1902 - 06 Southampton County Chancery Gilliam, Ada F et al vs Clements, E. P.

Partition if practible,
if not sell, and proceeds
divided.

Gilliam Jas. Jr
Clements, Mason R.
Clements, Monroe

Gilliam Sorter

by [redacted] Bliss &

E. P. Clements

1901. 2" Mech Rotis Feed

L. A. Gay & Co.

Wm Shands &

J B Prunty

To the Honorable Robt R. Prentis, Judge of the Circuit Court of Southampton Co.

In Chancery.

Complainants Sheweth unto your Honor your Complainants, Ada F. Gilliam, formerly Clements & Jos W. Gilliam her husband, Moses R. Clements and Monroe Clements as follows. That in the year 1868 W.G.T. Clements, the father of Complainants, & the husband of Ada F. Gilliam conveyed to Martha V. Jiggard two tracts of land in Southampton County, in Drewryville Magisterial District, one known as the Worlington Clements tract containing about 500 acres, and one containing about 465 acres for the support of his four children Ada F. Edgar P. Geo W. & Josephine Clements - and if either of said children shoud die during the lifetime of the said W.G.T. Clements, then their interests in said lands were to be held for the survivors, and at the death of said W.G.T. Clements, these lands were to be divided between said children or the survivors, as will more fully appear from a copy of said deed, hereunto filed as Exhibit "A", and taken as a part of this bill. The said W.G.T. Clements is now dead, and Josephine Clements is dead, unmarried & childless. Geo W Clements one of said four children on Feb 3. 1883 conveyed

or will more fully appear from a copy of said deed hereunto filed & marked Exhibit "A" and that by said deed, the said Jiggard might acquire the W.G.T. Clements interest

his interest in said land to his brother Edgar P. Clements - as will appear from a copy of said deed filed as Exhibit B - as a part of this bill. In 1881 Ada F. Gilliam and Jos W. Gilliam her husband made a deed conveying their interests in said land to Richd P. Minor R. & Monroe Clements, 3 minor children of W. H. T. Clements, as will appear from a copy of said deed filed herewith as Exhibit C - as a part of this bill - Richd P. Clements is dead, intestate & childless - Geo W. Clements is also dead intestate & childless - so that only Minor R. Clements, Monroe Clements and Edgar P. Clements are entitled to the land. The widow of W. H. T. Clements is also dead. Your complainants believe & hope that said land are susceptible of partition in some of the modes prescribed by law, but if not they want it sold and the proceeds divided - A Controversy has arisen as to what are the interests of the several parties and they cannot agree about the same - In consideration of the premises and as much as your Complainants are without remedy in the premises except in a Court of Equity, where such matters are properly cognizable, your Complainants pray that E. P. Clements

may be made a party defendant to this bill & compelled to answer the same - but answer under oath is waived. That an account may be taken showing what are the interests of the parties in the two tracts of land; whether the same are susceptible of partition in any of the modes prescribed by law - whether there are any delinquent taxes due & how much - and if not susceptible of partition that the same may be sold & the proceeds divided, that your Honor will grant all such other, further general & special relief, as to Equity may seem meet & the nature of the case may require - and as in duty bound, your Complainants will ever pray &c. May it please the Court &c.

Wm Chandler &
I B Bowen Jrs
Sol

[illegible]
[illegible]lliam et
3 Reports
Vs 3 Cases
[illegible]lements &c.

1901 19th June Book
Satisfied

Virginia, In the Circuit Court of Southampton County. April Term 1901.

Gilliam et als.

v. } Decree

Clements, E. P.,

This day this cause came on to be heard on the Bill of the complainants, taken for confessed as to the defendant E. P. Clements, with the exhibits filed and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to make the following enquiries, to wit:-

1st:- Whether the real estate in the proceeding mentioned can be conveniently divided in kind among the parties thereto entitled,

2nd:- If the same can not be so divided whether any party will take the entire subject matter and pay to the other parties such sums of money as they may be entitled to receive,

3rd:- If the same can not be divided in kind, and if no party will take the entire subject matter, and pay to the other parties such sums of money as they would be entitled to receive, whether the interest of all parties will be promoted by a sale of the entire subject matter, or by allotment of part and sale of the residue,

4th:- Whether there are any delinquent taxes

dree an said land, and if so, how much.

5th:- Who are the parties really intitled to the said Land, and what interest each one has, and whether there are any liens on the same or on either share, with the priorities of such liens, and the annual and fee simple value of said land, together with any other matters specially stated, deemed pertinent by the Commissioner or any interested party.

The said Commissioner will make report to Court.

A Copy.

Teste: L. A. Gay C.C.

Filed April 2nd. 1901
Entered this
Robert R. Prentiss

Entered page 353

William et als
vs
Heirs of Dacus
Claimants E.P.

The witness W.W.Williams being duly sworn deposes as follows:

Q. State your agre residence,occupation and do you know the parties to this suit.

A. 40 years,Southampton County,Farmer,and know the parties.

Q. Do you think the land in the bill mentioned can be conveniently divided in kind among the parties entitled.

A. I do not.

Q. Would it be to the interest of the parties to sell it and divide the proceeds?

A. I should think so.

Q. What is the fee simple and the annual values of it.

A. $1500 and $50

And further this deponent saith not.

W. W. Williams

The witness E.W.Crichton [redacted] being duly sowrn deposes as follows:

Q. Have you heard the deposition of W.W.Williams and do you concur therein.

A. Yes sir.

And further this deponent saith not.

E. W. Crichton

The witness J.E.Joyner being duly sworn deposes as follows:

Q. Have you heard the deposition of W.W.Williams above and if so do you concur therein?

A. Yes sir.

And further this deponent saith not.

J. E. Joyner

The witness B.W.Everett being duly sworn deposes as follows:

Q. Have you heard the testimony of W.W.Willims and do you concur

A. I have and agree except I think the land worth $1000. I base my estimate on the claim that there aseoonle 321 1/2 acres.

And further this deponent saith not.

B. W. Everett

Gilliam et als;

vs. Attchs

Clements E.P.

1901 May 20

Executed

J.P. Williams

Sh'ff

(1)

OFFICE OF JOHN N. SEBRELL, JR.,

Commissioner in Chancery for the Circuit Court of Southampton County, Virginia.

COURTLAND, VA., May 17th 1901

To Ada F.Gilliam,Joseph H.Gilliam,Moses R.Clements,Monroe Clements and E.P.Clements.

You are hereby notified that I have fixed upon the 30th day of May 1901 if fair, if not the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

1st,- Whether the realestate in the proceedings mentioned can be conveneintly divided in kind among the parties thereto entitled.

2ndly,- If the same cannot be conveniently divided whether any party will take the entire subject matter and pay to the other parties such sums of money as they may be entitled to receive.

3rdly,- If the same cannot be divided in kind and if no party will take the entire subject matter and pay the other parties such sums of money as they would be entitled to receive,whether the interest of all the parties will be promoted by a sale of the entire subject matter or by allotment of part and sale of the residue.

4thly,- Whether there are any delinquent taxes due on said land and ifso how much

5thly,- Who are the parties really entitled to said land,and what interest each one has,and whether there are any liens on same,or on either share,with the priorities of such liens,and the annual and fee simple values of said land,together with any other matter,specially stated,deemed pertinent by the commissioner or any interested party.

required to be taken by a decree of Southampton Circuit Court, rendered on the 2nd day of April 1901, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of said Court the day and year first aforesaid.

John N. Sebrell Jr. Commissioner.

To the Sheriff of Southampton County to execute.

Courtland Va
May 30, 1901

Gilliam et als.
VS.
Clements E.P.

To Hon.Robert R.Prentis,Judge of the Circuit Court of Southampton County,Virginia.

The undersigned,your commissioner,to whom was refsrred the enquiries directed to be taken by decree entered on the 2nd day of April 1901 in the abovestyled cause,would most respectfully report that pursuant to said decree on the 17th day of May 1901 he issued his notices to the parties to said suit that he would make the said enquiries directed to be made by said decree,on the 30th day of May 1901 at his office in Courtland,which said notice was duly served on the parties and is returned herewith as a part hereof.

Your commissioner would report upon the several enquiries as follows:

1st,- The real estate in the proceedings mentioned cannot be conveniently divided in kind among the parties entitled thereto.

2nd,-No party offers to take the entire property and pay the others such sums as their interest may entitle them to.

3rd,- The interest of all the parties will be promoted by a sale of the entire property and division of the proceeds among the parties entitled.

4th,- There are no delinquent taxes due on said land.

5th,- The parties really entitled to the said land and their respective interests are as follows:

E.P.Clements with forty-three ninetieths (43/90)

Moses Clements forty-seven one hundred and eightieths (47/180)

Monroe Clements forty seven one hundred and eightieths(47/180)

There are no liens on the shares of any of the parties except that of Monroe Clements,which liens together with their dignities and priorities will appear from schedule "A" attached to and made a part of this report.

The fee simple value is $1500. Annual value,$50.00

The evidence of witnesses is herewith returned as a part and parcel of this report.

Respectfully submitted,

Robt. Strieby Jr.

Commissioner in Chancery.

Witnesses fees:

F.P.Grizzard	.50		
Mileage	.32	.82	
W.W.Williams	.50		
Mileage	.24	.74	
E.W.Crichton	.50		
J.E.Joyner	.50		
Mileage	.16	.66	
B.W.Everett	.50		
Mileage	.24	.74	
		4.36	
		2.96	

Com'r Fee $10.00

Ch'd to pltff.

S C H E D U L E " A "

An account of the liens upon the share of Monroe Clements in the tract of land in the bill and proceedings in the suit of Gilliam et als vs. E.P.Clements.

A judgment in favor of Thos.E.Dunn.

Principal		$3.00
Int.from Aug,13,1900		.14
Costs		3.10
		$6.24

Recovered Aug.13th 1900. Docketed Sept.17,1900.

2.

Judgment in favor of J.F.Joyner.

Principal	$7.57	
Int.from Dec.24th 1900	.17	
Costs	1.00	$8.74

Recovered Dec.24th 1900.Docketed March 11,1901.

3.

Judgment in favor of T.P.Wynne.

Principal	7.43	
Interest.from.Sept.1,1899	.76	
Cost	1.00	$9.19

Recovered Dec.22,1900. Docketed April 10th 1901.

3

Judgment in favor of Moses R.Clements

Principal	$75.00	
Interest from Jan.21.1901	1.60	
Costs	8.65	$84.25

Recovered April term Circuit Court 1901.

Docketed April 12,1901

Total amount liens..... $108.42

Respectfully submitted.

Jno. A. Gilliam Jr.

Commissioner in Chancery.

Comm Fee. $10.00 Ch'd to pl'ff's atty Jno A Gilliam Jr Comm'r

See other page

The deposition of F.P.Grizzard and other taken before John N.Sebrell Jr.,a commissioner in chancery for the Circuit Court of Southampton County,Virginia,at his office in Courtland,Va., on the 30th day of May 1901 after due notice to parties in interest,to be read as a basis of report required to be made by decree entered on the 2nd day of May 1901 in the chancery suit of Gilliam et als. Vs. Clements pending in the said Court.

Present:

Wm Shands Attorney for plaintiff

Judge J.B.Prince for defendant.

The witness F.P.Grizzard being duly sworn deposes as follows:

Q. State your age,residence,occupation and do you know the parties to this suit.

A. 50,Southampton County,Farmer,and know the parties.

Q. State whether you know the real estate in question and if you think the same can be conveniently divided in kind among the parties entitled thereto,and if reasons why?

A I know the land,it adjoins my land. I do not think it could. If it were cut up in seven or eight pieces I do not think it would be worth any thing to any body.

Q.If there were only three shares could it be divided conveniently and advantageously among said parties or would it be better and more advantageous that one of the heirs be allowed to take it,at a fair valuation and pay the other heirs what they are entitled to,and in case no heir is willing to take it then tha it be sold and the proceeds divided among the parties according to their rights or interest?

A. If I had a share in it I would rather have the whole thing sold and take my part in money. If it were cut up into shares I do not think it would be worth anything.There would not be e enough in each piece for a man to make a living upon.

Q. How many houses on it.

A. Only one on the place.

Q. Is not a great part of this land wood land?

A. The timber was cut off eight years ago. I think there is half million on it now.

Q. What would say is a fair valuation of this property?

A. $1500.

Q. What is the annual value.

A. I do not think it would rent for over $75.

Q. You know whether any of the parties entitled to an interest in the same are willling to take this property and pay to th other parties interested such sums as they would be entitled to receive for their interest?

A. I do not.

Q. Do you know what are the real interest of the parties in this land.

A. No sir.

By the Commissioner.

Q. Please state whether Ada F.Clements,Edgar P.Clements,George W.Clements and Josephine were living at the death of W.G.T. Clements and if any of them were dead which ones?

A. Ada F.Clements and Edgar Clements were the only ones living.

Q. Did George W.Clements or Josephine Clements ever marry or have any issue.

A. No sir. Josephine died when seven years old.

Q. At the death of W.G.T.Clements were Richard P.Clements,Moses R.Clements and Monroe Clements living. If either was dead at that time did he die leaving lawful issue?

A. Moses and Monroe were living. Richard was dead and left no issue.

And further this deponent saith not.

G. P Grizzard

Gilbain et al

vs 3 Statement pro E.A. Clements.

Clements et al

In this cause E.A. Clements by his attor. says that he is willing to take the whole subject matter and pray therefor the sum of $15.00 and he asks the Court to allow the same to be done.

July 16-1907 Respectfully.

E.A. Clements

by J.B. Prunckun

his attor.

Gilliam et als

vs 3 Special Statement from Com'r McSherry

Clements et als

In this cause Your Commissioner asked
leave by way of amendment to his
original report filed June 19. 1907. that
Eph Clements one of the parties to this
suit, has submitted a proposition in
writing, filed herewith, offering to
take the whole subject matter and
pay therefor the sum of $1500. which
Your Commissioner recommends to be
done.

Respectfully Submitted,

July 16 1907

Com'r in Chancery

To the Judge of the Circuit
Court of Southampton Co.

Gilliam et als
vs Z Amended Report
Clements et als

1901. 16. Jury Field
L. A. Gay C.C.

We consent to this report and waive all notice.

I. B. Painter
atty for Pltf Clement
& H. Gilliam surf.

Wm Shand atty
for Moses W Clement
& Monroe Clement

Gilliam et als—

v. } Release of dower
by Mrs. W. G. J. Clements

Clements—

1901. 30th Aug. Filed

L. A. Gary C.C.

This is to certify that I claim no
interest in the lands conveyed
by my husband, the late W. G. T.
Clements, to Martha V. Gizzard.
I having consented to said Sale.
by signing a proper paper up
my contingent right of dower.
which proper has been last-
and I further agree that the
purchaser of said lands shall
take them free from any claim
I may have - Witness my hand and
Seal Aug 26th 1901.

Mary A Clements (Seal) -

Virginia

County of Southampton } to wit

I B. W. Everett a Justice of the Peace in and for
the County of Southampton and State of Va. do hereby Certify
that Mrs Mary A. Clements whose Name is Signed
to the above writing bearing Date on the 26th day of
August A.D. 1901 has Acknowledged the Same
before me in My County aforesaid

Given under My hand this the 26th day
of August 1901

B. W. Everett J. P.

This Deed, made this 28th of March, in the year one Thousand Eight Hundred and Sixty Eight, between Wm. H. T. Clements of the first part and Martha V. Grizzard of the second part, Witnesseth that for and in Consideration of the sum of Eight Hundred and forty three Dollars, the said Wm. H. T. Clements, doth or do grant unto the said Martha V. Grizzard a certain piece or parcel of land lying and being in the County of Southampton containing Four Hundred and sixty five Acres, be the same more or less, and bounded by the lands of F. Dunn, Jas. E. Peters and others, also my entire interest in a certain piece or parcel of land formerly owned by Washington Clements, lying in the County of Southampton, containing Five Hundred acres, be the same more or less, and bounded by the lands of Jas. E. Peters, Joseph P. Hailes and others.

Witness the following signature and seal.

Wm. H. T. Clements (Seal)

County of Southampton to-wit:

I, Robert Rowland, a Justice of the peace for the County aforesaid in the State of Virginia, do certify that Wm. H. T. Clements whose name is signed to the writing above

bearing date on the 28th day of March 1868. has acknowledged the same before me in my County aforesaid.
Given under my hand this 28th day of March, 1868.

Robert Rowland. J.P.

Southampton County; In the Clerk's Office, May the 4th. 1868.
This Deed of bargain & sale from Wm H. J. Edwards to Martha V. Grizzard, was this day received and together with the certificate thereto annexed of the acknowledgment of the said Martha V. Grizzard, before a Justice of the Peace, admitted to record. Stamps of the Internal revenue of the United States to the amount of One Dollar being affixed thereto, and duly cancelled.

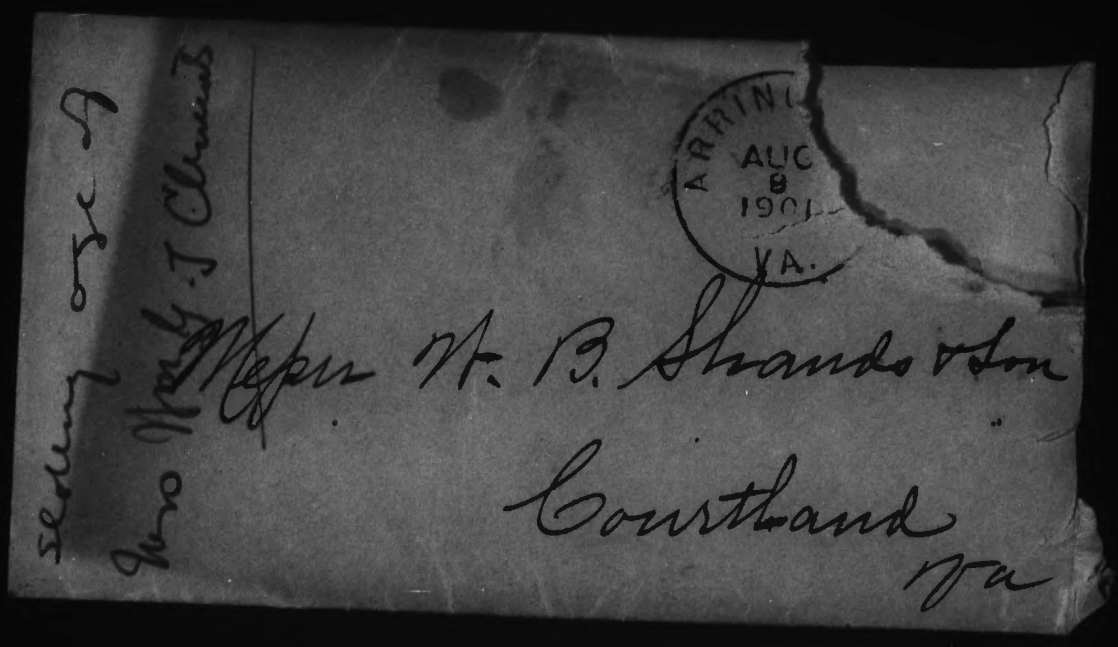
Teste: L. R. Edwards, C.C.

A Copy,

Teste: L. R. Gay D.C.

Ex. "A."

Division of Deeds
Copy Deed from Wm H. J. Edwards to Martha V. Grizzard



arringdale. va..
Aug. 9. 1901.

Mr Shands.

my mothers.
age [redacted] 63 years old.
the 5 of last may.
your truely

W. W. Clements

Name
Mary A. Clements

Stevens et als

vs. } State of Conn

Clements et als.

Gleeson et als.

vs. } Statement of Costs

Lamunts et als

Summ. 25, 1 Cop. 13. Receipt 15. Affy. 10. Docs. 15.= 84

Rules 1.00. Entering Return 35. Fee, bill 15= 1.50

Dft. Exhibits 20. Copy Exhibits 2.75. = 2.95

Fee, answer 15. Dft. Release of Dower 15= 30

Replication 15. Fee, Comm. in chy's report 25= 40

3 drafts + 2 Copies 1.80. Taking Comm's bond 1.40= 3.20

Filing papers 25 - Tax Costs 40 65

Further Costs about 2.00 = 2.00

9/20/1901 Paid L. A. Hay $11.84

90

16.50

$29.24

Test: L. A. Hay D.C.

P.O. L.A.H.

Clerk's Fee in suit of Lamunts et als vs Lamunts Et. 5.15

$34.39

Sent J. J. Harris
Report of Commissioners
report to Main Channels
Send also copy of Report
of Comm's (...)
dated about 3/20
4 years

Copy of Court
order appointing 3
men to estimate the
acres of the Clements
Tract and also Copy
of the 3 men report-
back to Court.

John J Hamm

Gilliam et als.

vs { Copy Bond from
Mrs: M. Solomons
to E.P. Solomons

Solomons

Ex. "B."

Know all men by these presents that I. Geo. W. Clements, of the County of Southampton and State of Virginia, for and in consideration of Fifty Dollars to me in hand paid by Edgar P. Clements at and before the delivery of these presents the receipt whereof is hereby acknowledged do by these presents grant bargain sell and convey unto the said Edgar P. Clements, his heirs and assigns all of my interest or one third part of the tract of land conveyed to Edgar P. Ader. J. and Geo. W. Clements by Martha V. Grizzard lying in the County of Southampton, supposed to contain Four hundred, and Sixty five acres, more or less, and bounded by the land of F Dunn and Jas. E. Peters and also, one of my interest in the tract of land formerly owned by Washington Clements and conveyed by deed of gift by Martha V. Grizzard to Edgar P. Ader J. and Geo W. Clements my intention being to sell and convey unto the said Edgar P. Clements all of my right & interest conveyed unto me by the said Martha V. Grizzard in a deed of Gift made by her and duly recorded in the Clerks office in Year 1868, together with all and singular the privileges and appurtenances

to the land anywise appertaining and belonging.

To have and to hold the above granted premises to him the said Edgar P. Clements his heirs & assigns forever and I the said Geo: W. Clements do covenant with the said Edgar P. Clements that to have and a perfect right to sell & convey all the above named right in the land above mentioned to the said Edgar P. Clements his heirs & assigns as aforesaid and that I will my heirs Executors and administrators shall warrant and defend the same to the said Edgar P. Clements his heirs and assigns forever against the lawful Claims and demands of all persons. In testimony whereof I the said Geo: W. Clements have hereunto set my hand and seal this 3rd day of Feby. 1883.

George W. Clements (Seal)

Southampton County, To-Wit:

I. Person S. Thomas, a justice of the peace in and for County aforesaid in the State of Virginia do certify that George W. Clements whose name is signed to the writing above bearing date on the 3rd day of Feby. 1883, has acknowledged

the same before me in my County aforesaid. Given under my hand this 12th day of February, 1883.

P. S. Thomas J.P.

Southampton County, In the Clerks Office on the 21st day of Jany, 1884. This deed of bargain & sale from Wm. Clements to Edgar P. Clements was this day received and together with the Certificate thereto annexed admitted to record

Teste: J. B. Prince C.C.

A Copy.

Teste: T. A. Gay D.C.

William Et als.

Vs. } Copy D of G from
} Martha V. Grigg and
to Wm S. T. Clements from C
Clements

Exh. "D"

See D B No 30 Pg 378.

This Deed made this 18th day of April 1868.
between Martha V. Griggard the grantor of the first
part one part and Wm G. T. Clements trustee of the
other. Witnesseth that for and in consideration of
the natural affection which Martha V. Griggard
has to her nephews and nieces Ada F. Clements,
Edgar P. Clements, George W. Clements, and
Josephine Clements. She doth grant unto
Wm G. T. Clements. Trustee as aforesaid the follow-
ing tracts of land to wit. a certain piece or tract
of land lying in Southampton County containing
four hundred and sixty five acres more or
less, and bounded by the lands of F. Dunn, James
E. Peters, and others, also all the said Martha
V. Griggard's interest in a certain tract of land
formerly owned by Washington Clements lying
in the County of Southampton, Containing by
estimation Five hundred acres and bounded
by the lands of James E. Peters, Josepha P. Hails
and others, upon trust, that the said Wm G. T.-
Clements shall hold the above said tracts of
land, during his the said W. G. T. Clements life time
for the support and maintainance of Ada F. Clements,
Edgar P. Clements, George W. Clements and Josephine
Clements. and should either of the said parties
die during the lifetime of the said W. G. T. Clements
then his or her share to be applied to the support
of his or her children, if no children then to

the support of the Survivors, and at the death of Wm G. T. Clements Trustee, as aforesaid, then, the said tract of land to be divided equally between Ada F. Clements. Edgar P. Clements, George W. Clements and Josephine Bent shared victim of the parties die during the said W. G. T. Clements lifetime without children, then his or her share to be equally divided among the Survivors, it being the intention of the grantor Martha V. Grizzard that the said lands shall be equally divided at the said Trustee's death, among Ada F. Clements. Edgar P. Clements, George W. Clements and Josephine Clements or the Survivors of them and the issue of such as may be dead, the children of any who may have died taking his or her parents share, and the said Martha V. Grizzard doth hereby Warrant and defend unto the said Wm G. T. Clements such title as has been conveyed to her from Wm G. T. Clements by Deed dated the 28th day of March 1868.

Witness the following Signatures and seals

Martha V. Grizzard (Seal)

Wm G. T. Clements (Seal)

County of Southampton, to-wit:
State of Virginia

I. Robt. Rowland, a Justice of the peace for the County aforesaid and State of Virginia, do certify that Martha V. Grizzard whose name is signed to the writing above bearing date on the 18th day

of April. 1868.

Robt. Rowlands, J.P.

Southampton County: In the Clerk's office,
May the 4th 1868.
This Deed of Gift from Martha V. Grizzard to
Wm G. T. Clements, (Trustee,) for the benefit of Ada F.
Edgar P, George W. and Josephine Clements,
was this day received and together with the
certificate thereto annexed of the acknowledgment
of the said Martha V. Grizzard before a Justice
of the Peace, admitted to record

Teste: L. R. Edwards, Cl. Cy.

A Copy.

Teste: L. A. Gay D.C.

Gilliam et als.

vs. } Copy of D of T. from
Gilliam wife to
Edmonds. Trustee
Edmonds

Exp. "C"

This Deed this 5th day of July 1881. between Joseph H. Gilliam and Ada T. Gilliam, his wife (former Ada T Clements) on the first part and W. G. T. Clements trustee on the second part Witnesseth, That in consideration of the natural affection which Ada T. Gilliam, bears to her brothers Richard T. Clements, Moses R. Clements and Monroe Clements. the said Joseph H. Gilliam and Ada his wife doth grant and give to to the said W. G. T. Clements Trustee the interest of the said Ada T. Gilliam in the following tracts of land lying in the County of Southampton and bounded as follows: a certain tract of land containing four hundred and sixty five acres more or less and and bounded by the lands of F. Dunn, James E. P. Peters and others also a tract formerly owned by Washington Clements containing by estimation five hundred acres and bounded by the lands of Jas. E. Peters, Jeptha P. Hailes and others upon trust that the said W. G. T. Clements shall hold the lands conveyed above during his lifetime for the support and maintainance of the said Richard T. Clements, Moses R. Clements and Monroe Clements and should either of the above named parties die during the lifetime of the said W. G. T. Clements. then his or her share to be applied to the support

of his or her children and if no children then to the surviving beneficiaries of this trust and at the death of W. G. T. Clements the interest hereby conveyed is to be divided equally between the said Richard P. Clements, Moses R. Clements and Monroe Clements, It being the intention of the grantors Joseph H. Gilliam and Ada T. his wife that the said interest here conveyed shall be equally divided between the above named Richard P. Clements, Moses R. Clements and Monroe Clements at the said Trustees death or the survivors of them if any be dead. should the bear no children but if they leave children such children to take the parents share and said Joseph H. Gilliam and Ada T. Gilliam doth hereby warrant and defend unto the said W. G. T. Clements Trustee such title as was conveyed to Ada T. Gilliam (the Clements) by a deed of gift from Martha V. Grizzard to W. G. T. Clements for her benefit.

Witness the following signatures & seals.

Joseph H. Gilliam (Seal)

Ada T. Gilliam

State of Virginia
County of Sussex to wit:

We James A Grizzard and Samuel J Drewry Justices of the peace for the County of Sussex in the State of Virginia do certify that

Ada T. Gilliam wife of Jos. H. Gilliam whose names are signed to the writing above bearing date on the 5th. day July 1881, personally appeared before us in the County aforesaid and being examined by us privily and apart from her husband and having the writing aforesaid fully explained to her she the said Ada T. Gilliam acknowledged the said writing to be her act and deed and that she had willingly executed the same and does not wish to retract it. Given under our hands and seals this 4th day of August 1881

Samuel J. Drewry J.P.
J. A. Griggard J.P.

In Southampton County Court Clerks Office August 21-1882, This Deed of Gift from J.H. Gilliam wife to Richard P. Edwards & Moses R. Edwards & others was this day rec'd, & together with the certificate thereto annexed admitted to record.

Teste: L. R. Edwards Cl. Cl.

A Copy.

Teste: L. R. Gay D.C.

Ada F. Gilliam, Joseph H. Gilliam } Pltffs.
Moses R. Clements & Monroe Clements }
vs.
E. P. Clements Defendant } In chy.

1901. 12th March. Process issued to 2nd Mch. Rules.

1901. 2nd March Rules. Process returned executed
Bill and Exhibits filed.
Decree Nisi vs Defendant

1901. 1st Apr. Rules. Bill taken for confessed
and Cause set for hearing

COMMISSIONER'S BOND.

Gillam et als.

vs

Belmont et als.

to

Commonwealth.

Know All Men by These Presents, That we, William Shands

& J B Prince

are held and firmly bound unto the Commonwealth of Virginia in the sum of ($2000.00) Two Thousand ~~~~~ 00/100 Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, hereby waiving the benefit of our Homestead Exemptions as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of said office, post or trust, with coupons detached from bonds of this State.

Sealed with our seals, and dated this 14th day of September one thousand ~~eight hundred and ninety~~ Nine hundred and one

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound William Shands

shall faithfully perform the duties of his office or trust, as Special Commissioner

under a decree of the Circuit Court of the County of Southampton

pronounced on the 14th day of September, 1901, ~~189~~, in the suit therein depending under the name and style of Gilliam et als. Vs. Clements et als. or any future decree that may be entered herein

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of

William Shands SEAL

J B Prince SEAL

SEAL

In the Clerk's Office of the ~~Circuit~~ Court of the County of Southampton.

This day J B Prince

surety on the above bond, made oath before me, L A Hay Clerk of the ~~Circuit~~ Court of the county of Southampton, and State of Virginia, that his estate, after the payment of all his just debts and those for which he is bound as security for others and expect to have to pay, is worth the sum of Two Thousand dollars.

Given under my hand this 14th day of September 1901, ~~189~~

Teste: L A Hay, Clerk.

Gilliam et als.

vs. } Spa. Inchy.

Edmunds

1901. 2nd Mch. Rules
Dis. Ct.

Executed Mch. 16 25
1907 by delivering a copy
of this notice to Edmunds
Atkinson Sheff
for J. W. Williams
Shff

(1)

Wm Shands
J. B. Primrose } p.q.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County--Greeting:

We command you to summon E. P. Holmes

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 2nd Monday in March 1901 ~~next,~~ to answer a bill in Chancery exhibited against him in our said Court by Ada F. Gilliam, Joseph H. Gilliam, Moses R. Holmes & Monroe Holmes

And this he shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, L. A. GAY, Clerk of our said Court, at the Courthouse, this 12th day of March, 1901, ~~18~~, in the 125th year of the Commonwealth.

Teste: L. A. Gay C. C.

A Copy—Teste: C. C.

SHAPIRO & ZEIT
ATTORNEYS AT LAW

Gilliam et als

vs 3rd Report of Special Comr Wm. Shands

Clements et als

To the Hon R. A. Prentis Judge of the Circuit court of Southampton Co Va.

Your undersigned Special Comr begs leave to report that in pursuance of a decree entered in this cause on Sept 12. 1901. he collected from E. P. Clements the purchase price for the real estate in the bill and proceedings mentioned namely the sum of fifteen (15.00) hundred dollars and made him a deed with special warranty for said real estate and then paid first costs of suit & sale i.e.

By amount recd from sale of real estate	$1500.00
To Comsn $1500 @ 5 & 2%	$29.00
" paid clerks costs	$16.99
" witness fees	2.96
" Comrs fee	10.00
" atty fee (legal exp of $16.50 included)	91.50
" for writing deed	5.00
" Sheff costs	.90
	$156.35
Balance	$1343.65

E. P. Clements entitled to 43/90 Thereof = $641.65

Moore " " " 47/180 " = 351.00

Mores " " " 47/180 " = 351.00

Paid E. P. Clements his part

" Moore " " "

" Judgements vs Moore Clements as shown by Comrs report & amt to $108.47 leaving a

1

Received 2 Nov 1801 of Wm Shands Special
Comr in Chancery copies of Gillion et al
vs Clements et al ten dollars on
payment in full of Comrs fee

Jno Hartsfield Jr
Comr in Chancery

1

December the 13
1901

Mr Wm Shands Heard
Send by Mr W. J. Christian
the money for the Judgment
you had in Hand against
Clements ~~formal~~
And Oblige
Thos. E. Dunn

74
624
698

Received Decr 16. 1901 of Wm Shands Special Comr in case of Gillinwaters vs Clements $624 on payment in full of judgment rendered in said cause against Monroe Clements

Thos. E. Dunn

By W. J. Brichton

Witness
W. W. Willcoxon

Received Dec 24. 1901 of Wm Shands Special Comr in cause of Gielow et als vs Clements et als #11.24 on payment of costs of said cause and #5.15 on payment of costs in suit of Clements et als vs Clements & P. both causes being between parties and parties spendthrift Same

L. A. Gay Q.C.

Received Dec 16. 1901 of Wm Shandel Special Court in cause of Gillion et als vs Clements et als $9.00 in payment in full of judgment Symins reported in said cause et al Monroe Clements.

J. Raymond

Received Dec 1901 of Wm Shands Special Commissioner of
Gilliam et ux vs Clements items of costs over names as per
mark in full of witness fees due me

W. W. Williams .74

Received Nov 29. 1901 of Wm Shands Special Comr
in the chancery cause of Gilliam et als vs
Clements the sum of two hundred & thirty 38/100 dollars
as payment in full of amount in his hands coming
to me from sale of the real estate in the bill and
proceedings mentioned

Witness

Monrad W. Clements.

$351.00

Received Dec 1901 of Wm Shands special
Comr in chancery couse of Gilleon vs
vs Clements et ds the sum of three hundred
and fifty dollors on poyment in full of
amount coming home from sold
Clements land from my shard therein

Witness } Mary R. Clements

8425
25.00
33.25

Received Dec 10. 1901 of Wm Shands Sheriff Conv
in case of Gibson et al to the sum of $84.25
as payment in full of judgement & costs
against Monroe Clements rendered in said
case Wm. R. Clements

Gibbons et als ..... Plaintiff...

AGAINST

Clements et als ..... Defendant...

L. A. Gay

} In Chancery.

I, ~~T. M. HOWARD~~, Clerk of the Circuit Court of Southampton County, Virginia, do certify that bond as required under a decree of sale in the above style cause, entered on the 12th day of Sept. 1901 ~~189~~, has been executed with security deemed sufficient by me.

Given under my hand this 14th day of September, 1901 ~~189~~.

L. A. Gay C. C.

EVERETT WADDEY CO.,
Richmond, Va.

In the Circuit Court of Southampton County, in Vacation this 12th day of September, 1901.

Gilliam et als.
v. } Decree.
Clements et als.

This day this cause which was made a vacation cause by decree entered on the 17th day of July, 1901, came on to be further heard on the papers formerly read and the report of John N. Sebrell, Jr., Commissioner, filed June 19th, 1901, and the amended report filed July 16th, 1901, to which there are no exceptions, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that the report of Commissioner Sebrell filed June 19th, 1901, be confirmed in all respects except in the portion thereof which says that no party offers to take the whole subject matter and pay therefor to the parties entitled as their interests may require. And it appearing from the amended report filed July 16th, 1901, that E. P. Clements, One of the interested parties is willing to take the whole subject matter and pay therefor the sum of $1500. and the same being recommended by said Commissioner Sebrell, the Court doth adjudge, Order and decree that William S. Sands be, and he is hereby appointed a special Commissioner, for the purpose, that he receive from the said E. P. Clements the sum of $1500. To be paid as follows, Viz: One half in cash, the balance on a credit of twelve months, with interest from the day of the cash payment, with security for said deferred payment to be approved by the Commissioner, or the said Clements may be allowed to pay the whole sum in cash. But before the said Commissioner,

Shands, shall proceed to act under this decree he will execute a bond before the Clerk of this Court in the penalty of $2000, with security to be approved by said Clerk, conditioned to faithfully perform his duties under this, or any subsequent decree in this cause; And the said Commissioner will make his report to Court.

A copy.

Teste: L. A. Gay D.C.

Hairston et als.
vs
Gentry et Adams
Defendants et als.

Entered April 12, 1901

Robert A. Hamlin

Entered page 378

To the Clerk of the Circuit Court of Southampton County, Virginia.

Robt R. Rawls

To the Clerk of the Circuit Court of Southampton County.

Gilliam et als —
v. Decree.
Clements et als

Enter Sept 12, 1901
Robt R. Rawls

Entered page 378

Done copy

In the Circuit Court of Southampton County, in vacation this 12th day of September, 1901.

Gilliam et als #

v. Decree.

Clements et als.

This day this cause which was made a vacation cause by decree entered on the 17th day of July, 1901, came on to be furtner heard on the papers formerly read and the report of John N. Sebrell, jr., commissioner, filed June 19th, 1901, ## ######report there are no exceptions and the amended report filed July 16th, 1901, to which there are no exceptions, and was argued by counsel. On consideration whereof, the court doth adjudge, order and decree that the report of commissioner Sebrell filed June 19th, 1901, be confirmed in all respects except in [redacted] the portion thereof which says that no party offers to take the whole subject matter and pay therefor to the parties entitled as their interests may require. And it appearing from the amended report filed July 16th, 1901, that E.P. Clements, one of the interested parties is willing to take the whole subject matter and pay therefor the sum of $1500, and the same being recommended by said commissioner Sebrell, the court doth adjudge, order and decree that William Shands be, and he is hereby appointed a special commissioner, for the purpose, that he receive from the said E.P. Clements the sum of $1500. to be paid as follows, viz, one half in cash, the balance on a credit of twelve months, with interest from the day ########## of the cash payment, with security for said deferred payment to be approved by the commissioner, or the said Clements may be allowed to pay the whole sum in cash. But before the said commissioner, Shands, shall proceed to act under this decree he will execute a bond before the clerk of this court in the penalty of $2000, with security to be approved by said clerk, conditioned to faithfully perform his duties under this, or any subsequent decree in this cause. And the said commissioner will make his report to court.

(FIRST)

Gillion et al
vs
Special Decree
Clements et al

This day this cause
Come on again to be heard upon
the papers formerly read, and
upon the report of Special Comm
Wm Shands of the receipt of the
entire purchase money from
E. P. Clements. the purchaser as
per the last decree entered in
this cause; and of the making
of a deed with special warranty
to him for the property mentioned
in the bill and proceeding; and disbursement of the
entire purchase money, 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, and
the same is hereby confirmed. and
all acts & payments therein reported
be confirmed. And there ap-
pearing to the Court that there
is nothing further to be done
in this cause, it is ordered that
the same be struck from
the docket

Gillion et al
vs
Final Decree
Clements et al

Tobe entered
Apl 9 Term 1902

Entered on page 433

Gilliam et al
v.
Subp
E. P. Clement

190. May 20

Executed

J. W. Williams
Sheff

(2)

THE COMMONWEALTH OF VIRGINIA.

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON A. P. Gregory & W. H. Williams

Jno. C. Rives, Com'r in Chancery

to appear before ~~the Judge~~ of our Circuit Court of Southampton County, at the Courthouse thereof on the 20 day of May, 1901, to testify and the truth to speak on behalf of plaintiffs

in a certain matter of controversy in our said Court depending and undetermined between Gilliam et als plaintiffs, and Clements E. P. defendant,

And thou shall in no wise omit, under penalty of the law. And have then there this writ.

Witness, ~~A. A. GAY, Clerk~~ Jno. C. Rives, Com'r in Ch'y of our said Court, at the Courthouse, this 17 day of May, 1901, in the 125 year of the Commonwealth,

TESTE: Jno. C. Rives Jr., C. C.

Com'r in Chancery

Gilbeau et als
v. Decuir
Clements, Et al.,

Gpl 2 as 1901,

Enter This

Robert C. Pleasants

Entered (2) 858

1 of 1

Gilliam et als

v. DeCr...

Clements, E.P.,

This day this cause came on to be heard on the Bill of the complainants, taken for confessed as to the defendant E.P.Clements, with the exhibits filed and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that it be referred to one of the commissioners of this Court to make the following enquiries, towit:-

1st:-Whether the real estate in the proceeding mentioned can be conveniently divided in kind among the parties thereto entitled,

2nd:-If the same can not be so divided whether any party will take the entire subject matter and pay to the other ~~parties~~ parties such sums of money as they may be entitled to receive,

3rd:-If the same can not be divided in kind, and if no party will take the entire subject matter, and pay to the other parties such sums of money as they would be entitled to receive, whether the interests of all paties will be promoted by a sale of the entire subject matter, or by allotment of part and sale of the residue,

4th:-Whether there are any delinquent taxes due an said land, and if so, how much,

5th:-Who are the parties really entitled to the said land, and what interest each one has, and whether there are any liens on the same or on either share, with the priorities of such liens, and the annual and fee simple value of said land, together with any other matters specially stated, deemed pertinent by the commissioner or any interested party.

The said commissioner will make report to Court.

Gilliam et als
vs Decree
Clement et als

Entered page 376

We consent to this decree

I B Price Jr
atty for E P Clement et
and J H Gilliam et uxor
Wm Lands atty for
Moses R. Clement &
Monroe Clement

Enter July 17, 1901
Robert R. Allen

Circuit Court of Southampton County, in vacation, on the 17th. day of July 1901.

Gilliam et als

vs

Deane

Clements et als

By consent of all parties in vacation, entered of record. It is hereby directed that this cause be submitted to the Judge of the Circuit Court of Southampton in vacation to enter such order or orders therein in vacation as may be asked in term.

Robert R. Ellis

In vacation, July 17, 1901.

To the Clerk of Circuit Court of Southampton Co.

Va.