

1878-014 Chancery Causes. Joseph O. Lancaster, Sarah R. Lancaster & Rose Ann Lancaster vs
Isle of Wight County

George H. Lancaster, Charles C. Lancaster & Emma V. Lancaster, by &c

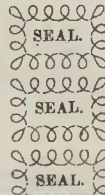
other surnames: Gwaltney,
Harrison, Briggs

KNOW ALL MEN BY THESE PRESENTS, That *George T. Clarke*
 & *John C. Morris*
 are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the sum of *five*
hundred dollars to the
 payment whereof well and truly to be made to the said Commonwealth of Virginia, *We* bind
ourselves our heirs, executors and administrators,
 firmly by these presents. Sealed with *our* seals, and dated this
1st day of *December* one thousand eight hundred and *Sixty-six*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the said
George T. Clarke who is this day appointed
 by the County Court of *the City of Wayne* County a com-
 missioner under a decree in the suit of *Joseph O.*
Sumner et al. vs. George H. Lawrence et al. to sell certain
 land in said *decree named*
 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 }

Geo. T. Clarke
John C. Morris



Lancaster

19

Lancaster

This cause this day
came on to be again heard on the
papers formerly read, on the Report
of Sale & Collection of Payments & the
Receipts of Commissioner P. S. Clarke
under a decree here of Dec 3^d 1844
It was argued & counsel, on consideration
whereof the court confirming said report
to which no exceptions were filed & it
appearing from said report receipts
that he had paid the parties in full
thereto entitled their share of the proceeds
It is ordered that said payments be
confirmed & that this suit be
removed from the docket & that
nothing further remaining to be done herein

Lancaster 1878

24

Lancaster 1878

Green River

Oct. 1878.

To be entered.

Geo. T. Blod

Entered 37

28

In Islipwight County Court December the 3^d 1866.

Joseph O Lancaster & als

Pltffs

Against

In Chancery

George H Lancaster & als.

Defts.

This Cause came on this day, to be again heard, Upon the papers formerly read, and upon the report of Robert Binford, Joel Cook, William O. P. Gwaltney and Nath. Stephenson, Commissioners under a decree bearing of October 1st 1866. and was argued by Counsel, On Considerations whereof the Court, Confirming said report, to which no exceptions was filed, doth Adjudge, Order, and decree that George T. Black who is hereby appointed Special Commissioner for that purpose after having given twenty days notice, there of do proceed to sell at public Auction at the Court house door, On same Court day, The tract of land in the plaintiffs bill mentioned, belonging to the heirs of Martha S. Lancaster deceased, Containing 120 Acres, More or less, and bounded by the lands of Joel Cook, Robert Binford & als, On a Credit of Six Months, except enough to pay expenses of Suit and Sale including a fee of Twenty five dollars to George T. Black, the Counsel in the Cause, Which shall be in Cash, taking of the purchaser, for the defendant payments, Six Bonds of equal Amounts, bearing interest from day of Sale, ^{with} ~~and~~ good and sufficient security to each, and made payable as follows. (to wit:) One to each of the plaintiffs, Joseph O Lancaster, Sarah R. Lancaster, & Rose Ann Lancaster, & One for each of the infant defendants, or their lawful Guardians (to wit:) George H. Lancaster, Charles C. Lancaster & Emma V. Lancaster: Said bonds so payable to the said Joseph O Lancaster, Sarah R. Lancaster & Rose Ann Lancaster, to be delivered to them respectively by the said Commissioner, their receipt taken there for, and filed in the Clerks Office in this County Court, along with his report &c. and said Bonds so payable to the said infants George H. Lancaster, Charles C. Lancaster and Emma V. Lancaster, or their

Laofael Guardians, to be delivered to the said Guardians if any,
their receipt ~~there~~ for the same and filed as ~~the~~ aforesaid, But
if there should be no Laofael Guardian of the said Infants,
to receive said Bonds, Then the said Commissioner shall
returne them to the Clerk of this Court, to be by him filed
in his Office for safe keeping, and the said Commissioner
is hereby authorized and directed to convey the said lands to
the purchaser thereof by said deed with special warranty
whenever the said purchaser shall have fully complied
with all the said terms, of the said Sale, But the Operation
of this decree is suspended until the said George I Clark, Com-
missioner as aforesaid shall have given Bond with good
and sufficient security in the penalty of \$500.00, in
the Clerk's Office, of this Court Conditioned for the faithful
performance of this or any further decree or Order that
may be entered herein and the said Commissioner is
required to report to the Court of his proceedings under
this decree.

A Copy Teste N. P. Young M^o

Lancaster Vals.

1/2 Copy Decree

for Sale and

vs Com^d. Report.

Lancaster Vals.

Augt. 5. 1847 filed.

Joseph O. Lancaster et als.

Plffs.

No.

George H. Lancaster et als.

Defts.

In Chancery

This cause, in which the complainants Joseph O. Lancaster, Sarah R. Lancaster and Rose Ann Lancaster this day filed their bill and on whose motion N.P. Yorey was appointed guardian ad litem to the infant defendants George H. Lancaster Charles C. Lancaster and Emma V. Lancaster, and the said guardian ad litem having filed the answers of the said defendants, was docketed by consent of parties and came on by like consent to be heard upon the said bill and answers and other exhibits filed and was argued by counsel. In consideration whereof the Court doth adjudge, order, and decree that Joel Cook, Robert Bimford, William O.P. Swettenham and Abe Stephenson, who are hereby appointed special commissioners for the purpose (any three of whom may act) do proceed, after being duly sworn, to make partition of the said land in the said bill mentioned consisting of 120 acres, more or less, and bounded by the lands of Joel Cook, Robert Bimford and others, among all the said heirs at law of the said Matthew S. Lancaster dec'd. to wit, to the said Joseph O. Lancaster, one sixth part, to the said Sarah R. Lancaster one sixth part, to the said Rose Ann Lancaster one sixth part, to the said George H. Lancaster one sixth part, to the said Charles C. Lancaster one sixth part, and to the said Emma V. Lancaster one sixth part. But if the said commissioners shall find that partition of the said lands among the said heirs at law as aforesaid, can

not be conveniently made, and that the interests of
all the parties entitled thereto ^(would in their opinion) ~~will~~ be promoted by
a sale of the entire subject, or allotment of part
and sale of the residue then the said commissioners
shall report the said facts to the Court, with their
opinion of the value of the said shares should the
said land be so divided, and also whether any
one of the parties will accept the entire subject and
pay therefor to the other parties such sums of
money as their interests therein may entitle them
to. And in any event they are required to report
to the Court their proceedings under this clause.

Lancaster et als.
vs } Decm
Lancaster et als.

Oct Term 1866

To be entered -

W. H. B. B. B.

Deafwight County Court
April 1st 1878.

Are motives of G. H. Lancaster
he is appointed guardian
of Emma E. Lancaster
who made choice of
him; and thereupon
together with W. J. Parkinson
his secretary, who justified
entered into and acknow-
ledged as such guardian
in the presence of \$80.⁰⁰
with condition accor-
ding to law, which bond
is ordered to be recorded.
• Copy to Note.

W. A. Edwards D. C. for
W. J. Parkinson of Ark

That Jan 1st 1878 of 97 blocks containing
thirty eight ⁰⁶/₁₀₀ dollars in full of amount
of Emma E. Lancaster being proceeds of sale of
land.

J. H. Swanton

Geo. H. Lancaster's
receipt,

Larriens in de

v.

Larriens in

} meens

1876 June 5-

1877 Aug 6.

C. Clarke for Isaac amounting to

\$14.04

Lancaster

" } Kansas

Lancaster

Mr. Charles L. Lancaster (Deft. in suit of Lancaster v. Lancaster)
 1867 In acct. with Geo. F. Clarke Comr. in same suit)
 Jan'y. 7th By your share of proceeds in same suit \$38.19
 " dit. Thru to 5th April 1869 5.18-
 Amount 43.34
 1877. To your share (1/2) of Clarks fees same 7.02
\$36.02

Oct. 1st 1877. Received of Geo. F. Clarke special
 Commissioner in suit of Lancaster v. Lancaster
 now pending in the Circuit Court of Isle of
 Wight County, the sum of thirty six dollars and
 two cents in full of my share of the net proceeds
 of sale of land made under deed in same suit
 after deducting my share of the costs which
 have accumulated and been paid since the
 last deed in same suit

Charles Lancaster

Chas C. Ravenstein

Receipts -

43.34

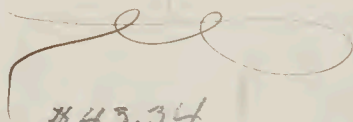
Oct. 22nd 1874. Received of Geo. S. Clarke
Special Commissioner in suit of Lancaster
vs. Lancaster &c. The sum of thirty-eight
dollars and nineteen cents (\$38.19^x) and
interest thereon from 7th Jan'y. 1867 to 3rd
April 1869, making the sum of \$43.34^x,
in full of my share of the net proceeds of
land sold under decree in said suit.

George H. Lancaster.

Geo. W. Lancaster

To 3 Receipt

Gen. F. Clarke, Com.



#43.34

This is to certify that we have
authorise our Brother to receive
of you Mr Clarke the amt
of money due us from the
Sale of a Piece of Land
in Jct. of White County

Sarah R. Lancaster

Rosa A. Lancaster

To the Worshipful County Court of Isle of Wight
County:

Pursuant to a decree of said Court rendered on the 3rd day of Dec^r, 1866, in the suit of Joseph O. Lancaster & others against George W. Lancaster & others, a copy of which is herewith returned, the undesignated special Commissioner therein appointed for the purpose, after having advertised the land mentioned in said decree as directed thereby, proceeded on the 7th Jan^y, 1867 at Isle of Wight Court House (it being Court day) to sell the same to the highest bidder on the terms prescribed by said decree, and James W. Buelow, being the highest bidder, became the purchaser, at the sum of two hundred and eighty dollars (\$280.) The costs of suit and sale, which the decree directed to be collected in cash, amounted to \$50. 85^x as shown by statement at the foot of this report, which being deducted from the said sum of \$280., the gross amount of sale, leaves \$229. 15^x which being divided into six equal shares as directed by the decree leaves \$38. 19^x to each share. Your Commissioner took from said purchaser a bond for each of these six shares payable as directed by said decree, with John W. Buelow, Martha D. Buelow and Joel Cook as securities to each, and at the request of the said purchaser your Commissioner conveyed the land to the said Joel Cook. Your Commissioner

further reports that before said bonds and this
report of the sale could ^(conveniently) be returned to the Clerk's
Office, to wit: on the 18th March 1868, the said
Jimmie W. Barlow paid off the one which was
due and payable to the said Joseph O. Vincent
which then amounted to \$40.32^x which amount
your Commissioner paid over to said Vincent
took his receipt for the same and herewith returns
it to the Court. Afterwards, to wit: about the 5th
day of April 1868, when said bonds were still
in the hands of your Commissioner, each one
of them at that time amounting with interest
to \$43.34^x, the said Joel Cook paid them
all off in full and the said Sarah R. Vin-
cent and Rosa Ann Vincent both
~~and~~ being ~~then~~ of age your Commissioner paid
to each one of them the said sum of \$43.34^x
and took their receipts for the same which
are herewith returned. The said Geo. W. Vincent
~~Charles L. Vincent and Emma V. Vincent~~ being all under
age and having no lawful guardians to receive
their shares your Commissioner reports the
said sum of forty three dollars and thirty four
cents is in his hands due to each one of the
said infants, which he is ready to pay at
any time or to make such disposition
thereof as the Court may direct.

The decree under which your Commissioner
acted did not direct him to collect any of the

purchase money for said land except the expenses
 of suit and sale, but as the purchasers were desi-
 rous of paying the whole, and the adult parties
 are not here to receive the portions, and the infants
 could not receive theirs; And as the bond of your
 Commissioner and his security was sufficiently ^(bond)
 to cover all his transactions as said Commissioner,
 your Commissioner thought it best to receive
 the whole of the purchase money as aforesaid, and
 that the same would be approved and confirmed
 by this Court he has not doubted, especially
 as it saved the parties the expense of another
 decree in this cause.

All of which is very respectfully submitted &c.
Geo. S. Colburn, Comr.

Gross amt. of sale of land		\$280.00
Court's fee (allowed in Decree)	\$25.00	
Delet's fee	7.55	
Writ tax & stamps	1.00	
Stamps on bonds	.30	
Delet's fee	3.00	
5 per cent. Court's fee on \$280. gross sale	14.00	50.85
		<u>\$229.15</u>
		<u>38.15</u>

Geo. W. Paucaster et al,

V^o 3 Report of sale
by Com^{rs}.

Geo. W. Paucaster et al

September 6th 1869. We the undersigned
have each received of Geo. J. Lancaster, special
Commissioner under a decree of the of Wight
County Court—rendered 3rd Dec^r, 1866, in
the suit of Joseph O. Paineaster & others against
Geo. W. Paineaster & others the sum of \$38.19^{cts}
with interest thereon from 7th Jan^y, 1867 to 3rd
April 1869, making the sum of \$43.54^{cts} which
each one of us has received in full of our res-
pective portions of the net proceeds of the
sale of the land sold under said decree.

Sarah A. Lancaster
Rosa A. Lancaster



Pancost & others
To { Receipts
Geo. J. Colman Comr.

43.342

Sept. 5th 1869 Received of Geo. S. Clark
Special Commissioner under a decree
of Sec of Wight County Court rendered
3rd Dec. 1866 in case of Jos. O.
Lancaster & others against Geo. S. C.
Lancaster & others the sum of Seventy
Six dollars & thirty eight cents principal
and ten dollars & thirty cents interest
thereon from 1st Jan. 1867 to 5th April
1869 making the sum of eighty six
dollars and sixty eight cents in full
of the amounts due my sisters Sarah
R. Lancaster & Rosa A. Lancaster
for their shares of the undivided
under said decree

Jos. O. Lancaster



J. W. Lancaster

Receipt

86, 58

May 4th 1868, Received of Geo. S. Clarke special
Commissioner under a decree of the of Justice
County Court rendered 3rd Dec^r 1866 in the
suit of Jos. O. Lancaster & others against Geo. S.
Lancaster and others the sum of \$38.19⁷ and
\$2.78⁷ interest thereon from 1st Jan^y. 1867 to 18th
March 1868 ^(amounting to \$40.92⁷) being in full of my portion of
the net proceeds of the sale of the land sold
under said decree

Jos. O. Lancaster



Dr O. F. Worcester

To { Receipts

Eco. S. Church & Com^{rs}

\$ 40.92

Joseph O Lancaster et als

vs

George W Lancaster et als.

Pilffs

Defts

In Chancery

This cause, in which the Complainants Joseph O Lancaster Sarah R. Lancaster and Rose Ann Lancaster this day filed their bill and on whose Motion A. P. Young was appointed guardian ad litem to the infant defendants George W. Lancaster, Charles C Lancaster and Emma W Lancaster and the said guardian ad litem having filed the answers of the said defendants, was docketed by consent of parties and came on by like consent to be heard upon the said bill and answers and other exhibits filed and was argued by Council, In Consideration whereof the Court doth Adjudged, Order, and decree that Joel Cook, Robert Binford, William O. P. Swallow & Noah Stephenson, who are hereby appointed Special Commissioners for the purpose (any three of whom may act), do proceed, After being duly Sworn, to make partition of the said land in the said bill mentioned consisting of 120 Acres, more or less, and bounded by the lands of Joel Cook, Robert Binford and Others, Among all the said heirs at law of the said Martha S Lancaster decd. to wit: to the said Joseph O Lancaster, One Sixth part, to the said Sarah R Lancaster One Sixth part, to the said George W Lancaster One Sixth part, to the said Charles C Lancaster One Sixth part, and to the said Emma W Lancaster One Sixth part, But if the said Commissioners shall find that partition of the said lands among the said heirs at law as aforesaid, Can not be conveniently made and that the interest of all the parties entitled thereto would in their Opinion be

promoted by a sale of the entire Subject, or allotment of part
and sale of the residue then the said Commissioners shall report the
said facts to the Court with their opinion of the value of the said
shares should the said land be so divided, and also whether any one
of the parties will accept the entire Subject and pay therefor to
the other parties such sum of money as their interest
therein may entitle them to. And in any event
they are required to report to the Court their pro-
ceedings made under this decree.

A copy.

Teste A. P. Yoncy Clerk.

Sec of Wright County, to wit:

This day Doel book.

Robert Binford, W. O. P. Swainey & Noah Stephenson
Commissioners under the foregoing decree per-
sonally appeared before me L. E. J. Deke a
Justice of the Peace for the said County and
made oath that they would comply with the
requirements of said decree to the best of
their skill and judgment. Given under
my hand this 3rd day of Nov^r 1866.

L. E. J. Deke L.P.

Decreed this,

W. O. P. Swainey
Com^r & Just.

Decreed this

To the County Court of Isle of Wight County:

Pursuant to a decree of the said Court, entered on the 1st day of October 1866, in the suit of Lancaster and others against Lancaster and others, a copy of which is herewith annexed, we, the undersigned commissioners therein appointed for the purpose, have proceeded to view the land in the said decree mentioned and find that partition thereof cannot be conveniently made among the said heirs at law according to said decree, but in our opinion the interests of all the parties entitled thereto would be promoted by a sale of the entire tract and distribution of the proceeds; because if the said partition should be made as directed by said decree each party's share would be so small as (taking in consideration the nature and quality of the land) to be almost valueless and in our opinion would not be worth over \$20.00. The said commissioners further report that they have not found any party who will accept the entire subject and pay therefor to the other parties such sums of money as their interests therein will entitle them to. Given under our hands as commissioners as aforesaid this 3rd day of ~~October~~^{Nov} 1866.

Joel Cook
W.O. G. Swallow
Robert Pinford
Noah Stephenson

} Commissioners

Sumner et al

vs { Rept. of Commrs

Sumner et al

~~~~~

*2*

*1871*

To the Worshipful County Court of the Wright County.  
In Chancery Sitting:

The joint and several answers  
of George H. Lancaster, Charles H. Lancaster and  
Emma V. Lancaster, by A. D. Young Their guardian  
ad litem, to the bill of complaint in said Court  
exhibited by Joseph O. Lancaster, Sarah R. Lancaster  
and Rose Ann Lancaster against them.

These defendants jointly and severally an-  
swering say that they know nothing of the mat-  
ters in said bill alleged. That they are infants  
under twenty one years ~~old~~ of age, and submit  
their interests in the premises to the protection  
of this Worshipful Court of Chancery, and  
having answered they pray leave to be dismissed

&c.

A. D. Young  
gdn. ad litem &c.

Lancaster et als.

No. 3 } Ans. infant elect.

Lancaster et als.

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To the Worshipful County Court of Isle of Wight County,  
In Chancery Sitting:

Humbly complaining therewith  
to the Court your complainants Joseph O. Lancaster, Sarah R. Lancaster, and Ross Ann Lancaster, that on or about the 15<sup>th</sup> day of February 1863; Henry B. Lancaster, the father of your complainants, died in the County of Henricmond, having many years previous to his death, married Martha S. Swallow, widow of Swallow deceased formerly Martha S. Harrison, who was the mother of your complainants. That the said Martha S. Harrison, afterwards Swallow, afterwards Lancaster, the mother of your complainants as aforesaid, at the time of, and after, her marriage with the said Henry B. Lancaster, was seized in fee simple of a certain tract of land lying and being in the County of Isle of Wight containing by estimation 120 acres and bounded by the lands of Joel Cook, Robert Binford and others. That the said Henry B. Lancaster conveyed his life interest in the said land, acquired by virtue of his marriage with the said Martha, and by her having issue born alive to him, to one Marie Briggs by deed bearing date on the day of 18 and duly recorded in the Clerk's Office of Isle of Wight County a copy of which is herewith exhibited marked A, but that the said Martha did not join her said husband in the said deed to the said Briggs, as will appear by reference thereto, or in any other deed to any other person, nor did she make any other disposition of the said land during her life, but remained entire thereto up to the time of her

death which occurred a short time previous to  
that of her said husband the said Henry B. Sam-  
erston, to wit on or about the 10<sup>th</sup> day of January  
1865 in the said County of Hampshire. That the  
said Martha S. Samerston died as aforesaid, <sup>(intestate)</sup> with  
no issue by her first husband the said  
Ernest and having as her heirs at law, her  
six children to wit Joseph O. Samerston, Sarah  
R. Samerston, Rose Ann Samerston, George H.  
Samerston, Charles C. Samerston and Emma V.  
Samerston, the first three of whom are your  
complainants, and the others infants under  
twenty one years of age. Your complainants are  
informed and so charge that they are entitled to  
have partition made among the said heirs at law  
of the said land which so descended to them  
from the said Martha their mother as aforesaid,  
(their father being dead as aforesaid) but that if  
said partition could be made at all, it would be incon-  
venient and injurious to the interests of all the par-  
ties concerned, and that a sale of the entire subject  
would promote the interests of all the parties entitled  
thereto and that the entire subject is not worth  
\$1800. or \$300. per share for the six shares. Your com-  
plainants are without remedy at law and can  
only be relieved by this worshipful Court of Chancery  
where matters of this sort are cognizable. To this  
end therefore your complainants pray that the  
said infants George H. Samerston, Charles C. Samerston  
and Emma V. Samerston by some one appointed  
their guardian ad litem to defend them in this  
suit, may be made parties <sup>(defendants)</sup> to this bill and be required  
to answer the same. And that by the decree of this

Court Commissioners may be appointed to make  
partition of the said land among the said heirs  
at law of the said Martha S. Samerston, if they  
shall find it convenient to do so, and if not, to  
report to the Court, the value of the said land,  
whether or not the interests of all the parties enti-  
tled thereto would be promoted by a sale of the same &c.  
And that such other and further relief may  
be granted as to the Court may seem meet and  
that may consist with the equity of the case, and  
your complainants will ever pray &c.

Charles C. per.

Sanmaster et als.

No. } Bill.  
Sanmaster et als.

1866,

Octo: 1. Bill P. filed

County: decem,

Nov. 5<sup>th</sup> 1866 filed  
report.

~~Nov. 5<sup>th</sup> 1866 filed~~

October 1878. Case  
dismissed from  
the docket.