

1814-056

SOUTHAMPTON COUNTY  
CHANCERY PAPERS

CLEMENTS' EXECUTOR

VS.

ATKINS ~~et ux~~ et al 2/18/4

Other surnames:

Britt, Stephenson,  
Cook, Atkinson, Moody,  
Vaughan, Holliman

Fre. Clements

vs

Jo. Britto Exec<sup>rs</sup>  
& others.. Bill..

abates compleas

|                    |  |
|--------------------|--|
| 1 <sup>st</sup> 96 |  |
| 1 <sup>st</sup> 20 |  |
| 1 <sup>st</sup> 02 |  |
| 1 <sup>st</sup> 28 |  |
| 58                 |  |
| 9.44               |  |
| 14.57              |  |
| 5.00               |  |
| 7.20               |  |
| 50                 |  |
| <u>\$27.27</u>     |  |

|             |  |
|-------------|--|
| 54          |  |
| 3.60        |  |
| 3.60        |  |
| <u>7.20</u> |  |

See  
500

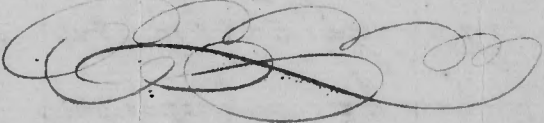
To the worshipful Court of Southampton County sitting in  
chancery humbly complaining sheweth unto your wor-  
ships your Orator <sup>John Urquhart Esq.</sup> Francis Clements of Va. —

That some time in the year 1797 ~~your orator~~  
~~testator~~ John Clements dec<sup>d</sup> did enter into a bond with  
Joseph Britt, to one Samuel Moody, in the penalty of  
£500-0-0 to warrant and forever defend the title to a certain  
tract of Land sold by the said Jo. Britt to the said Moody  
of 400 acres be the same more or less, situated in the Coty.  
of Isle of Wight: which said bond was executed on the  
following condition, that if the said land should be lost  
by the said Moody, or recovered of him by law, from any  
defect in the title, on which it was held by the said  
Britt; that then and in that case, he the said Britt  
and John Clements his security, should forfeit to the said  
Moody the penalty of the said obligation for five hundred  
pounds, payable to him the said Sam. Moody for reimburse-  
ing him the value of the land; Interest & cost of suit.

And now so it is that suit was instituted against  
the said Moody and judgment rendered vs him for the  
whole tract of Land, cost of suit &c. After which  
an action was commenced by John Holliman Ass<sup>ee</sup> of  
Sam<sup>l</sup> Moody on the aforesaid bond against your orators  
<sup>Tertator Francis Clements</sup>  
as representatives of John Clements, to recover the penalty  
therein specified, and on which said bond judgment was  
entered up for him in the District Court of Suffolk: &  
on which said judgment your orators <sup>Tertator Francis Clements</sup> has paid the sum  
of two hundred & ninety two pounds fourteen shillings, as will  
appear by the Sheriff's receipt herewith exhibited, showing the  
full discharge of that sum. —

Your orator further  
states that for the purpose of securing the said John  
Clements, in any sum which he might be subject to pay  
for the said Britt, as being his security, there was a  
tract of        acres of Land held and owned by the s<sup>d</sup>  
Jo. Britt mortgaged to the said John Clements, as is  
shown by this indenture hereto annexed, which said tract

of Land and its appurtenances your orator prays this  
court will order and decree may be sold agreeable  
to the true intention of the parties at the time of  
making the said indenture; and that the money aris-  
-ing from the sale be applied to the reimbursement of  
your orator in the damage he has sustained by  
Fid. Clements your orator's testator. ~~Another Atkins~~  
Your orator further prays that ~~John Joseph and~~  
of Joseph Britt - Elizabeth Atkins formerly Eliza Britt  
John Britt, Harrison Britt, ~~William~~ <sup>Philip & Eliza</sup> ~~Stephenson~~ <sup>his wife</sup>  
~~lofty~~ <sup>Sally</sup> ~~Britt~~ <sup>Britt</sup> ~~Stephenson~~ <sup>Britt</sup> ~~Cook~~ <sup>his wife</sup> ~~John~~ <sup>John</sup>  
Britt, Benja Britt Solomon Britt and Sally Britt may  
be made defendants to this bill, and may answer  
the allegations therein contained. - and your orator  
shall ever pray &c. " " " "

For the  
complainant.  


Wroghart Esq.  
Clements vs  
Atkins Brutt &c  
Bill in Chancery  
for sale of Land.

January 1874 Pierce

To the worshipful Court of Southampton County sitting  
in Chancery, humbly sheweth unto your  
worships your orator John Clement Esq<sup>r</sup> of Francis  
Clements &c. —

That some time in the year 1797.  
John Clements dec<sup>d</sup> did enter into a bond with  
Joseph Britt (since dead) to one Samuel Moody  
in the penalty of £500-0-0 to warrant and forever  
defend the title to a certain tract of Land sold by the  
said Jo. Britt, to the said Sam<sup>l</sup> Moody of 400 Acres,  
be the same more or less, situated in the County of  
Isle of Wight: which said bond was executed on the  
following condition; that if the said land should be  
lost by the said Moody; or recovered of him at Law,  
from any defect in the title, on which it was held  
by the said Britt; that then and in that case, he the  
said Britt and John Clements his security, should forfeit  
to the said Moody the penalty of the said obligation  
entered into for £500-0-0 payable to him the said Sam<sup>l</sup>  
Moody, for reimbursing him the value of the Land,  
Interest, & costs of Suit. —

And now so it is  
may it please the Court, that suit was instituted  
against the said Moody and Judgment rendered vs him  
for the whole tract of Land, cost of suit &c. After which  
an action was commenced by John Holliman Esq<sup>r</sup> of  
Sam<sup>l</sup> Moody on the aforesaid bond, against your orator  
testator, Francis Clements, as representative to John  
Clements, to recover the penalty therein specified; and  
on which said bond Judgment was entered up for  
him in Suffolk District Court; and on which said  
Judgment your orator testator Fr<sup>s</sup> Clements did pay  
the sum of two hundred & ninety two pounds fourteen  
shillings, as will appear by the Sheriff's receipt  
herewith exhibited, shewing a full Discharge of that  
sum.

Your orator further states that for  
the purpose of securing the said John Clements, in any  
sum which he might be subject to pay for the said Britt

18 m  
 26 or  
 18 Spa  
 18 x reb  
 18. filghill  
 26 Rude  
 26 Rude  
 1899 26 Rude  
 June  
 Sep 52 x not cont

400 do till Jan 1814  
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 1. 63+  
 9047

Wighamart ex Clements  
 in } Spa to  
 Stephens on } Rude sick  
 in chg  
 wife —

To March 1809

Southampton County Jcl

The commonwealth of Virginia to the Sheriff of Super county  
greeting We command you to Summon John Stephenson. and  
his wife to appear before the justices of our county at  
of Ston at the Ctouse on the 3<sup>rd</sup> Monday in this pres. Month  
March to shew good and sufficient cause if any they can why  
a certain bill and the proceedings thereupon had ag<sup>t</sup> them and others  
in our s<sup>d</sup> Court heretofore brought by Francis Clements ex. John should  
not be revived & further to do And revived ~~such things~~ in the name  
of Geo Urquhart ex. Francis Clements decd who was ex. of John  
Clements decd And further to do & enerve what our s<sup>d</sup> Court shall in that part  
consider (that they shall not omit under a \$100 penalty And have them there this writ  
witness Sam Kells clerk of our s<sup>d</sup> Court at the Ctouse the 1<sup>st</sup> day March 1809 33 year of the  
commonwealth Sam Kells

186

~~Mr. Quibart in Elements~~

or } I ha to revise suit  
in chg  
Atkinson & others

To March 1809

Executed: except on Joseph

Britt who is no Inhabitant

Wm Nicholson Depy of  
Saml Calvert Tapp

The commonwealth of Virginia to the Sheriff of Stafford County  
County greeting we command you to Summon Funneth Atkinson  
& Elizabeth his wife formerly Elly Britt Ino Britt Harrison Britt  
Ino Cook and Betsey his wife late Betsey Britt Nanny Britt Joseph  
Britt Benjamin Britt Solomon Britt Sally Britt to appear  
before the justice of our S<sup>d</sup> County Court ~~the~~ ~~then~~ Monday  
in this pres<sup>d</sup> Mo<sup>th</sup> March. to shew cause if Any they can why  
a certain bill and the proceedings thereupon had ag<sup>t</sup> them in our  
Court heretofore brought by Francis Clement executor of Ino  
Clement <sup>in the name of Ino Virgulant ex Francis Clements who was ex Ino</sup> ~~decd~~ should not be revived, ~~Specific~~ to do and receive  
such things as our S<sup>d</sup> Court shall in that part consider & this ~~they~~  
shall not omit under the penalty of \$100 each And have  
them thus writ Witness Sam Kello Clerk of our S<sup>d</sup> Court  
at the House the 4<sup>th</sup> of March 1809 & 33 year of the commonwealth  
Wells

Clements

VS

Morganhart adm

Britt & Co

64

Spas

by  
Chambers

To March 1868

= Executed John Nichols

= son Deputy of Land

Calcutt Esq

The commonwealth of Virginia to the Sheriff of Stone  
County greeting you are hereby commanded to Summon  
John Wigham and Joseph Britt decd, Timothy Atkinson  
and Elizabeth his wife formerly Elizabeth Britt widow of  
said Joseph Britt, John Britt, Harrison Britt, John  
Cook and Betsey his wife formerly Betsey Britt, Nancy  
Britt, Joseph Britt, Benjamin Britt, Solomon Britt and  
Sally Britt, children of <sup>d<sup>o</sup></sup> J<sup>r</sup> Britt decd to appear before the  
justices of the county court of Southampton at the Court house  
of the <sup>d<sup>o</sup></sup> County On the 3<sup>d</sup> Monday in March next  
to answer a bill in chancery exhibited against them  
by Francis Clements and have them there this writ  
Witness Sam Kells clerk of our said Court at the Office  
the 25 day Aug 1808 and 32 year of the commonwealth

Sam Kells

30  
12  
360

Urquhart <sup>on</sup> 200 }  
vs  
Atkinson & Co } Devere

February 21<sup>st</sup> 1814 rep<sup>d</sup>  
ret<sup>d</sup> of Devere final

Southampton January Court 1814

John Miquhart Executor of Francis Clements  
who was executor of John Clements Dec. Compts  
a gainst

Timothy Atkinson & Elizabeth his wife formerly  
Elizabeth Britte, John Britte, Harrison Britte  
John Cook, and Betsey his wife late Betsey Britte  
Nancy Britte, Joseph Britte, Benjamin Britte &  
Sally Britte & John Stephenson & his wife (Defts)

In Chancery

This Cause this day came on to be heard on the bill answer  
exhibits and arguments of Counsel whereupon it is decreed and ordered  
that the defendants shall on or before the first day of February  
next pay to the plaintiffs two hundred and ninety two pounds  
fourteen Shillings and one penny and Interest thereon to be computed  
after the rate of Six per centum per annum from the 18<sup>th</sup> day  
of May 1807 till the time of payment and in default thereof  
that they be forever foreclosed from all equity of redemption  
of in and to the tract of lands which was conveyed by Joseph  
Britte to John Clements containing                      acres which said land  
was purchased by the said Joseph Britte of a certain Brittain  
Britte and that Samuel S. Boykin, Silas Summrell,  
Simon Boykin, and Arthur Holliman, or any two of them  
first having duly advertised the time and place of Sale for ten  
days previously, make Sale of the said land and with the proceeds  
thereof pay and Satisfy the plaintiffs claim & costs and the  
surplus if any pay over to the defendants or those legally  
entitled, and convey the same to the purchaser or purchasers  
by deed and make report thereof to the Court in order to

a final decree

Teste James Rochelle D.C.

Costs (To Debt)

£. 14. 57

Sh. 7. 20

For 5. 00

For 50

£. 27. 27

Report  
With a Decree  
of the Court annexed  


Agreeable to a decree of the Honorable Court of South-  
ampton, bearing date January Court 1814, We have  
Proceeded to advertise, and sell, to the highest bidder,  
One certain tract of land, which South Trillene  
Decd, purchased of a certain Britain Trillene, and after-  
wards conveyed the same, by an Indenture, to John  
Clements, late of Southampton, to secure a certain sum  
mentioned in said Conveyance, containing one  
hundred acres, subject to the Power right of Elizabeth  
Atkinson, wife of Timothy Atkinson, and formerly wife  
of South Trillene decd, of Samuel T. Baykin,  
Became the purchaser for the sum of two hundred  
and seventy Dollars, we have conveyed a title  
to him for the same, and as the sum is insufficient  
to satisfy the claim, for which it was sold, we have  
Paid the whole am<sup>t</sup>, to John Arguehouse Esq of  
Francis Clements, who was Executor of John Clements  
Decd.

Given under our hands this 19<sup>th</sup> February 1814

Silas Sumner Commis<sup>r</sup>  
of the Court of Sessions  
3

Mem.<sup>o</sup> The within statement is for the same  
Judgment obtained in the district Court  
of Suffolk on a forthcoming bond which  
was given by Francis Clements as Execu-  
-tor of John Clements dec.<sup>d</sup> - given under  
my hand this 18<sup>th</sup> August 1807. —  
Rob<sup>t</sup> Mabry M<sup>g</sup>

Shff<sup>ts</sup> Rec<sup>d</sup> —  
to Frs Clements  
for Holliman's Debt  
vs Frs Clements as  
Executor of the Clements,  
who was sw<sup>y</sup> for  
Joseph Britch. —

John Holliman As<sup>ts</sup> }  
 of Samuel Moody }  
 vs } on Tifa from D. Court to  
 Francis Clements & } 1<sup>st</sup> day of August 1807  
 Benjamin Hines

Debt. £170.0.0.

Interest from 14<sup>th</sup> Dec<sup>r</sup> 1796 } 108.7.6  
 say to 1<sup>st</sup> August 1807 } 1.7.9

Cost 4 dollars 62 Cents. £279.15.3

Sheriff's Commission £288.1.7

expence keeping Negro's 4.12.6  
£292.14.1

Rec<sup>d</sup> August 18<sup>th</sup> 1807 of W<sup>o</sup> Francis  
 Clements, the above sum of two hundred  
 and ninety two pounds 14/1 for Debt, Interest and  
 Cost of John Holliman's Tifa from District Court  
 against said Clements, which Tifa is dated  
 30<sup>th</sup> May 1807 — Rob<sup>t</sup> Mabry Sh<sup>ff</sup>