements & C. B. Hazlerigg Comm'rs should
not be resold to pay Jno A. Hundley
the amount he has been forced to
pay as surety for said Whitehead for
the purchase of said land and
she failing to appear and show
any cause, the Court doth
adjudge order and decree that
Jno. A. Hundley be & he is hereby
appointed a Commissioner to sell
the said land. That he sell the same
after 20 days public notice of time
and place upon the following terms
to wit: one half cash the balance on
a credit of twelve months, the purchaser
to give bond with good security carrying
interest from day of sale and the
title to be retained for the deferred
payment; & if the purchaser should desire

Clements by &c.
vs Decree.
Clements
This day this cause came on to be
further heard on the papers formerly
read and was argued by Counsel
And it appearing to the Court that
Martha A. Whitehead, widow of
Wm A. Whitehead dec'd has been
duly summoned to appear and
show cause why the land bought
by Wm A. Whitehead dec'd of Thos J.
Clements & C. B. Herndon Comrs should
not be resold to pay Jno A. Saunders
the amount he has been forced to
pay as surety for said Whitehead for
the purchase of said land and
she failing to appear and show
any cause, the Court doth
adjudge order and decree that
Jno. A. Saunders be & he is hereby
appointed a Commissioner to sell
the said land. That he sell the same
after 20 days public notice of time
and place upon the following terms
to wit: one half cash the balance on
a credit of twelve months, the purchaser
to give bond with good security carrying
interest from day of sale and the
title to be retained for the deferred
payment; & if the purchaser should desire

to pay the whole amount in Cash, the Comr is authorized to receive the same. But the said Hundley will not proceed to execute this decree until he shall have entered into bond before the Clerk of this Court, in the penalty of $1500 - with security to be approved by said Clerk, conditioned to faithfully execute this and any further decree in this cause. and the said Hundley will report his proceedings to Court.

Decree by Pr.
vs
Decree
Decree by Pr.

Nov Term 1881.

To be entered.

Jas. M. Edwards

Elements
vs
Copy Decree
Elements

Executed by delivering
Martha A Whitehead a
Copy of this Decree on
the 5th day of May 1881
A. H. Cobb DY
for W A Briggs Shff

Clements &c
vs
Clements

Decree

This day this cause came on to be further heard on the papers formerly read, statement (B) from W W Briggs Shff and the petition of Jno A Hundley, filed May 6, 1880, an consideration whereof the Court doth adjudge and decree that Martha J Whitehead, widow of Wm A Whitehead decd, and the Children of said Wm A Whitehead to wit. Asia, Maggie & Julia Whitehead all infants be summoned to appear at the next term of this Court to show cause, if any they can, why the land bought by said Wm A Whitehead of C B Hayden & Thos J Clements, Commissioners in the above styled suit, should not be resold to pay Jno A Hundley the amount he has been forced to pay as surety by said Whitehead for the purchase of said land.

A Copy
Test L R Edwards Clk

Elements by Jr.
vs. 3 Decree
Elements.

May Term 1880
To be entered.

Geo. V Bloss.

Clements by &c.
to 3 decree.
Clements

This day this cause came on to be further heard on the papers formerly read, Statement (B) from W.W. Briggs Supp. and the petition of Jno Attendley filed May 6. 1880. On consideration whereof the Court doth adjudge order and decree that Martha J. Whitehead, widow of Wm A. Whitehead dec'd, and the children of said Wm A Whitehead, he summoned to appear at the next term of this Court to show cause, if any they can, why the land bought by said Wm A Whitehead of C B Boyden & Thos J Clements, Commissioners in the above styled suit, should not be sold to pay Jno Attendley the amount he has been forced to pay as surety by said Whitehead for the purchase of said land.

(former: Osie, Maggie & Lillie Whitehead - all infants)

Elements by Dr.
Ω Ξ
Elements

Elements (B)
from Asst Bigg.

May 6. 1880

Clements by &c.
vs Statement from W.W. Briggs & Aff.
Clements

In this cause, I submit the following statement. That two suits were brought in this Court by C.S. Hayden & Thos. J. Clements, Commissioners vs Wm. A. Whitehead & John A. Hundley on two bonds each for $500. each they being the bonds executed by Whitehead for the purchase of the Burford tract of land, in the proceedings mentioned. Judgment was rendered on each of said bonds and I collected the money out of John A. Hundley who was the surety and paid it over to the Commissioners. The papers show that Whitehead did pay $175 on account of the purchase.

Respectfully.

May 6. 1880.

W.W. Briggs
Aff & Solicitor

To Judge Cir. Court.

Clements by &c
vs } Petition of Jno A Hundley.
Clements

Your Petitioner respectfully submits the following. That in the sale of the lands of Wm Atkinson dec'd by C. B. Hayden & Thos J Clements Comrs The Binford tract was bought by Wm Whitehead and I became his surety on two bonds each for $500. That I have been compelled under Execution to pay these bonds. That Wm Whitehead, the purchaser, only paid $175. on acct of his purchase, and I paid the whole balance. That said Whitehead is now dead, and has left a widow & minor children. That I am desirous to have the money I have paid refunded. and there is no way of getting it except by a resale of this land, the said Whitehead having left no more estate besides the land, than would be allowed his family under the "poor law". I do therefore ask that Your Honor will have his widow & children summoned to the next term of this Court to show cause why the said land should not be resold, and out of the proceeds, the amount I have compelled to pay refunded. and the surplus, if any disposed of as the

The amt I have had to pay is $722.37. Paid July 3. 1879. as is shown by receipt & affidavit filed herewith.

Court may see proper. And as in duty bound Your Petitioner will ever pray &c.

May 6. 1880.

Jno C. Hundley
by J. R. Bruce his atty.

To Judge Circuit Court. Ex
Southampton Ex

Petition of Jno A. Hundley.

May 6. 1880

Allowed by Ex
Ex
Allowed.

Clements
for Sund
H
Clements &c —

Rough Clements
May Term 1879
To be entered —
Oct 1

Geo. W. Blow

5-5-0
1 5-5
9 5-
1 6

Clements for Sundt

vs

Clements et al.

This cause this day came on to be heard on the papers formerly read & on the report of Collen Bain Esq one of Commissioners Hayden & Clement under the decree herein of Oct Term 1875 & was argued by counsel, & consideration whereof the court doth adjudge order & decree that said report to which no exceptions were filed be confirmed & that for all other purposes this cause be continued —

To The Honorable Judge of the Circuit Court of Southampton:

The undersigned Special Commissioners under the annexed decree of said court of ——— Term 187 in the suit of Clements &c Clements respectfully report to the court that in further execution of said decree they have collected in full the last Bond of B L Barrett for the fifth tract of land in these proceedings mentioned & made herein a deed for the same. That they have made a partial collection on the first Bond of W S Whitehead of $175.00 — That not being able without suit to collect the balance due on said Whiteheads Bonds they brought suit on the same. That they present herewith Statement A of the said transactions of your Commissioners shewing the payment to Thos J Clements Eden of Ida May, Wm Richard, & Eustace Atkinson Clements of the amount so collected & the Receipts of the parties for the same. The said Report shews that on the 14th of March 1878. there was due Commissioner C B Hyden a balance of

#1377 (Philleen Collard & Lenenbeen
Cmlt-

All of which is respectfully submitted
Signed C B Hayden
March 14th 1878 — Thos. J. Clemmons

Clements for Pltff
vs
Clements et al

Report
of Collection & Payment
of
Commissioner Hayden
& Clements —

1879: May 6th Rec'd

1876		By Balance in Comrs hands per last report			123
Dec	24	" this amt from Benj L Barrett in full of Bond for Griffin tract			427 86
"	"	To this amt paid Thos J Clements Gdn of Ida Mary. Wm Richard & Eustace Atkinson Clements	421	86	
		" Drawing Deed & Notary's fee	6	00	
1877 May	7	By this amt from Wm A. Whitehead in part of 1st Bond for Binford Tract			175 00
"	"	To this amt paid Thos J Clements Gdn as above	175	00	
1878 Mar	14	" fee & Writ tax in suit on claim of Whitehead & Hundley in Circuit Court of Southampton	7	50	
		" fee in 00 on claim of 00	7	50	
			617	86	604 09
		Bal due Commrs as cash			13 77
					$ 617 86

Clements per friend &

vs

Clements -

This cause this day came on to be again heard on the papers formerly read, & on the report of Collection & payments of Commissioners T J Clements & C B Hayden under the decree herein of November Term 1875, & was argued by counsel, on consideration whereof the Court doth adjudge order & decree that said report, to which no exceptions were filed be confirmed & that for all other purposes this cause be continued -

Clements to Smith
&
Clements & Co

Ralph Clements
May Term 1876
To be entered —

Geo. T. Bloss.

Elements Sedfriend

&

Elements

2d Dem

Rough Agree
Mag. Term 1875
to be entered

Geo. Bolton,

No. 2

Clements Per Friend

v

Clements

This cause this day came on to be again heard on the papers formerly read and on the report of John Camp, Wm. Bradham & Joseph J. Harris ——

this Court by the Oct. Term 1874 of ~~these Courts~~ and was argued by counsel, on consideration whereof the Court doth adjudge order and decree, that L.B. Hayden and Thomas Clements, who are hereby appointed ~~comr~~ for that purpose proceed to sell at Public auction at Southampton Court House on some court day, after having given at least 20 days notice of the time and place of sale by advertisement at the Court House door of said County on some court day previous to day of sale, on a credit of one and two years in two equal payments with interest from the day of sale except so much for cash as will pay the costs of suit and sale, including ~~and~~ also the fee of $50.00 to L.B. Hayden for his services in this cause, the following tract of land in the proceedings of this suit mentioned whereof William Atkinson died seized and possessed in the County of Southampton to wit

over

1st The Homestead or Home Place, containing by estimation 333 acres be the same more or less adjacent to the lands of Ludow Laurence "the Poor House" and Mill Tract.

2d The Griffin Tract of about 170 acres more or less, adjacent to the lands of the Poor House and Mill Tract.

3d The Bumford Tract containing by estimation 218 acres more or less adjacent to the lands of John Lamb, John and Galathial Lewis et als. Taking for the credit portion of said sale bonds with sufficient security and waiver of the Homestead payable to themselves as Comrs in equal amounts, respectively one and two years from the day of sale with interest from that date, which bonds they shall return with their report to Court of their proceedings under this decree. But the effect of this decree shall be suspended as to said sale until the said Comrs shall execute in the clerks office of this Court a bond with sufficient security, one payable to the commissioner with of a of $1200 conditioned for the faithful performance of this or any future decree herein.

To the Hon Geo Blow Judge of the Circuit Court of Law and Chancery for the County of Southampton in Chancery sitting.

The undersigned three of the Commissioners for Partition under the annexed decree of said Court of October Term 1874. in the suit of Clements &c Friends &c Clements respectfully report to the Court, that the Partition directed in said decree can not be conveniently made, and that the interest of the Parties will be most promoted by the sale of all of the land except the Mill Tract, which your Comrs have allotted to all three of the children of Thomas and Nancy Clements, to wit: Jane Mary Clements, William Richard Clements, and Eunice Atkinson Clements jointly. Your Comrs have made the allotment of said Mill to said children because the Mill is now under good repair and in the opinion of your Comrs produces a revenue more than equal to the interest on the net amount for which it would sell.

Your Comrs think the Partition of the other lands would be inconvenient and the sale of it beneficial because these farms if divided up will diminish in value by such division, and if sold out under the

present system of farming would rapidly depreciate in value and as the children are young before they become of age these lands would be comparatively worthless.
all of which is respectfully submitted

Signed

John Camp
Wm. H. Bradham
Joseph J. Harris

Commissioners Bonds

do

Accounts

Report of Commrs for Pardons

Elements

v. Copy decree

Elements

Southampton Circuit Court, October Term 1874.

Ida Mary Clements & William Richard Clements, Infants children of Thomas J. Clements and Nancy his wife suing by said Thomas J. Clements their next friend. Plffs:
against
Eustace Atkinson Clements an Infant by L. R. Edwards his Guardian ad litem. Dfts

In Chancery

This Cause this day came on to be heard upon the Bill, the answer of the Infant Defendant Eustace Atkinson Clements, by L. R. Edwards his guardian ad litem, general replications thereto, and Exhibits filed and was argued by Counsel; on Consideration whereof the Court doth adjudge, Order and decree, that John Camp, Salathiel Lewis, Joseph J. Harris & William H. Bradshaw, who are hereby appointed Commissioners for the purpose, any three of whom may act, do proceed to lay off and divide the real Estate of which William Atkinson died seized & possessed in the County of Southampton Consisting of four Several tracts of Land. First, the Homestead tract supposed to Contain 333 acres More or less, adjacent to the lands of Ludlow Lawrence, the "Ivor Home" Mill tract & Mill Swamp. Second, the Griffin tract of about 170 acres, More or less, adjacent to the land of the Ivor Home, the Home tract and Mill tract.
Third, the Bennett Tract Containing by estimation

218 acres, more or less, adjacent to the lands of John and Zabakiel Lewis, John Camp and als.

Fourth: The Mill and land adjacent attached to and part of said Mill property, Containing by estimation 493 acres, more or less, adjacent to the Lands of Pettaway Johnson, Cherry Johnson, William Harris, the "Poor House" and Bimford Track, into three equal parts having regard to quantity, quality and apiqe one of these said parts to each of the Children of Thos J. Clements and Nancy his wife; to Ida Mary Clements one third part, to William Richard Clements one third part; to Gustavo Atkinson Clements one third part. But if the said Commissioners Shall be of the Opinion that Such partition Can not be Conveniently Made, they may allott the whole whole Land to any party who will accept it, and pay therefor to the other parties Such Sums of Money as their interest therein may entitle them to, & if they Shall be of Opinion that the interests of those who are entitled to the land will be promoted by the Sale of the entire Subject & allotment of part and Sale of the residue, they will so report to Court with the reasons on which their Opinion is founded and in the event of an allotment of part or the whole of said lands to any one of the parties, what Sums Shall be paid for Said allotment, by whom, and to whom, and in any event, they will report to Court their proceedings Under this decree.

A Copy Test. L R Edwards Clk

Clements for pltf
vs
Clements -

Report of Commissioner
Hayden & Clements
of
Collection & Payments -

1876. May. 5 filed

To the Circuit Court of Southampton County.

The undersigned special commissioners under the annexed decree of said Court of November Term 1875, in the suit of Clements &c. per friend &c. Clements &c. &c. respectfully report to the Court, that pursuant to said decree they collected the two Bonds of Wm A. Bradshaw for Seven Hundred Dollars each payable respectively 1 & 2 years from the 20th day of October 1875, On the 1st day of February 1876 as of the 25th 1875 On which day it was tendered, but from the absence of the Bonds was not received, amounting with interest to $1413.74 was paid over to Thos J Clements Legal Guardian of Ida May Clements, Wm Richard Clements, & Eustace A. Kerr Clements, as is shewn by the receipts of said Guardian herewith filed —

The balance of $11.73 therefore your Commissioners do not report to be in their hands, as per particulars specifically, leaving a balance of $1.23 in their hands as per

Statement A

Paid Clerks fee $3.00	Allys do for drawing Deed 5.00	10.00
Tendered and in Writ Tax		.50
Balance in Commissioners hands —		1.23
		11.73

Your Commissioners further report that on the payment by said Wm H Bradshaw of said Bonds in full, they executed & delivered to him a good & sufficient deed in fee simple with special warranty for the land purchased by him as required by said decree —

Your Commissioners further report that on the 21st day of February 1876. they ~~cancelled~~ on the Bond of Benjamin G Barnett due September 20th 1876, for Two Hundred & Seventy Five Dollars, in part payment thereof the sum of One Hundred & Fifty Five Dollars, which amount on the same date they paid in pursuance of said decree to Thos J Clements Guardian of Ida Mary Clements, Wm Richard Clements & Eustace Atkinson Clements as per receipt of said Guardian herewith filed, with the receipts of the other parties for the payment aforesaid

All of which is respectfully submitted

Signed —

T. J. Clements

C. B. Hayden

Know all men by these Presents, That we John A. Hundley & John G. Kello & W. T. Bradshaw

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

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

19th day of December A. D. 1881.

THE CONDITION of the above obligation is such that if the above bound John A. Hundley who at the November Term 1881, of the Circuit Court of Southampton County, was appointed Commissioner in a certain decree entered in a suit therein pending of Clements &c against Clements for the purposes in said decree mentioned & such other decree which might thereafter entered, then this obligation to be void.

shall faithfully discharge the duties of said 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.~~

J. A. Hundley [Seal.]

[Seal.]

John G. Kello [Seal.]

[Seal.]

W. T. Bradshaw

In Pendleton County Court Clerk's Office, December 19th 1881.
This Bond was acknowledged by the obligors thereto, & John G. Mills & W.H. Bradshaw the Securities thereto, justified in Court as to their sufficiency, according to law, & the said Bond is recorded.

Teste;

L.R. Edwards 66

A Copy Teste, J.K. Tyler D.C.

Clements

vs.

Clements

Clements Ser Friend

v

Clements

121 Decree

Rough Decree
October Term 1874
To be entered

Geo. Stone.

This decree to be entered
Nov 1

Clements Per Friend
v
Clements

This cause this day came on to be heard upon the bill the answer of the infant defendant Eustace Atkinson Clements by L. R. Edwards his guardian ad litem, general replication thereto & exhibits filed, and was argued by counsel on consideration whereof the Court doth adjudge order and decree, that John Bamp Salathiel Lewis, Joseph J Harris & William H Bradshaw (~~any three of whom may act~~) who are hereby appointed comrs for the purpose any three of whom may act, do proceed to lay off & and divide the real estate of which William Atkinson died seized and possessed in the County of Southampton, consisting of four several tracts of land:

1st The Homestead Tract, supposed to contain 333 acres more or less, adjacent to the lands of Judge Lawrence, "the Poor House" Mill Tract & Mill Swamp

2d The Griffin Tract of about 170 acres more or less adjacent to the lands of "the Poor House", the Home Tract, and Mill Tract.

3d The Bimford Tract, containing by estimation 218 acres more or less adjacent to the

lands of John and Sacathial Lewis, John Campbell als.

4th The Mill and land adjacent attached to and part of said Mill Property containing by estimation 493 acres more or less, adjacent to the lands of Pellaway Johnson Henry Johnson, William Heavins "the Poor House" & Binnford Teach; into three equal parts having regard to quantity & quality, and assign one of the said parts to each of the children of Thomas C. Clements and Nancy his wife, to Ida Mary Clements one third part, to William Richard Clements one third part, to Eustace Atkinson Clements one third part.

But if the said comrs should be of the opinion that such partition can not be conveniently made, they may allot the whole land 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, or if they should be of opinion that the interests of those who are entitled to the land will be promoted by the sale of the entire subject or allotment of part & sale of the residue they will report to court with the reasons on which their opinion is founded and in the event of an allotment of part, to any one of the parties, what sums should be paid for said allotment by whom and to whom and in any event they will report to court their proceedings under this decree.

on the whole of said lands

Clements for friend

v

Clements

Infants answer.

1874 September Rules

To the Honorable George Blow. Judge of the Circuit Court of Law and Chancery for the County of Southampton in Chancery sitting.

The answer of Eustace Atkinson infant [illegible] of Thomas Clements & Nancy le Clements, by L. R. Edwards his guardian ad litem unto the bill of complaint of Ada Mary Clements William Richard Clements suing by Thomas Clements their next friend exhibited in said Court against him. This defendant answering says that he is an infant under twenty one years of age, and submits his interest in the premises to the protection of this Honorable Court, and having answered prays hence to be dismissed with his costs in this behalf most unreasonably &c &c &c

Signed

L. R. Edwards Gdn ad litt

Clements
vs Semmes
Clements

1874 September Rules

Not Executed
W. W. Driggs Clk

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon Ephesus Atkinson Clements, infant child of Thomas J. Clements and Nancy his wife—

if he be found within your bailiwick, 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 September next to answer a certain bill in Chancery exhibited against him in our said Court by Ida Mary Clements, and William Richard Clements, infant children of Thomas J. Clements and Nancy his wife suing by said Thomas J. Clements as their next friend—

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 20th day of August A. D. 1874, in the 99th year of the Commonwealth.

L R Edwards C C

Sun Job print, Suffolk, Va.

PRACTICING IN
Isle of Wight, Nansemond,
Surry and Southampton Counties;
United States
Circuit and District Courts for the
District of Virginia.

C. B. HAYDEN,
Attorney at Law,
Smithfield, Isle of Wight County, Va.

Aug 17 1874

The Clerk of the Circuit Court of Southampton will please find enclosed, Summons in Chancery suit with Bill and Exhibits answer in case. Please have yourself appointed guardian ad litem to infant, at September Rules & return this answer.

Yrs Respy
Hayden & Boykin

PRACTICING IN
Isle of Wight, Nansemond,
Surry and Southampton Counties;
United States
Circuit and District Courts for the
District of Virginia.

C. B. HAYDEN,
Attorney at Law,
Smithfield, Isle of Wight County, Va.

Oct 28th 1874

John R. Tibby Esq
Dr Sir
I send you herewith the Court papers in Clements Ex parte Clement, a decree appointing Comrs— the report to be signed by said Comrs. recommending a sale, a decree confirming said report & ordering sale & Part confirmation of the allotments by the Comrs. Such decrees I wish entered at this term & will be glad if you will attend to it. Mr J. Clements will have Comrs on the ground who have already examined the premises & are prepared to report.

The clerk of the Circuit Court of Southampton
will summons to September Rules. Executors
Atkinson Clements, infant child of Thomas J
Clements and Nancy his wife, to answer the
Bill in Chancery of Ida Mary Clements, and
Williams Richard Clements, infant children
of Thomas J Clements and Nancy his wife
suing by said Thomas J Clements as their next
friend.

Thayer & Boykin P.Q.

Elements by [illegible]

19. [illegible] Stat. Rules [illegible]

Elements

In Southampton Circuit Court

Ida Mary Clements & William Richard Clements infant children of Thomas J. Clements and Nancy his wife suing by said Thomas J. Clements as their next friend

against

Eustace Atkinson Clements an infant by L.R. Edwards his guardian ad litem

1874	
Aug 20	Summons in Chancery issued.
Sept 8	" returned. Bill filed L.R. Edwards assigned Guardian ad litem to Defts. Anss of Defts. Com. Rep. thereto.
Oct "	Cause set for hearing &c
" 5	Decree for division
1875	
May	Report & decree for sale
Nov	Order to withdraw bonds &c
1876 May	Report & decree
1879 Mar.	Report & Cont.
1880 May	Petition of John A Wimbley filed – Decree to Martha J Whitehead &c to be Summoned &c
1881 Nov	Decree &c

Rec'd February 3rd. 1879 of J. A & R. F Stanley Nine Hundred & Twenty Two & 37/100 dollars on Execution against Wm A Whitehead & John A Stanley in favor of Thos J Clements & C B Strayhorn

W W Briggs Shff

☞ BOOK, JOB AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH. ☜

Suffolk, Va., Oct 11th 1875

Messrs T. J. Clements & C. B. Hayden Commissioners

To W. B. WELLONS, Dr.

TERMS CASH ON DELIVERY.

KILBY STREET.

1875			
Oct	11th	25 8th sheet Bills Wm Atkinson land	$ 1.25
	19th	75 Recd Payment	
		Paid & CBN'th	W B Wellons
		T J Clements	W Davis

Ben / 7 Cans

Solomons 9 Cans

C B Hayden Trustee

2-

Received of Thos J Clements & C B Hyden
Commissioners in Atkins Lab v Atkins
One Hundred & Seventy Four
Dollars as Guardian of Ida Mary
Clements - Wm Richard Clements &
Eunice A Clements -
Aug 7 - 1877

Thos J Clements Ex Jur
Ida Children

421. 81.

Dec 24" 1881 — Received of W B Hayden &
Thos J Clements Commissioners in Clements
vs Clements Four Hundred & Twenty
One Dollars, & Eighty Six Cents, being the
Sum of One Hundred & Fifty Dollars
& Sixty Two Cents for each of My wards
Ida Mary Clements, Wm Richard Clements
& Eustace Atkinson Clements —

Thos J Clements

Guardian of The Above
Named Children

Feby 7th 1876 - Received of Thomas J Clements & C B Hayden Commissioners in Clements for Spinds vs Clements under the decree of the Circuit Court of Southampton Fourteen Hundred & Fifteen Dollars & Sixteen cents as Guardian of Ida Mary Clements, William Richard Clements & Eustace Allenson Clements, to be equally divided between said wards -

Thos J Clements

Feby 21st - 1876 - Received of Thos J Clements & C B Hayden Commissioners in Clement per friend & Clement One Hundred & Fifty Five Dollars, as Guardian of Ida Mary Clements; Wm Richard Clements & Eustace Atkinson Clements; to be equally divided between said Wards -

Thos. J. Clements.
Guardian

Messrs Hayden & Boykin

1874			To Clk. Southampton County	Dr.
	To Tax on Suit Adams for Ff	v	Johnson's	1.00
	" " " " Clements'	v	Clements (Clay)	1.50
				$ 2.50

Paid

L R Edwards

Jany 12 89.

Dear Mr. H.

I send you herewith the papers, I think you desire, (Clement v Clement.)

I J Clements qualified as Curator of Ebn Allanson, returned ~~and~~ an Inv. & appr. in 1878. amounting to $1850.60 no a/c sales, has also returned two a/cs as Curator of Allanson, the last of which he finds a balance due the Est. of $92.18 as of Jany 1. 1877.

Hope this will give you the desired information Yours

Very Truly Yr.

Jas K. McLemore

H. E. Parker Esq
Francisville La.