1883-003
Nansemond Co. (Suffolk)

Chancery Causes: G.W. Semple et al vs Admr of Frances Harris et al

Booker, [Thomas, Adams & Co], Sinclair, Thomas & Adams I, Thomas, Adams & Co I, Thomas

Will: 1866, Frances Harris, Isle of Wight Co.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~NANSEMOND~~ Elizabeth City COUNTY,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John Sinclair, in his own right and as administrator with the will annexed of Frances Harris, Martha F. Sinclair late Harris, wife of said John Sinclair, Harriet Harris and Jefferson B. Sinclair.

to appear at the Clerk's office of our County - Court for the County of Nansemond, on the first Monday in July — next, 1870. being rule day, to answer a bill in chancery, exhibited against them by G. W. Semple, who sues for the benefit of Virginia Booker, and James Thomas John E Adams and G. R. Atkinson, late partners, having under the partnership name and style of Thomas Adams & Co. who sue for the benefit of James Thomas and John E Adams, merchants and partners having under the partnership name and style of Thomas & Adams, and of all other creditors of said Frances Harris, who may choose to contribute to the costs of this suit:

and unless They — — shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly. And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 18th day of June 1870. and in the 94th. year of the Commonwealth.

Peter B. Prentis *Clerk.*

☞ The Sheriff will, in his return, note the day on which this process is executed on each defendant.

Copy for,

Jefferson B. Sinclair

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John Sinclair, in his own right and as admin istrator with the Will annexed of Frances Harris; Martha F. Sinclair, late Harris, wife of said John Sinclair, Harriet Harris and Jefferson B. Sinclair

to appear at the Clerk's office of our County Court for the County of Nansemond, on the first Monday in July next, 1870, being rule day, to answer a bill in chancery, exhibited against them by G. W. Semple, who sues for the benefit of Virginia Bowker; and James Thomas, John E. Adams, and G. R. Atkinson, late partners, trading under the partnership, name and style of Thomas, Adams & Co. who sue for the benefit of James Thomas and John E. Adams, Merchants and partners trading under the partnership name and style of Thomas & Adams, and of all other Creditors of said Frances Harris, who may choose to Contribute to the Costs of this suit and unless They shall answer the said bill by the next rule day thereafter. the Court will take said bill for confessed, and decree accordingly. And have then and there this writ. Witness. PETER B. PRENTIS, Clerk of our said Court at his office, this 18th day of June 1870, and in the 94th year of the Commonwealth.

Peter B. Prentis. Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each defendant.

Nansemond County to-wit

This day Wm. Ely late Sheriff of Nansemond County personally appeared before me a ~~Notary Public in and for~~ Justice of the Peace in and for the County aforesaid and made oath that he did on the 29th day of June 1870 deliver a true copy hereof to John Sinclair Martha F. Sinclair his wife and Harriet Harris given under my hand ~~this~~ as a Justice of the peace this 2nd day of July 1870

John R. Kelly
Notary Public

Haywood & Co

Exd. Jno. B. Rob. A. Hayw. & Co.

Hayward & Co
Sheriffs &c
vs
Sinclair's in Chy:

John Sinclair &c &c
=
To July Rules 1870

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ~~NANSEMOND~~ Elizabeth City COUNTY,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John Sinclair, in his own right, and as admr de bonis non. with the will annexed of Frances Harris, Martha F. Sinclair, late Harris, wife of said John Sinclair, Harriet Harris and Jefferson B. Sinclair

to appear at the Clerk's office of our County Court for the County of Nansemond, on the first Monday in July — next, 1870, being rule day, to answer a bill in chancery, exhibited against them ——— ——— ——— ——— ——— ——— by G. W. Semples, who sues for the benefit of Virginia Booker, and James Thomas, John E Adams and G. R. Atkinson, late partners, trading under the partnership name and style of Thomas, Adams & Co. who sue for the benefit of James Thomas and John E. Adams, merchants and partners, trading under the partnership name and style of Thomas & Adams, and of all other Creditors of said Frances Harris, who may choose to contribute to the costs of this Suit.

and unless they ——— ——— ——— ——— ——— shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly. And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 18th day of June 1870, and in the 94th year of the Commonwealth.

Peter B. Prentis Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each defendant.

Hayden. p. 9

G. W. Semple, who sues &c

vs } Sem. in Chy:

John Semple &c, Def.

To July Rules 1870.

Hampton Va. July 1st. 1870

The within plaintiff are non-residents of this County. Live in Matthews.

J. Tatum

Sheriff

Pro: B. Va: 1 page 55 Co: Co:

COMMISSIONER'S OFFICE,

Suffolk, Va. Nov. 1st 1875

TO G. W. Semple, who sues for the benefit of Virginia Booker, and James Thomas, John E. Adams and G. R. Atkinson, late partners, trading under the partnership name and style of Thomas, Adams & Co.; who sue for the benefit of James Thomas and John E. Adams, merchants and partners, trading under the partnership name and style of Thomas & Adams, and of all other Creditors of Frances Harris, who may choose to contribute to the Costs of this Suit . . . . . Plaintiffs.

And To John Sinclair in his own right, and as Administrator with the will annexed of Frances Harris, Martha F. Sinclair late Harris, wife of said John Sinclair, Harriet Harris and Jefferson B. Sinclair . Defendants

You are hereby notified that I have fixed upon the 14th day of December next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:

First: An account of the transactions of John Sinclair, as Administrator of Frances Harris.

Second: An account of the Plaintiffs' demands and those of any Creditors of the said Frances Harris, who may choose to contribute to the Costs of this Suit

Third: An account of the Real Estate of which the said Frances Harris died seized and possessed, with the fee-simple and annual value thereof; and what has became of said estate.

required to be taken by a decree of The Circuit Court of Nansemond, rendered on the 11th day of October 1875, in a suit in Chancery, depending in said Court, in which you are parties, plaintiff and defendant; at which time and place you are required to attend.

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

PETER B. PRENTIS, *Commissioner.*

To the Sheriff of ~~Nansemond~~ Gloucester *County to execute.*

G. W. Semple, who sues &c

vs

Comm'r's Notice

John Sinclair, in his own right, and as Admr: with the will annexed of Frances Harris, Dcd:

To 14th: Decr: 1875, at Comm'rs. Court's Office, Suffolk, Nansemond Co: Va:

Executed on the 27th day of Novr: 1875, and a true copy hereof delivered to Jefferson B. Sinclair

J. B. Brower Sheriff of Gloucester Co: Va:

Fee Rec'd J. B. Brower

Semple &c
v.
Harris' adm'r &c

On motion of the defendants by John D. Kelly, their attorney, leave is given them to file their answer in this case, in sixty days from this day.

Semple &
v.

Harris, adm.

1876
afe ct.
order
to be entered
Geo. Bliss.

Entered
O.B. Vol- p. 303

Oct 11/75

G. W. Semple &c.

vs

Frances Harris Admrs.

This cause this day came on to be again heard on the Papers formerly read & was argued & counsel, on consideration whereof the court doth adjudge order & decree that a commissioner of this court take the accounts herein directed & the decree of September Term 1870, to wit:

1st An account of the transactions of John Sinclair as Administrator of Frances Harris

2nd Of the Plaintiffs demand & those of any Creditors of the said Frances Harris who may chose to contribute to the cost of this suit

3 - An account of the Real Estate of which the said Frances Harris died seized & possessed with fee simple & annual value thereof & what has become of said Estate & which accounts he shall take settle & report to court, with any matters specially stated, deemed pertinent & himself as required by the parties to lie & stated

Semple &
vs
Frances Harris
Admrx &c

Rondout Oct Term 1876
To be entered
Geo. F. Comstock

Entered O.B. No 1 - p. 284

E. W Semple &c

vs

Frances Hanis Admix &c

This cause coming on which the Bill is taken for confessed as to the Defendants John Sindair in his own right, & as administrator of Frances Hanis, Martha Sindair wife of said John Sindair & Daniel Hanis on whom process has been duly served they, still failing to appear plead answer or demurr, came on this day to be heard on the Bill Exhibits filed & was argued by Counsel, on consideration whereof the court doth order and that a Commissioner of this court take the following Acts

1— An account of the transaction of John Sindair as Administrator of Frances Hanis

2— Of the Plaintiffs demands & Share of any creditors of the said Frances Hanis who may chose to contribute to the cost of this suit—

3— An Acct of the Real Estate of which the said Frances Hanis died seized & possessed with the fee simple & annual value thereof: which Acct he shall take with respect to Court with any Matters specially stated deemed pertinent by himself or required by the parties to be so stated—

Samples
of
Harris' Adm

Rough Hewer
Sept Term 1870
Tobe entered -
Thos Hamer & Co

G. W. Semple

vs.

John Sinclair Sal

It appearing to the Court that there has not been any order or other proceeding in this cause except an order to continue it for more than seven years, it is ordered that the same be struck from the docket and thereby be discontinued, with the right on the part of any one interested, on motion, to have the same re-instated within one year from the date of this order, but thereafter

Semple

vs. } In Chy

Sinclair

Hausemund County
Circuit Court,
day of Octo. 1883
Order
To be entered

Geo. T. Sloan

Minute Bk. No 1 page 634

Oct 12 1883

1860. Wm Harris To G. Wm Semple $

April 12 To 17. To four visits Betty & Meds.	$11.50
" 26. To eight visit & Meds. $5. (28.30.) To visits $4.	9.00
May 3 To 12 To four visits $8. (15.17.) To visits $4.	12.00
" 21. To 30 To four visits & Meds. $9. (June 3.8.) To visits $4.	13.00
June 24. To 26. To 3 visits Self & Meds. $7.50	7.50
Rec't Payt in full	$53 00
G. Wm Semple	

Ex. 1st. inst. mile
ans.

Mrs Harris
a/c $53.00

To the Hon. Geo. Blow, Judge of the Circuit Court of Nansemond County, Virginia

The Joint Separate Answer of John Sinclair as administrator with the will annexed of Frances Harris and in his own right., Martha F. Sinclair and Harriet Harris, to a Bill in Chancery pending in the Circuit Court of Nansemond County, Virginia, wherein G.W. Semple who sues for the benefit of Virginia Booker, and Thomas Adams &c. &c. are plaintiff and your Respondents &c. Defendants,

Your Respondents say, it is true that Frances Harris, died and left a will as stated in said Bill, and that your Respondent, John Sinclair qualified as her Executor

Your Respondents deny that the said Frances Harris, at her death was indebted to said G.W. Semple the sum of $53, or any other amount. and they further say that the identical bill of $53. was paid by Mrs Frances Harris in her life time, and was only accepted by him, as is filed herewith as part of this answer is marked No 1.

That the said Frances Harris owed the said Thomas, Adams &c. nothing at her death, that she had owed them a smaller bill which was paid by the delivery to them of 50 Bacon hams about March or April 1861 —

That your Respondents admit that the said Frances Harris, died possessed of ample

estate & pay any demands the Complainants have.

And having answered all that is material for them to answer in said Bill, now pray hence to be dismissed &c.

Signed
John Sinclair
+ Sarah Sinclair,
+ Harriet Harris

Thos R Kelly & wife p.d.

State of Virginia
Dee of Wight County } to wit

I Thos R Pendleton a Justice of the peace in and for said County of Isle of Wight, State of Virginia, do certify that John Sinclair whose name is signed to the foregoing answer came before me, and made oath that the same contains the truth to the best of his judgment

Given under my hand this 11th day of July. 1876.

Thos R Pendleton, J. P.

Virginia
Isle of Wight County, to wit.

I, John R Pundie, a Justice of the Peace in and for said County, State aforesaid, do certify that Martha A. Sinclair & Harriet Harris whose names are signed to the foregoing answers came before me & made oath that the facts set forth in said answers are true to the best of their judgment. Given under my hand this 17th day of April 1896

John R Pundie J.P.

Temple &c.

vs

Harris' adm'x &c.

answer of
John Snider's
adm'r of Frances Harris
&c. & others.

Cir. Ct. Nans.

1876. April 19th: filed.
CK

Know all men by these presents. That we John Sinclair & Jefferson B Sinclair are held & firmly bound unto the Commonwealth of Virginia in the sum of fourteen thousand Dollars to the payment whereof well and truly to be made to the said Commth. of Va. we bind our selves & our heirs. Exors. & Admrs. jointly & severally firmly by these presents, Sealed with our Seals & Dated this 6th day of Augt. one thousand Eight hundred and sixty six. The Condition of the above obligation is such that if the said ~~John Sinclair~~ ~~Executor~~ who has this day qualified in the County Court of Isle of Wight County as the Admr. of Frances Harris decd. shall faithfully discharge the duties of his said office, then this obligation to be void or else to remain in full force

John Sinclair (Seal)
N P Young in fact for
Jefferson B Sinclair (Seal)

In the County Court of Isle of Wight County Augt. 6th 1866. This bond was executed & ordered to be recorded, Teste N P Young Clk.

Aberfoyle
Leeste
C. H. Hart C.C.

In Isle of Wight Quarterly Ct. Augt. 6th 1866.

On motion of John W. Sinclair, who
made oath, and with Jefferson B
Sinclair his security (who has justi
=fied before a Notary Public, of Eliz=
=abeth City County, entered into and
acknowledged a bond, in the penalty
of $14000.00 and Conditioned accord=
=ing to law, Certificate of admon.
with the will annexed is granted
him on the Estate of Wm. Frances
Harris dec'd. - (The estimated value
of the estate being $7000.00) ordered
that said bond be recorded. And
that Edwin Morrison, S. White, S. J.
Wilson, J. F. Chalmers & S. G. Boy=
=kin or any three of them, after
being first duly sworn, appraise
the Est. of dec'd & make report.

A Copy
Teste
C. V. Hartsell

1860. Mrs. F Harris To G. Wm Semple. Dr.

April 12. to 17. To 5 Visits Betty & meds $11.00

" 26 To night visit Betty & med $5. (28.00) To Visits $4. 9.00

May 3. to 12. To 4 visits $8. (13.17). To Visits $4 12.00

" 21. to 30. " 4 " & meds $9. (June 3.8) To Visits $4. 13.00.

June 24 to 26 To 3 Visits Self & meds $7.50 7.50

$53.00

Mrs. Jane Harris

$ 53.00

35/49

Exhibit C

I Frances Harris being of a sound and disposable mind, do on this 15th day of March 1852. Make and ordain this my last will and Testament, In the manner and form as follows
1st Item, I give to my daughter Martha F. Harris the sum of three thousand Dollars, in money two servants namely Woman Betty & her son John, One Mahogany Bedstead Bed & furniture One Mahogany Ward Robe, One Mahogany Wash Stand with marble Slab, to her and her heirs forever, also one mahogany Bureau
2nd I give to my daughter Harriet Harris. the sum of three thousand dollars in money. One negro man Roberts Andrew, One maple Bedstead, Bed & furniture, to her & her heirs forever.
3rd It is my will and desire, that in case my Son Samuels interest in my dower Slaves should not amount to one thousand Dollars in that event I wish my Executor to pay to my Son Samuel an amount sufficient to cover such deficiency
4th I wish my Real Estate in the Town of Smithfield Va. to be sold at Public or private sale as my Exor may think best
5th And Lastly I do hereby make and appoint my friend Sampson White my Executor, In presence of us

Frances Harris

M. Womble
N. W. White
F. E. M. Wills

In the County Court Clerks Office Isle of Wight County, July 2nd 1866. This will was proved & ordered to be recorded

Teste N. D. Young Clk.

I hereby my right to qualify as Exor: of Frances Harris, it being inconvenient to me to discharge the duties of said office

July 2nd 1866.

Witness S. White.

C. B. Hayden

July 2nd 1866, Proved and ordered to be recorded

Teste M. P. Young Clk.

A Copy

Teste

C. H. Hart. Clk.

Frances Harris' Will

Exhibit A

Fee .50 ¢

Semple & als
&
Frances Harris' Admrs & als

Exhibits

To the Honorable T.S. Garnett Jr. Judge of the County Court of Nansemond County, in Chancery sitting, humbly complaining sheweth to the Court your Complainants G.W. Semple, who sues for the benefit of Virginia Booker, and James Thomas, John E. Adams & G.R. Atkinson late partners under the partnership name and style of Thomas, Adams & Co. who sue for the benefit of James Thomas & John E. Adams merchants & partners trading under the partnership name & style of Thomas & Adams, suing on their own behalf, and that of all other creditors of Frances Harris Deceased, who may choose to contribute to the costs of this suit.

That on or about the day of 1866 the said Frances Harris departed this life in the County of Isle of Wight, having first made and published her last Will and Testament, which at the July Term 1866 of the County Court of the County last aforesaid was duly admitted to probate, and Sampson White nominated in said Will as Executor, having refused to qualify as such one John Sinclair qualified

in said Court at the same Term, as Administrator with the Will annexed of the said Frances Harris, and with Jefferson B. Sinclair as his surety gave bond as such Administrator in a penalty of $14000.00 conditioned according to law, a copy of said Will with certificate of probate annexed and of said qualification marked A and of said Bond marked B, are herewith filed and prayed to be taken as a part of this Bill.

Exhibits A & B

That at the time of her death the said Testatrix was indebted to the said G. W. Semple in the sum of $53.00 for medical services rendered to her at her request by the said G. W. Semple, and the said Francis Harris was also indebted to the said Thomas, Adams & Co. in the sum of $38.57 for goods by them sold to her at her request, which accounts marked C & D are herewith filed & prayed to be taken as a part of this Bill.

Exhibits C & D

That the said debts are still due and unpaid, the said Testatrix in her lifetime, and her said Administrator since her death having refused, though often requested to pay the same, that the said Testatrix at the time of her death was possessed of both real and personal estate, which on her death passed

under her Will to her daughters Martha F. and Harriet Harris to the extent of the legacies given them in said Will and the said Testatrix having died intestate as to the balance of her estate, the same passed to the said Martha F. and Harriet her sole heirs at law. Her son Samuel mentioned in the 3d clause of the Will, predeceased his mother leaving no issue, the conditional legacy given him lapsed. The said Administrator has returned no Inventory or Appraisement of said estate or rendered any account of his transactions as administrator That said Administrator has sold the State Stock belonging to the said Testatrix but has not applied the proceeds thereof to the payment of the debts of said Testatrix.

Your Complainants are informed that the said Administrator has had no sale of the other chattle estate left by his said Testatrix, and that the same remains in his possession.

The said Martha F. is now the wife of the said John Sinclair. That the said Testatrix died seized and possessed of a valuable House & Lot in the town of Smithfield, the interest in which of the said John Sinclair Martha F.

his wife has been conveyed by Deed of Bargain and Sale to the said Harriet Harris, which Deed has been duly recorded in the Clerk's Office of the County Court of the County of Isle of Wight. An attested copy of said Deed, with certificate of recordation marked Exhibit C is herewith filed and prayed to be taken as a part of this Bill,

That the said Martha F. & Harriet have received more than sufficient from the estate of said Testatrix to pay the debts aforesaid, and the other outstanding debts due by her said estate.

Your Complainants are informed and so charge that if there are not sufficient personal assets in the hands of said Administrator in consequence of his having distributed the said assets between the said Martha F. & Harriet, that having made such distribution with full knowledge of said debts the said Administrator has rendered himself and his said security liable therefor

That the said Martha F. & Harriet having received from said Estate more than the amount of said debts are liable for the payment of the same, and that the

Exhibit C

said House and Lot to the extent of one moiety of said debts may be subjected to the payment of the same.

In tender consideration whereof, and for as much as your Complainants are without remedy at law, and can only be relieved by the aid of this Honorable Court of Chancery where matters of this sort are cognizable, to this end your Complainants pray that the said John Sinclair in his own right and as Administrator with the Will annexed of said Frances Harris, Martha F. Sinclair (late Harris) wife of said John Sinclair, Harriet Harris and Jefferson B. Sinclair may be made parties defendant to this Bill and be required to answer the same, and that by the Decree of this Honorable Court the said Administrator may be required to render an account of his transactions on said estate, and that an account may be taken of your Complainants' demands and those of all other Creditors of said Testatrix who may choose to contribute to the costs of this suit, and the assets, if any, in the hands of said Administrator may be applied to the

payment of said debts and demands, and that if such assets should prove insufficient that the said Martha J. & Harriet may be made to contribute to the payment of the same and that if necessary said real estate may be subjected to the payment of one moiety of said debts — and that such other and further relief may be granted in the premises as to the Court may seem meet and the nature of the case may require and your Complainants will ever pray &c.

Hayden Solr.

Complainants' Bill

Semple & als
v.
Frances Harris' Admr. & als

Semple, who sues &c

vs & Chy: Notes

Sinclair &c Lal:

1870. June 18th: Sum's in Chy: issd

" July 4th: Bill &c filed - & conditional decree vs all the defts: except - Jefferson B. Sinclair.

" " " Alex: Sum's vs Jefferson B. Sinclair

" Aug: 1st: Conditional decree confirmed & cause set for hearing, on mo: of Pltff's Counsel

" " Sept 12th: Decree for Accounts

1872. Mar Contd

" June 11 "

1875. Oct: 13th: Decree for accos:

1876. Apl: 10th Leave given to defts answer in 60 days

" " " 19th: Answer of Jno. Sinclair, Notice to Sol: filed

" Octo: 12th Continued

1877. Apl: 14th Continued

" Octo: 15th Continued

1878. Apl: 15th Continued

" Octo: 15th Continued

1879. Apl: 12th Continued

" Octo: 16th Continued

1880. Apl: 14th Continued

Chy. Notes