

1830-007

SOUTHAMPTON COUNTY
CHANCERY PAPERS

CLAUD etc. vs JAMES and Wife

3/1830

Blair
" } Peti au V. x
James
Decree

1830 Jan. heard & decreed as per
decree filed 8th
+
" March. Rep: not. 2^d final
decree by consent 8th

To the worshipful the County Court of Southampton in Chancery
setting solemnly complaining their unto your worshipps
your oratrices Narcissa Bland. Evelina Bland Nancy Bland &
Elizabeth Bland ^{who is also their common law guardian} who are infants and are by Joseph Bland,
their next friend by the Court for them appointed in this
behalf. that William Bland died sometime in the
year. leaving a will by which he among other
things devised and gave his lands to his widow during her
life or widowhood. and at her death or Marriage to be
sold & equally divided among his children then living -

By his said will which has been duly admitted to record.
By the Court of said County a copy of which is filed
herein as a part of this bill he makes other provision
for the support of his children out of the property left to
his wife which shewed his disposition to provide for that
in any event - The said testator left at his death a widow
Mary Bland and the following children to wit Eliza. Maria
Married to James James & your oratrices - that the said
widow Mary renounced the provisions in the said will
and took that part of her deceased husband's estate which
she would have done if he had died intestate - that
a decree has been rendered by this Court directing a division
& allotment of the widows dower in the land - that the
other two thirds will be left in value for more than 3000^l.
for which & other reasons. a sale of the said land belonging
to the heirs is desirable for the purpose of making a division
of the same among the heirs. and as the means of effecting
the probable intention of the testator - It is considered
of the premises. a sale & division is prayed - that J^r
James & Eliza his wife be made duly heirs to & that the Court
grant such order & general relief as may seem equitable
& just & as in duty lie. -
Provey

The joint answer of James James & Eliza his wife to two bills of complaint set them in this honorable Court by Narcissa Cloud & others exhibited. Their respondents denying & answering. In answer thereto admit the truth of the allegations in the same contained and have no objection to such decree as the Court may think proper to pronounce and having fully answered they pray to be dismissed &c.

Cloud &c.

James &c. } Decree

This cause this day came on to be heard upon the bill and a certificate was argued by Circuit. whereupon the Court being of opinion that the testator wished a sale of his land for the benefit of his children as soon as their right to the land should commence. but only intended for them to receive the profits until the death of his widow. as per order & decree that Wm. H. Jones James Lewis Harris & Saml. Drury or any three of them after giving due notice of the time & place. Sell to the highest bidder on a credit of 12 months the two thirds of the land of which Wm. Cloud died seised & which has been laid off to his heirs taking bond with good security from the purchaser. in such manner as to facilitate the division hereafter mentioned — They shall allot. one fifth to James James in right of his wife. one fifth to Narcissa Cloud. one fifth to Eveline Cloud. one fifth to Nancy Cloud & one fifth to Eliza Cloud. — ~~the profits~~ the infants Narcissa Eveline Nancy & Eliza Cloud are entitled to be paid to Wm. Cloud their common law guardian or such and the Court being of opinion that the testator probably intended that the principal of his estate should be kept

together until the death of his widow and then to be divided among each of his children as should be then alive. reserving any questions which may grow out of the death of any of the parties. direct that the guardian of the infants shall not in the mean time expend any of the principal sum on the support of his ward. and the Comm^{rs} are also directed to take from James James a bond with good security to refund any part of his wife's proportion of his ^{the} wife should die before the death of the said widow & the Court should so order. when they are to return to this Court with a report of their proceedings in order to a final decree.

Commissionary
Report on
William Lloyd
Estate.

Southampton County (Vermont)

Pursuant to the annexed Decree, we the Commissioners in the said Decree named have this day after giving due notice of the time and place proceeded to sell to the highest bidder on a credit of Twelve Months, two thirds of the Land which William Claude died seized and possessed, containing by a late Survey Two hundred and fifty six acres, for the sum of Eight hundred and ninety eight Dollar & 56 Cents, we have also reserved Fifteen Dollar to pay all reasonable expenses, which leaves the sum of Eight hundred eighty three Dollar & 36 Cents, for which we have taken from the purchaser (Vermont) Joseph S. Claude, five equal Bonds amounting to one hundred and seventy six Dollar, 71/3 Cents each, and we have also allotted one fifth to Anne S. Sams, in right of his wife, one fifth to Narcissa Claude, one fifth to Evelina Claude, one fifth to Nancy Claude, and one fifth to Elizabeth Claude, we have also taken from Samy Sams, a Responding Bond with sufficient security, in case his wife should die before the death of the widow of the said William Claude dead. Given under our hands this 13th day February 1830.

Saml Breun

Lewis Harris
Hiram Harris

Heland

in { Rev. deane

Heland

For Commissioners

Southampton January Court 1830.

Narcissa, Evelina, Nancy & Elizabeth Bland who are infants & are by Joseph Bland their common Law Guardian.

Plffs

against

James James & Eliza his wife

Defrs

in Chancery

This cause this day came on to be heard upon the bill, answer and exhibits and was argued by Counsel. Whereupon the Court being of opinion that the Testator wished a sale of his land for the benefit of his children so soon as their right to the land should commence, but only intended for them to receive the profits until the death of his widow, adjudge, order and decree that William St Jones, Howell Harris, Lewis Harris, & Samuel Denny or any three of them after giving due notice of the time and place, sell to the highest bidder on a credit of twelve months (except so much as may be necessary to defray the expenses hereof) the two thirds of the land of which William Bland died seized and which has been laid off to his heirs, taking bond with good security from the purchaser in such manner as to facilitate the division herein after mentioned. They shall allot one fifth to James James in right of his wife, one fifth to Narcissa Bland one fifth to Evelina Bland - one fifth to Nancy Bland and one fifth to Elizabeth Bland. The proportions to which the infants Narcissa, Evelina, Nancy, & Elizabeth Bland are entitled to be paid to Joseph Bland their common Law Guardian as such. And the Court being of opinion that the testator probably intended that the principle of his estate should be kept together until the death of his widow and then to be divided among such of his children as should be then alive reserving any question which may grow out of the death of the parties, direct that the Guardians of the parties shall not in the mean time expend any of the principal sum and as the support of his widow. And the Commissioners are also directed to take from James James a bond with good security to refund any part of his wife's proportion if she should die before the death of the said widow and the Court should so order - which they are to return to this Court with a report of their proceedings in order to a final decree -

Attest

James R. Bland

Joseph T. Clancy

is Receipt

Commissaries for
the Land belong-
ing to the Estate of
William Clancy Sen.
died.

February 15th 1830 Recd of Lewis Harris, Howard Harris, and
Samuel Brewster the acting Commissioners, appointed by a Decree of
the County Court of Southampton to make sale of Two Thirds of the
Land belonging to the Estate of William Cland Test. decd. the follow-
ing Bond (Covenant) one vs. Joseph T. Cland for the amt. of one
hundred and Seventy Six dollars 71⁷⁵ Cents on dem. the ~~same~~ ^{the}
12th day Feb'y 1831. It being Mary Ann Cland full portion due
from the Sale of the Land belonging to the Estate of the said
Cland decd. also another Bond of the same for one hundred &
Seventy Six dollars 71⁷⁵ Cents, due the same time, it being
Elizabeth Cland full portion due from the Sale of the Land
belonging to the Estate of the said decd. also one Bond of the same
for one hundred and Seventy Six dollars 71⁷⁵ Cents due the same
time, it being Nancy Cland full portion due from the Sale of
the Land belonging to the Estate of said decd. also one Bond
vs. the same for one hundred and Seventy Six dollars 71⁷⁵ due the
same time, it being Elizabeth Cland full portion due from the
Sale of the Land belonging to the Estate of said decd. which
children are children and heirs of the said William Cland
Test. decd. and Joseph T. Cland being appointed their com-
mon or law Guardian.

Wm. p

Lewis Harris

Howe Harris

Lo^d J. Cland

James A. James
To My Commisaries
Refunding Bond

Know all men by these presents that we
James I. James and James Jackson are (held and)
firmly bound unto Lewis Harris Bonell Harris
and Samuel Drury the acting Commissioners appointed
by a Order of the County Court of Southampton bearing
date January Court 1830. to make sale of two thirds of
the Land which William Claiborne died seized and possessed
in the best and full sum of one hundred and
seventy five Dollars. seventy one & 1/2 Cents. on demand the
12th day of February 1831. the payment whereof well and
truly to be made to the s^d Commissioners above named. their
heirs Executors Administrators and assigns. Jointly and
severally. by these presents. sealed with our seals and
dated this 12th day of February 1830 —

The condition of the above obligation is such
that the said James I. James. having intermarried
with Sally A. E. Claiborne daughter of William Claiborne
and it appearing that if the said Sally A. E. wife
of the said James I. James should die before the death
of a Mary I. Claiborne widow and relict of the s^d William
Claiborne etc. that the right of the said James I. James in
the Land of the said Claiborne etc.
remains no longer. Therefore we the said James I. James
and James Jackson do for our selves our heirs &c
agree to refund back to the said Commissioners above
mentioned. the sum of one hundred and seventy five
Dollars and seventy one Cents. Lawful money of Virginia
with Interest from the 12th day of February 1831. and
if the said Mary I. Claiborne widow of the said William
Claiborne etc. should die before the wife of the said James
I. James then the above obligation to be void. otherwise to
remain in full force and virtue —

signed sealed &c
in presence of
Henson Pope

James I. James Seal
James Jackson Seal

Lat. J. Lamey
to Receipt
Commissionary
J. L.

Received March 15/1830 of Lewis Harris, Howell Harris,
and Samuel Druay, the acting Commissioners appointed
by a Decree of the County Court of Southampton, to make
Sale of two thirds of the Land belonging to the Estate of
William Claud Esq. decd. one Bond executed to the S.
Commissioners for that purpose; by Joseph T. Claud &
William A. Sney, for one hundred twenty six dollars
71/5 Cents in hand, the 12th February 1831. It being in full
Compensation of due me in right of my wife from the
Sale of two thirds of the Land belonging to the Estate of S.
William Claud Esq. decd.

James P. Sney

Wife

James P. Sney