

1955-006

Chancery Cause: Richard Clements, John R. Clements & Fabius Clements, by v c vs Thomas J. Clements

Dde of Wight County

Other SURNAMES: Atkinson,
Hall, Roberts

Cementedals }
as } M. Harvey
Cements }

Complainants Bill

August Rules 1853
Bill to be filed & dismissed.

Sept. 6. 1853 ans. of Henry
J. Clements & joint aff.

Oct. 3. 1853 Defros. filed

Oct. rules 1853 set for hearing

Oct. 1853 Decree for sale
C. B. p. 13.

May 1854 rept. of Sale with Bonds
filed.

May Term 1854 ~~affidavit~~
Decree. C. B. p. 27.

May 7. 1855. rept. of Com. Letter
filed &c.

May 1855. Final decree p. 46.

the quantity & quality of the said land, a partition
of the same cannot be conveniently made, - that
the interest of the parties will be promoted by a
sale of the said real estate - that no authority is
given by the said will to the executor, or any other
person to sell the said real estate - that owing to
the infancy of one of the complainants aforesaid -
the parties cannot themselves make sale of the same -
In tender consideration whereof, and inasmuch as
your complainant is without redress save in a
court of equity, where matters of this kind are cog-
nizable, your complainants pray that the said
Thomas J. Clements may be made party defen-
dant to this bill & be required to answer the same,
& that by a decree of this Honorable court, the
said land may be sold, & the proceeds of sale
divided among the parties according to their
respective rights - and that such other and further
relief may be granted as consists with equity and
the nature of the case, and your complainants will
ever pray &c

Hayden for

Exhibit
A

To the Honorable Richard H Baker Judge of
the Circuit Court of the County of Isle of Wight in
chancery sitting; humbly complaining sheweth to
the court, your complainants Richard Clements, John
R Clements, and Fabius Clements, the last an infant
under twenty one years of age, suing by William H Hite
as his next friend, that on about the day of
1852, one Monroe Clements, departed this life in the
county aforesaid, having previously made and publish-
ed his last will & testament, duly executed for passing
real estate, which said will after his death was duly ad-
mitted to probat to wit at the May Term, 1852, of the
county of Isle of Wight, as will appear from an office
copy thereof with the certificate of probat annexed,
marked A & herewith filed as a part of this bill -
that the said testator died seized & possessed of
the several tracts of land situated in said county,
to wit one tract known as the Clements tract, con-
taining by estimation 118 - acres, lying adjacent to the
lands of Geo Marshall, James Hall & ^{"Pay"} Edwin Edwards & the ^{"Homes"}
, a second tract containing by estimation 330 - acres,
known as the Horse tract, lying adjacent to the lands
of W Hall, Robt Clay, heirs, Meredith H Watkins & the ^{"Pay"} & Clements
and a third tract, known as the Pay tract, containing
by estimation 125 - acres, lying adjacent to the lands of
^{Robt Clay, heirs, Geo Marshall, James Hall, Edwin Edwards, heirs & the Clements & Thomas}
that the said testator by his said will subject to a
^{trust} life interest in one third thereof given to his wife Polly
Clements, devised the said real estate to his four
sons, Richard, Geo R, & Fabius Clements (your com-
plainants as aforesaid) and Thomas J Clements the
defendant hereinafter named, to be equally divided
between them - that the said Polly Clements wife
of the said testator died a few days after the said
testator, leaving the said children surviving - that
the said coparceners are hence entitled to a parti-
tion of the said lands among them - that owing to

Isle of Wight County, to wit;

This day Thomas J. Clements personally appeared
before me Amos S. Proctor a justice of the peace
for the county aforesaid, & made oath to the truth of
the statements contained in his foregoing answer
Given under my hand this 6th day of Sept 1833, —

A. Proctor J.P.

Clements & Co }
as for Charing
Clements —

Defendants Answer

Sept 6th 1833 filed

To the Honorable Richard H Baker Judge of the
Circuit Court of Isle of Wight, in Chancery sitting -
The Answer of Thomas J Clements, to the Bill
of Complaint in said Court exhibited, by Richard
Clements et als, against him -

This defendant now & at all times hereafter saving
and reserving unto himself all benefit & advantage of
exception which can or may be had or taken to the many
eras, uncertainties & other imperfections in the said
complainant's said bill of Complaint contained, for an-
swer thereunto, or unto so much & such parts thereof
as this defendant is advised is or are material or
necessary for him to make answer unto, this defendant
answering saith, that that the said Monroe
Clements did as in Complainant's Bill alleged
devise all his real estate to his four sons, Richard
Clements, Tho M Clements, Fabius Clements & our re-
spondent, to be equally divided between them, sub-
ject to life interest in one third thereof, devised by the
said testator to his wife Polly Clements - that the
said Polly Clements has departed this life - that par-
tition of the said real estate among the parties cannot
conveniently be made; that the interest of all would
be promoted by a sale of the said real estate -
that your respondent has no objection to a decree
in accordance with the prayer of the complain-
ant's bill for the sale of the said real estate where-
of the said Monroe Clements died seized & possessed
in the County of Isle of Wight, & by him devised to
your respondent & the complainant & a division
of the proceeds among the parties entitled - where-
fore your respondent humbly prays hence to be
dismissed with his reasonable costs & charges in this
behalf most wrongfully sustained -

Signed - Thos J Clements

Richd. Clements Esq.

3 London
n: 3 Chancery

Thomas J. Clements

To August 2nd 1833

Harlem p.p.

Given to July 4th 1833
by delivering a true
copy of the above

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU to summon *Thomas J. Clements*

to appear at the Rules at the Clerk's Office of the *County* Court of *Isle of Wight* County, on the first Monday in *August* next, to answer a bill in Chancery exhibited against *him* in said Court by *Richard Clements, John B. Clements, and Fabius Clements, the last an infant being by Wm. Thomas his mother.*

And have then there this writ.
Court, at the Courthouse, the
year of the Commonwealth.

Witness,

Wm. P. Goring
27th day of *June*

Clerk of our said

1852, and in the *77th*

Wm. P. Goring, Jr.

Clement & Childs }
" }
Clement & Childs }

Notice to take separation

Sept 12th 1853 - Service of the within notice
is hereby acknowledged by me -

Thos. J. Clements

^{my} To Richard Clements & ^{my} Attorneys Executors
of Monroe Clement deceased & Thomas J. Clem-
ents -

Take notice that on the 3 day of Oct next between
the hours of 9 AM & 6 PM of that day at the
Court House of Isle of Wight County we shall pro-
ceed to take the depositions of David Roberts & Thomas
Hall to be used as evidence for us in a suit now
pending in the Circuit Court of Isle of Wight County
~~and the~~ ~~Chancery~~ side thereof wherein we are
Plaintiffs & you are Defendants if from any
cause, the taking of the said depositions shall
not be commenced or being commenced should
not be completed on that day the taking of the same
will be adjourned from time to time until the
said depositions shall be completed.

Given under our hands this 16th day of September
1853 -

Richard Clements

John R. Clements

Thomas J. Clements

Fabius Clements Secy. for ^{my} Attorneys

as next friends by

C. B. Hayden their Atty

Clements Vols.

mi. $\frac{3}{4}$ Depos.

Clements

Oct. 3^d 1853 to leave
1 file.

the said lands! The value thereof is thirty five hundred dollars! The said lands could not be conveniently divided between the children of said decessens, or without injury to the lands. I think the interest of the parties would be promoted by a sale of said lands

Signed David Roberts

I certify that the foregoing depositions were taken signed and sworn to before me a justice of the peace of the County of Isle of Wight at the time and place mentioned ~~at the time and~~ in the Caption

Wm Scott J.P.

Magistrates fee 75 cts

The depositions of Thomas Hall & David Roberts taken at Isle of Wight Court House on Oct 3rd, 1833 between the hours of 9 AM & 6 PM of that day to be read as evidence on behalf of the Plaintiffs in a suit now pending in the Circuit Court of said county on the Chancery side thereof wherein Richard Clements, Esq & Clements & Fabius M Clements, the last an infant suing by W^m Atkinson his next friends ^{and others} are Plaintiffs & Thomas J Clements ~~is~~ Defendants Thomas Hall having first duly affirmed on the Holy Evangelists deposed as follows-

Question 1st by Plaintiffs counsel - Are you acquainted with the lands whereof M^{rs} Clements died seized in the County of Isle of Wight - what is the value thereof - could the same with convenience without injury to the land be divided among his children - would the interest of the parties be promoted by a sale of the same -

Answer. I am acquainted with said lands

The value thereof is about Three thousand dollars. They said lands could not be divided conveniently among the children, or without injury to the lands. I think the interest of the parties would be promoted by the sale of the said lands

Signed. T Hall

David Roberts having been duly affirmed on the Holy Evangelists deposed as follows -

Question 1st - Are you acquainted with the lands whereof M^{rs} Clements died seized in the County of Isle of Wight - what is the value thereof - could the same conveniently or without injury be divided among the parties - would the interest of the parties be promoted by a sale of the said lands. Ans - I am acquainted with

Clements

W: $\frac{2}{3}$ Comm. upst.
 $\frac{1}{3}$ of Sale and
Bonds.

Clements & Co.

May Term 1834 filed

We then found that John R. Clements had executed to Richard Clements and Thomas J. Clements in the Bond made payable to them for the House tract more than they were entitled out of the whole sales the sum of \$98.72 so each of them had to execute to Jno. R. Clements 2 Bonds in the sum of \$24.68 each payable one and two years to carry his bond from the day of date (to wit) $\frac{24.68 \times 2}{\$98.72}$

We then took from Washington Bridger one bond with Tho. Hall security made payable to Jno. R. Clements 12 mo. after date to carry in 6 mo. from day of sale for the Gay tract for the sum of \$358.75

We then took from James M. Cortis one Bond with J. W. Duck as security made payable to the said Jno. R. Clements, 12 mo. after date to carry in 6 mo. from the day of sale for the old Clements tract for the sum of \$285.00

We find them by adding these two last named Bonds to those 4 small Bonds of \$24.68 will make John equal with the others (to wit)

And we find by taking from $\left\{ \begin{array}{l} \text{Small Bonds. } \$98.72 \\ \text{Bridger Bond } 358.75 \\ \text{Cortis Bond } 285.00 \\ \hline \$742.47 \end{array} \right.$ Richard & Tho. Bonds \$49.36 the Bal on their Bonds will be their proportion (to wit)

Richd. 2 Bonds w. J. R. Clements amt. to \$791.83
taken from $\frac{49.36}{742.47}$

And Tho. J. Clements Bonds is just the same as Richard Clements —

Your commissioners find by adding the amt. of each one bond together the sum is as follows —

First	Am't of Fabius M. Clements B'd	\$742.47
Second	Am't of Thomas J. Clements	742.47
	after deducting what was Jno. R.	
Third	Am't of Richd. Clements B'd	742.47
	after deducting as before	
Fourth	Am't of John R. Clements B'd	742.47
	Whole amt. All sales	\$2969.88

Your commissioners omitted to state that they had taken security from Richd. & Thomas J. Clements to the amt. they had to pay to John R. Clements But we presume it will make no difference as the Bonds will show and those Bonds with all the Ballances we have with Return to the Court all of which we most Respectfully submit to the Hon^{ble} Court. Given under our hand, this 3rd day of Apr^l 1854

William Atkinson
Richard Clements

Pursuant to the annexed decree we undersigned Commissioners,
 did after giving 30 days notice as directed in the decree
 sell to the highest bidder on the 17th day of Novr 1853
 at the House tract all the 3 several Tracts of land
 which Monroe Clements did lease and possess.

First the House tract To Jno. R. Clements for \$2406.00
 Second the Gay Tract To Washington Breager " 375.25
 Third the old Clements tract To James M. Corbitt " 300.00
 Whole amt of Sales \$3081.25
 Atto fee, clerk fee & Tax \$23.75 com. on whole \$8862 } 111.37
 Net amt of Sales : 412969.88
 Each Hm proportion \$742.47

We then took from John R. Clements with Thomas Hall
 and Davis Edwards as his security two Bonds each \$371.23¹/₂
 made payable to Fabious M. Clements on and 742.47 +
 two years after date to carry int. 6 mon. from the day of
 sale —

We then took from the said Jno. R. Clements two
 Bonds made payable to Richard Clements with the
 same security on the same credit each 395.91¹/₂
 395.91¹/₂
 \$791.83 +

The said Jno. R. Clements then Executed two
 Bonds of the same amt. with same security }
 made payable to Tho. J. Clements on the
 same credit — (to wit) \$ 395.91¹/₂
 395.91¹/₂ = \$791.83 +
 158.3.66

add to that amt.

Fabious M. Clements Bond 742.47

Net Sales of House tract \$2326.13

From House tract we took the att. fee & clerk & tax as

as follows.
 com. \$57.12 \$2406.00
 att. ch. & 22.75 79.87
 mill — \$2326.13 Sales of House tract

Thos J. Clements,
receipt for
his portion of
his fathers Land

January 6th 1855 .

and Rich^d. Belmont,

Rec^d of William Atkinson, one of the
commissioners appointed by the Court, to sell and distribute among the
heirs of my father's landed estate seven Hundred & forty two ^{dollars}, and
forty seven cents with interest up to this date it being the amt.
inputs due me—

Chas. H. H. H.

Rich Adams
Receipts for
his portion of
his father's land

January 6th 1833-

Recd. of William Atkinson one of the
Commissioners appointed by the Court to sell and distribute among
the heirs of ^{my} father ~~late~~ estate Seven Hundred and forty two
Dollars and forty-seven Cents with Interest up to this date it being
the amt. due me in full

Richard Clements

John R. Carnum

To Rec^d for Real Est^d

8 742.45

Recd. of William Stinson and Richards.
Clements Commissioners appointed by the
Circuit Court of Isle of Wight County for
the purpose of selling the Land of my decd
father Monroe Clements, the Sum of seven
hundred and forty two dollars and forty seven
Cents and the Interest which has accrued
thereon included, which is in full of
my proportion of the net proceeds of
said Landed Estate - Given under
my hand this 11th day of February 1855.

Witness

John Clements

Josiah P. Gay
CJ

Report of the Sale
of Mr. Clements
Lands

Pursuant to the annexed decree of the Circuit Court of Iowa
Wright bearing date May 18th 1854: we have in prosecution
of the same after executing our Bond in the Clerk's office as are-
-ated and executing our Receipts in said office for the sev-
-eral Bonds mentioned in said decree, collected the several
Bonds aforesaid (although a portion of the Bonds due by Jno.
R. Clements were not due until the 17th Novr. 1855 he has
fully paid them all off) And on the payment of the
several Bonds due by the said Jno. R. Clements, we have
executed to him a deed for the tract of land purchased by
him in the proceedings mentioned known as the House tract
which Monroe Clements did seize and propose in the County
of Iowa Wright Containing ^{by estimation} 550 acres. And on the payment
of the Bond due by Washington Bridger we have executed
to him a deed for the tract of land purchased by him in
the proceedings mentioned known as the Gay tract which
Monroe Clements did seize and propose in the County aforesaid
Containing by estimation 135 acres. And on the payment
of the Bond due by James M. Costello, we have executed
to him a deed for the tract of land purchased by him in
the proceedings mentioned known as the Clements tract
which Monroe Clements did seize and propose in the County
aforesaid Containing by estimation 118 acres. all of which
deeds we made with special warranty and in the
further prosecution of said decree, we have paid the proceeds
of the sales as collected to the respective parties to which
they were due (except the portion due the infant Taboars
M. Clements, which we have paid over to William. Atkinson
his de jure guardian) as the Receipts of each party herewith
annexed - will certify. all of which we beg leave Respec-
tfully to submit to the Hon^{ble} Court. Given under our hands this
1st day of March 1855

William Atkinson
Richard Clements

shall take bond, a bonds with good security payable to
Richard Clements, for one fourth payable to John R Clements
for one fourth to Thomas J Clements & for the remaining fourth
to Fabius Clements & deliver the said bonds to the
~~respective parties aforesaid except that of Fabius Clements~~
~~which the said commissioners shall return~~ ^{the same} to court
with a report of their proceedings under this decree
for further action herein -

But ~~the~~ effect of this decree shall be suspended
until the said Commissioners shall execute in the
clerk's office of this court bond with good security
in a penalty of \$5000. payable to the common-
wealth of Virginia, conditioned for the faithful
performance of this decree -

Clements & Co
as
Clements -

Rough Decree
Oct Term 1833

John C. C. -

Rich. W. B. Baker

Clements et als

²¹
Clements —

This cause this day came on to be heard on the Bill Answer & exhibit filed & examination of witnesses was argued by counsel on consideration whereof the court doth adjudge order & decree that William Atkinson & Richard Clements who are newly appointed special commissioners for that purpose do proceed to sell to the highest bidder at public auction at the "House tract" after having given twenty days notice of the time & place of sale by advertisement at the C & door of the County of Isle of Wight on some court day previous to the day of sale, & at other public places in said county, the three several tracts of land in the proceedings mentioned whereof Monroe Clements died seized & possessed in the County of Isle of Wight, on the following credits — except so much for each as will pay the costs of this suit & of said sale — to wit; the "House tract" containing by estimation 530 acres lying adjacent to the lands of Wm Hall, Robt Elys Heirs Meredith H Watkins & the hereinafter named "Gay & Clements" tracts on a credit of 12 1/2 years with interest from six months from day of sale — the "Clements" tract containing by estimation 118 acres, lying adjacent to the lands of Geo Marshall James Hall, Davis Edwards & the aforesaid "House" tract & the hereinafter named "Gay" tract & the "Gay" tract containing by estimation 123 acres, lying adjacent to the lands of the heirs of Robt Ely, Geo Barnet, the heirs of Michem Pierce & the aforesaid "Clements & House" tracts on a credit of 12 months with interest from six months from day of sale — for one fourth of the said portion sold on credit the said commissioners

Commissioner. shall execute in the Clerk's office of this court
bond with good security in a penalty of \$6000. payable to the
Commonwealth of Virginia. Conditioned for the faithful performance
of this decree.

A. Copy.

Lute

(W. H. Young) co

Commonwealth v. a/s
Copy
Decree
M.
Commonwealth

464
Commonwealth v. a/s

Richard Clements, Jno. R. Clements & Fabius Clements p^rs. f.^o Off.

Against
Thomas J. Clements

3
2
1

Deft.

this cause this day came on to be heard on the Bill. Answer. (and exhibits filed & examination of witnesses & was argued by counsel, on consideration whereof the Court took advice, order and decree that William Atkins & Richard Clements who are hereby appointed special Commissioners for that purpose, do proceed to sell at public auction at the "House tract" after having given 20 days notice of the time & place of sale by advertisement at the Court house door of the County of Alle of Wight. On some Court day previous to the day of sale, and at other public places in said County, The three several tracts of land in the proceedings mentioned, whereof -
Monroe Clements dies seized & possessed, in the County of Alle of Wight, on the following credits, except so much for cash as will pay the cost of this suit and of said sale, to wit: The "House tract" containing by estimation 550 acres lying adjacent to the land of Wm. Hall, Robert Clegg heirs, Meriweth H. Watkins and the hereinafter named "Gay & Clements Tracts, on a credit of one and two years with interest from six months from day of sale - The Clements tract containing 118 acres lying adjacent to the land of John Marshall, James Hall, Davis Edwards, and the aforesaid "House tract, and the hereof named "Gay tract" and the Gay tract containing by estimation 125 acres lying adjacent to the land of the heirs of Robert Clegg, John Barrett, the heirs of Nicholas Pierce and the aforesaid Clements & House tracts, on a credit of 12 months, with interest ~~with~~ from six months from day of sale, for one fourth of the portion sold on credit, the said Commissioners shall take bond or bonds with good security payable to Rich^d. Clements, for one fourth payable to John R. Clements, for one fourth payable to Thomas J. Clements, & for the remaining fourth. To Fabius Clements return the same to Court with a report of their proceedings under this decree for further action therein - But ~~this decree~~ the effect of this decree shall be suspended until the said

Clement & Co. }
Clement & Co. } Hillman

Joseph Hillman
May term 1834

To be entered

A. 14. 1834

June 5th 1834. Received of A. P. Young
Clerk of the Circuit Court of Col. & Wyo.
The sum directed by this decree
to be paid to us.

William A. Hillman

Such payable to Jos R Clements for \$285.00 due on the
17th of Nov 1834, with interest from May 17th 1834,
the Bond of John R Clements, T Hall, & Davis Edmund
payable to Richard Clements for 395.91^{due} on the
17th of Nov 1834, with interest from May 17th 1834 -
the Bond of same payable to same for same amt
due on the 17th of Nov 1835, with interest from May
17th 1834, - the Bond of Richard Clements & J f Clem-
ents payable to John R Clements for \$24.68 on Nov
17th 1834, with interest from May 17. 1834, & the Bond
of same payable to same for same amount on 17th
of Nov 1835, with interest from May 17th 1834 -
returned by said Commissioners with their report
of a said which said Bonds the said Wm Atkinson
& Richard Clements are hereby authorized &
directed to collect & pay over the proceeds thereof
to the parties to whom the said Bonds are respectively
payable, with the exception of the proceeds of
those payable to the said infant Fabius M Clements
which the said Commissioners shall pay over to the
legal guardian of the said infant on his executing Bond
with sufficient security in the clerk's office of said court
in a penalty of \$1400.00 — payable to the Common-
wealth of Virginia conditioned to invest ~~for~~ the same
for the benefit of his said ward by loaning it out
on good personal or real security or investing it in the
purchase of state stock bearing an interest of six per cent.
On the payment by the said John R Clements
of the Bonds of a said due by him, the said
Wm Atkinson & Richard Clements shall execute
& deliver to the said John R Clements a good &
sufficient deed with special warranty for the
tract of land purchased by him in these proceedings
mentioned, known as the "Horse" tract, containing

Clements
 as } In Chancery.
 Clements & Co

This cause this day came on to be again heard
 on the papers formerly read & the report of ~~James~~
~~James~~ William Atkinson & Richard Clements Commis-
 sioners of Sale made pursuant to a decree herein of
 Oct term 1833, ~~submitted~~ to Court May term 1834
 was argued by counsel, on consideration whereof
 the Court confirming said report to which no excep-
 tion were filed, doth (a o d) that the clerk of this
 Court deliver to the said William Atkinson & Rich-
 ard Clements on their executing their receipt therefor
 the ~~proceeds~~ ^{xxix} of John R Clements, Thomas Hall & Davis
 Edwards for \$371.23 ~~due the year from~~ payable
 to Fabius M Clements, due on the 17th of Nov 1834
 with interest from the 17th of May 1834, the Bond
 of same payable to same for same amt due on the
 17th day of Nov 1835, with interest from 17th of May
 1834, - the Bond of ~~John R Clements~~ ~~Thomas~~ same
 payable to Thomas J Clements for \$395.91¹/₂, due on
 the 17th of Nov 1834, with interest from May 17th 1834, -
 the Bond of same payable to same for same amount
 due on 17th of Nov 1835 with interest from 17th May
 1834, - the Bond of Thos J Clements & S W Duck
 payable to John R Clements for \$24.68 payable on
 the 17th of Nov 1834, with int from 17th day of May 1834,
 the Bond of Thomas J Clements & S W Duck for \$24.68
 payable to John R Clements for \$24.68 ^{due} ~~payable~~ on the
 17th of Nov 1835, with interest from May 17th 1834 -
 the Bond of Warhington Bridges & Thomas Hall
 payable to John R Clements for \$358.75 due on
 the 17th day of Nov 1834, with interest from May
 17th 1834 - the Bond of James M Corbitt & S W

Plants

(2)

19.

19.

Long road

Plants

due on the 17th November Eighteen hundred fifty four, with
interest from May 17th Eighteen hundred fifty four, The Bond of
James M. Corbett and J. H. Duck payable to John R. Clements for
Two hundred and eighty five dollars due on the 17th day of November
Eighteen hundred and fifty four, with interest from May 17th
Eighteen hundred fifty four, The Bond of John R. Clements, J. Hall
and Harris Edwards payable to Richard Clements for Three hundred
and twenty five dollars and thirty eight Cents due on the 17th of Nov.
Eighteen hundred fifty four, The Bond of same payable to same
for same amount due on the 17th November Eighteen hundred fifty
five with interest from May 17th Eighteen hundred fifty four, The
Bond of Richard Clements and J. S. Clements payable to John R.
Clements, for twenty four dollars and sixty eight Cents on November 17th
Eighteen hundred and fifty four with interest from May 17th 1832, and
the Bond of same payable to same for same amount on 17th of
November Eighteen hundred fifty five with interest from May 17th
Eighteen hundred fifty four. Returned by said Commissioners with their
reports aforesaid, which said Bonds the said William Atkinson (and
Richard Clements are hereby authorized and directed to collect and pay
over the proceeds thereof to the parties to whom the said Bonds are respec-
tively payable, with the exception of the proceeds of those payable to
the said John R. Clements, which the said Commissioners shall
pay over to the legal guardian of the said Infant on his executing his
bond with sufficient security in the Clerk's office of said Court in
the penalty of Seventeen hundred dollars payable to the Commonwealth
of Virginia. And directed to invest the same for the benefit of his
said ward by loaning it out on good personal or real security - or
investing it in the purchase of State Stock bearing an interest
of Six per Cent. On the payment by the said John R. Clements of
the Bonds aforesaid due by him, the said William Atkinson and
Richard Clements shall execute and deliver to the said John R. Clements
a good sufficient deed with special warranty for the tract of land
hereinafter by him in the proceedings mentioned, known as the
"Clement's tract" containing by estimation 330 acres which were
Clements did seize & possess in the County of Isle of Wight lying

adjacent to the lands of William Hall, Robert Elykins, Martha
S. Watkinson and the say Clements' lands, and that on the payment by
the said Washington Bridges of his Bond aforesaid, that the said William
Atkinson and Richard Clements shall execute and deliver to the said
Washington Bridges a good sufficient deed with special warranty for
the tract of land purchased by him in the proceedings mentioned, known
as the "Gay tract" containing by estimation 25 acres which were
Clements did seize in the County of Isle of Wight lying adjacent to the
lands of Robert Elykins, John Barrett, William Pierce him, and the
Clements' Home tracts, and that on the payment by the said James
M. Corbett of his Bond aforesaid - the said William Atkinson and Richard
Clements shall execute and deliver to the said James M. Corbett a good
and sufficient deed with special warranty for the tract of land purchased
by him in the proceedings mentioned known as the "Clements tract",
containing by estimation 118 acres which were Clements did
seize & possess in the County of Isle of Wight lying adjacent to the
lands of John Marshall, James Hall, Harris Edwards and the same
and Gay tracts, and make report to Court, but the effect of these
deeds shall be suspended until the said William Atkinson and Richard
Clements shall execute in the Clerk's office of this Court bond with good
security in a penalty of Seven thousand dollars payable to the Comm-
onwealth of Virginia. Conditions for the faithful performance
of this decree.

J. Cople

Deale

C. F. Perry

A Circuit Court convened & held for the County of
Me. at Hight on Thursday the 15th day of May 1854.
Richard Clements, John R. Clements, and Fabius Clements, the last
an infant, suing by William Atkinson his next friend, Plfs.
Against M. Chasney.
Thomas J. Clements Def.

This Cause this day came on to be again heard on the papers formally
read. (and the report of William Atkinson and Richard Clements,
Commissioners of Sale made pursuant to a decree herein of
October 1853. returned to Court May term 1854, was again
by Counsel, on consideration whereof, the Court confirming said
report, to which no exceptions were filed, doth adjudge - order (and
decree, that the Clerk of this Court deliver to the said William Atkinson
and Richard Clements in their executing their receipts therefor, the
Bonds of John R. Clements Thomas Hall and Davis Edwards - for
Three hundred and Seventy one dollars and twenty three & a half cents
payable to Fabius M. Clements, due the 17th day of November Eighteen
hundred & fifty four, with interest from the 17th day of May Eighteen
hundred & fifty four, the Bond of same - payable to same for same and
due on the 17th day of November Eighteen hundred & fifty five - with int.
from the 17th day of May Eighteen hundred & fifty four. The Bond of
same payable to Thomas J. Clements for three hundred & twenty five
dollars and ninety one & a half cents due on the 17th day of November
Eighteen hundred & fifty four, with interest from May 17th Eighteen
hundred & fifty four. The Bond of same payable to same for same
amount due the 17th November Eighteen hundred & fifty five with interest
from the 17th day of May Eighteen hundred & fifty four, the Bond of Wm. J.
Clements and J. W. Duck payable to John R. Clements for twenty
four dollars and fifty eight cents payable on the 17th day of November
Eighteen hundred & fifty five with interest from the 17th day of May
Eighteen hundred & fifty four, The Bond of Thomas J. Clements and J. W.
Duck for twenty four dollars and fifty eight cents payable to John R.
Clements for twenty four dollars and fifty eight cents 17th November Eighteen
hundred & fifty five with interest from May 17th Eighteen hundred & fifty
four, The Bond of Washington Bridger and Thomas Hall payable to
John R. Clements for three hundred & fifty eight dollars and 75 cents

Clementals

Clements^{ss} -

Rough Decree

May Term 1833

To be entered -

R. H. B.

x

1st

Clements et als

vs

Clements -

This cause this day came on to be ^{again} heard on the papers formerly read, & the report of commissioners Wm Atkinson & Richard Clements made pursuant to a decree herein of May Term 1834, returned to Court on the 7th day of May 1835, & was argued by counsel; on consideration whereof, the Court confirming said report, to which no exceptions were filed, dotht adjudge, order and decree that Richard Clements, John R Clements, Fabius Clements, & Thomas J Clements contribute equally to the unpaid costs in this suit -

In the name of God Amen I Thomas Clements of the County of
Isle of Wight and State of Virginia being very weak but of sound
mind and memory, Think proper to dispose of my property in the
following manner to wit: in the year of our Lord Eighteen hundred
and fifty two. April the 9th.

Item 1. I consign my body to the earth, wishing my friends to bury me in a
decent and comely manner.

Item 2^d. I want all my just debts to be paid. Item 3^d. after my just debts are
paid. I lend to my wife Polly Clements, One third of my estate both
real and personal during her natural life, at her death, it is to
be equally divided between my four sons, namely, Richard, John
B, Thomas I, and Tobias Clements. Item 4th. It is my will and
and desire that John R. Clements be paid One hundred and fifty
dollars out of my estate before Richard, Thomas I, and Tobias Clements
come in, for services rendered me since the said John R. Clements
became of age, provided he will stay until Christmas and carry
on the crop.

Item 5th. It is also my will and desire that
the County Court of Isle of Wight or Southampton appoint my son
Tobias ^{Clements} a guardian until he arrives to lawful age, I also want
my executor to receive one hundred and twenty five dollars to educate
and board my son Tobias Clements,

Item 6th. It is my will and
desire after all the items hereto before made by me are paid, the
remainder of my estate both real and personal be equally divided
between my four sons namely, Richard, John R, Thomas I,
and Tobias Clements.

Item 7th. It is my will and desire that
all that can be spared off the farm, Bacon, corn, peas, fodder &c.
be sold on a reasonable credit, ~~and~~ at the sale, all of my chattel
estate consisting of stock of different kinds. be sold on a reasonable
credit.

Item 8th. It is also my wish that the County Court have
Honorable ~~William~~ Williams bound to some of my family. as I have been to so
much expense by his running away and lost time, I also nominate
and — my son Richard Clements and William Atkins my brother in
law. to be and hold executors seeing all other wills heretofore
made by me. Given under my hand and seal the

the day and date above named.

Witness
Thos. L. Marshall
George W. Eley.

Monroe Clements 

On Isle of Wight County Court May the 31. 1853 the last will and testament of Monroe Clements decd. was ~~presented~~ ^{presented} in Court, and proved by the oaths of Thos. L. Marshall and George W. Eley the subscribing witnesses thereto and ordered to be recorded. And on the motion of Richard Clements and William Atkins the Executors therein named, who made oath and entered into separate bonds, to wit: the said Richard Clements with Josiah P. Gay and John R. Clements his securities, who justified, in a bond in the penalty of \$12500. 00. conditioned according to law, and the said William Atkins in a bond in the penalty of \$12500. 00. conditioned according to law, with Timothy E. Atkins and John R. Clements his securities, who justified, Certificate is granted them for obtaining a probat of said will in due form of law.

Teste

J. P. Gay

J. Eley

J. P. Gay

Monroe Clements

Will

Clements } for
" } Henry

J. Eley

Exhibit 1853, filed

with Court's Bill

Clements Sal.,

n: 3 Cont. Bond

Clements

Nov. 7th. 1853

Executed in the cler.
office of said.

Sold by Colin, Baptist & Nowlan, 11th Street, Richmond.

[Fiduciary Bond.]

KNOW ALL MEN BY THESE PRESENTS, That we
William Atkinson, Richard Clements, & Thomas Hall

William

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the sum of *Sev.*
Thousand 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. Sealed with our seals, and dated this *7th*
day of *November* one thousand eight hundred and *fifty three*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said

*William Atkinson and Richard Clements who by a
decree of the Circuit Court of Isle of Wight County are
appointed in the suit of Richard Clements vs. against
Thomas J. Clements, Commissioners to sell the land of
Mamie Clements decd.*

shall faithfully discharge the duties of his said office, then this obligation is to be void, or else
to remain in full force.

Signed, sealed, acknowledged and
delivered in the presence of }

A. P. Younger.

*William Atkinson
Richard Clements
T Hall*

X SEAL. X

X SEAL. X

X SEAL. X

Clemente Val.

n. 3 Cond. P. Bona
3 under decree
of 18th May 1834.

Clemente

Sept. 21st. 1834 executed
Filed.
Fido
M. P. Harvey.

KNOW ALL MEN BY THESE PRESENTS, That we, *William Atkinson, Richard Clements and Thomas Hall*
are held and firmly bound unto the Commonwealth of Virginia in the sum of *Four Thousand*
Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by
these presents. As witness our Hands and Seals, this *21st* day of *September*, in
the year of our Lord, one thousand eight hundred and *fifty four*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a Decree of the
Circuit Court of Isle of Wight county pronounced on the *18th* day of *May 1854*
in a cause depending in the said Court in which *Richard Clements, John R. Clements*
and Fabius Clements are
Thomas J. Clements is plaintiff, and

defendant, the
above bound *William Atkinson & Richard Clements* ^{and} was appointed a special Com-
missioner to *Receive from the clerk's office of the Circuit Court of*
said County the bonds filed in said Court taken for the sale
of the land of Mammie Clements decd. and collect the amount
due thereon and pay the same over to the parties entitled thereto
and also to make deed to the several purchasers of said
land in the said deed mentioned & make report of
their proceedings to said Court. (which said bonds the
said William Atkinson & Rich^d Clements have received
from said clerk's office.)

Now if the above bound *Wm. Atkinson & Rich^d Clements* shall faithfully discharge
their duties as Commissioners under the said Decree, then the above Obligation to be void, otherwise to
remain in full force and virtue.

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

N. P. Younger.

William Atkinson 
Richard Clements 
T. J. Hall 

Elements t.

n: 3 Gden Bond

Elements

Executed filed

7 May 1835

A. L. Murray.

KNOW ALL MEN BY THESE PRESENTS, That we *William Atkinson and Thomas Hale*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the sum of *fourteen hundred 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. Sealed with our seals, and dated this *seventh* day of *May* one thousand eight hundred and *fifty five*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said *William Atkins* guardian of *Tabius M. Clements*. shall well and truly invest by loaning out the same on good personal or real security or investing it in state stock bearing *six per cent* interest, the amount received by him as guardian aforesaid under the decree made at *8th May* Circuit Court 1854 in the suit of *Richard Clements* & others against *Thomas J. Clements*,

shall faithfully discharge the duties of his said office, then this obligation is to be void, or else to remain in full force.

Signed, sealed, acknowledged and
delivered in the presence of }

A. P. Conroyd.

William Atkinson
E. J. Hall

X SEAL. X

X SEAL. X

X SEAL. X
