

1882-012 Chancery Causes George T. Whitley, extor of John Sykes vs Martha F. Barclay

Isle of Wight County

Sykes" &

W. { In Chancery

Bordley. Months 7. et als

Complamaints Bill

March Rls. 1882.

Bill & expts. filed
sums. Expd. & de nisi.

April Rules, 1882.

Bill taken for conf?
& cause set for hearing

April Ct. 1882

Dismissed

Court of Chancery where matters of this
sort are alone and properly cognizable
therefore your complainant prays
that the said Martha F. Barclay, ~~and~~
~~Sykes who is an infant under the~~
~~age of 21 years old, be made parties~~
~~defendant to this bill, that a proper~~
~~guardian ad litem be assigned the~~
~~said infant defendant to defend~~
~~his interest in this suit, and that~~
a process may issue against the
~~said~~ ^{said} defendant; that ~~he~~ ^{she or her interest} be assigned
to the said Martha F. Barclay out of
the said tract or parcel of land, and
that after the said assignment, shall
have been made that it (i.e. the interest
of the said Martha F. Barclay) ^{may} be subjected
to the ^{payment of} said judgment and costs of
this suit including a reasonable ^{attorneys} fee
to J. H. Jennings & Co. for his services
and trouble in conducting this suit
and that such other and further relief be
granted as to equity may seem meet
or the nature of the case may require.
And your complainant will ever pray
J. H. Jennings & Co.

own any personal estate whatever
of which your complainant ^{is} informed.
That by the last will and testament of
John Sykes deceased, the first husband
of the said Martha F. Barclay, the
said Martha F. Barclay is seized and ~~possessed~~
possessed for her life of a one-third
interest in and to a certain tract
or parcel of land lying and being
in the county of Isle of Wright, State of
Virginia containing by estimation
110 acres, more or less and bounded

as follows: on the north by the lands of Geo. F. Whit-
ley on east by the lands formerly belonging to Nicholas
Edwards on the south by the lands formerly belonging to
William Edwards Bennett E. Loye and on the west
by a copy of said will is herewith filed marked
exhibit "C" and prayed to be taken as a part of this
it being the tract or parcel of land of
which the said John Sykes deceased, did
died and possessed, a copy of which will is herewith
filed marked exhibit "C" prayed to be taken as a part of this bill.

That at the time of rendering the said
judgement the said Martha F. Barclay
was the wife of the said W. S. Barclay.
That since the writing rendering of said
judgement the said W. S. Barclay departed
this life, and that the said Martha F. Barclay
is now an unmarried woman.

Forasmuch therefore as your complainant
is without remedy ^{at law} and can only be
relieved by the aid of this honorable

by the lands
formerly belonging
lying to Thomas
M. Dashiell - it
being the same
tract or parcel
of land conveyed
to the said John
Sykes from
Joseph F. Johnson
Christiana his
wife by deed
Exhibit "C"

dated first
day of December
1865, which
deed is recorded
in the Clerk's
office of the
County of Isle of
Wright in deed
book No. 40 page
543.

To the Honorable Geo. Blair, Judge
of the Circuit Court of Law and Chan-
cery for the County of Isle of Wight
State of Virginia, in Chancery sitting:

Your complainant Geo. T. Whitley
Executor of the last will and testament
of John Sykes deceased, respectfully repre-
sents to your honors that on the ~~21st~~
day of ~~April~~^{October} 1881, (at the ~~April~~^{October} term of
the circuit court for the County of Isle of
Wight your complainant obtained a judge-
ment against Martha F. Barclay the then
wife of one W. S. Barclay, for the sum of
One hundred and ninety-five ¹⁰/₁₀₀ dollars (\$195¹⁰/₁₀₀)
with interest thereon from March 12th 1879
till paid and the sum of \$8²⁰/₁₀₀ for his
costs; a copy of which judgement is
herewith filed marked exhibit A. and
prayed to be taken as a part of this
bill.

Exhibit "A"

That a writ of Fieri Facias was issued
from the Clerk's office of said Court on said
judgement and was returned by Sheriff
with "no effects" endorsed thereon, a copy
of which execution writ and return thereon
~~are~~ is herewith filed and marked exhibit
"B" and prayed to be taken as a part
of this bill.

Exhibit B.

That the said Martha F. Barclay does not

Geo. F. Winter Esq.
of Sykes

vs.  Seams.
to answer

Martha F. Barclay

To March 1887.

J. H. Nelson Esq.

Executed by delivering
to the within named
Martha F. Barclay
a true Copy of the
within Summons
Feb. 28th 1887

L. B. Edwards Esq.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY--GREETING:

You are hereby commanded to summon *Martha F. Barclay*

if *she* be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court, for our said County of Isle of Wight, at the Rules to be holden for the said Court, on the first Monday in *March* next, to answer *the Bill in chancery of George F. Wheatley executor of John Sikes decd.*

And have then and there this writ. Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at the office aforesaid, this *17th* day of *February* 18*87*, in the *106th* year of our foundation.

N. P. Young

Clerk.

Sydney Ex
or { de Chancy
Barclay

Rough Draft
Apr. 20 - 1882
To be entered

Geotitles.

Entered 43

On the Circuit Court for the
County:

Lyles' Ex

vs John Plummer

Barclay

On motion of plaintiff
by his attorney this cause is this
day dismissed from the docket:

My dear Exr. &c

— 3 Copies of
of Indigent

1 Barclay &c

=

"
Exhibit A"

In the last circuit Court of
Greenswicht County

Octo. 24th 1881.

George D. Whiting Exor. of
John Sykes } Plffs

v. $\frac{3}{4}$ copy of Judgmt.

Martha D. Barclay wife
of William Barclay } vs

Judgment that the plaintiff
recover against the defend-
ants the sum of \$195¹⁵
with interest thereon from
the 22th of March 1849. Also
found. and \$8²⁰ costs.

A copy

True.

W. A. Edwards D.C. for
M. P. Younger

Att. fees & tol. 3.50
Clerk. fees - 3.70
Shff. " - 1.00
\$8.20

Dir. Ch. p- 69.
Whitley Exp. or
of Sydes.
v. J. D. f. a.

Barclay Martha F.

" To Jan'y 1882.

Valued
p. q.

No property found
to satisfy this
Execution or any
part thereof
Decr. 31-1881-

L. B. Edwards

Shff.

" "

Exhibit 13

The Commonwealth of Virginia,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT—GREETING:

We command you that of the goods and chattels of Margaret Barclay wife of William who before her marriage with Wm. Barclay was Margaret D. Sykes late in your bailiwick, you cause to be made the sum of one hundred & ninety eight Dollars & fifteen cents, with interest from the 1st of March 1879 till payment which G. S. Whitney Esq. of John Sykes died

lately in our Circuit Court of the County of Isle of Wight, recovered against her for debt, also the sum of Eight Dollars and twenty Cents, which to the said Whitney Esq. aforesaid in the same Court were adjudged for his damages, as well by reason of detaining the said debt, as for his cost in that suit expended, whereof she is convicted as appears to us of record; and that you have the said debt and damages before the Judge of our Circuit Court, at the Courthouse, on the first Monday in January next, to render unto the said Whitney Esq. aforesaid of the debt and damages aforesaid. And have then there this writ.

Witness. NATHANIEL P. YOUNG, Clerk of our said Court, this 29th day of October A.D. 1881, and in the 106th year of the Commonwealth.

Peoples
Thos W Edwards Jr. vs. N. P. Young et al.
for N. P. Young et al.

John Barker's
Will
"A Copy"

"
Exhibit C"

In the County Court
of Isseawiglet County
the 3^d day of February, 1849.
The last will and testa-
ment of John Sykes decd.
was proved by the oaths
of C. St. Hart and Jas. B.
Porter the subscribing
witnesses thereto & ordered
to be recorded. Rev. D.
Whitely the Executor therein
named refused to qualify
Tested.

W. A. Edwards D. C. for
M. A. Young sec

Item 6.

administration, then I, constitute and appoint my friend Leonard St. Whitley Executor of this my last will and testament I hereby direct that my said son W.S. is to have five years in which to pay whatever amount he may have to pay my daughter on account of the valuation of my land, said amt. to carry six per-cent interest from the time my son takes possession of said land until the said amount is paid in full, if it should have to be paid at all. Given under my hand & seal this 20th day of Decr.

A.D. 1878.

Witness

John Sykes (Seal)

Leff. Hart

Josh. B. Porter

June 4th

forever.

I have & either my son or daughter die without lawful heirs of the body, then the survivor to heir the part of the died. one, but should both die without lawful heirs of their body, then I give and bequeath the whole of said property both real and personal as follows: One third thereof to Susan Powell, the daughter of James Powell to her and her heirs forever. One third to William Andrew Crocker the son of Joel Crocker & the other one third to Geo. J. Whitley the son of Geo. J. Whitley to them & their heirs forever.

June 5th

I hereby constitute my friend Geo. J. Whitley whover and ever executor of this my last will & his testament, & should he fail to qualify or should he die before he completes the said

and should it be worth more
than 1/2 of my estate, then
my said son is to pay
to my daughter Mary
A. E. an amount suffi-
cient to make her receive
one half of my estate in
value, and a lien is hereby
created on the whole of
my land for whatever
amount may be due
by my said son to my
daughter

Item 3^d

I give and bequeath
unto my daughter Nancy
A. E. 1/2 of my estate as men-
tioned in the 2^d item to her
and her heirs forever. But
on this express condition
that she is never to marry
Christopher C. Stephenson,
and if she should marry
him, then the whole of
my estate at her the death
of my said wife both real
and personal to go to my
son William S. to him
and his lawful heirs

I, John Sykes of the County
of Lee of the State
of Virginia do make and
ordain this instrument
of writing to be my last
will and testament,
hereby revoking all former
wills made by me as
follows To wit:

Item 1st

After the payment of my
just debts and funeral
expenses, I give & bequeath
to my beloved wife Martha
A. all of my real and
personal estate, during
her single life, but should
she marry, I give her only
what the laws of the State
of Virginia give her.

Item 2^d

After the death of my said
wife, I give and bequeath
unto my son William
S. all of my real estate
to him and to his lawful
heirs forever, and also $\frac{1}{2}$
of my personal estate.

The real estate to be valued
by three disinterested men