

1848-013 SOUTHAMPTON COUNTY
CHANCERY PAPERS

CLAYTON et ux vs. COKER et al

4/1848

other surnames: Jones,
Gwathmey, Deik

Clayton & others

2 } Bill. Anson
2 } &
Deane

Sill & others

1847 Nov. Durvas filed

" Dur Durumended

1848 March. Report.

" M. Deane filed.

To the worshipping County Court of Southampton County
in Chancery sitting -

Humbly complaining sheweth your complainants James &
Clayton & his wife Unity et, ~~and Wilson Jones and his wife Mar-~~
~~garet that sometime since in the year~~ Wiley J Deltz of the
said County died intestate leaving a tract of land in said
County near Proctors bridge containing about 233 acres, a widow
now Martha Colton and seven children to wit - Jason M. Marga-
ret who married Wilson Jones, ^{who has since died and left a wife} Josiah D M. Deltz, Putney who
in which he acquired his land ^{is now sold by his son;} married Benj. Guashney, ~~William~~ Whitley J and Unity
et who married your complot James Clayton, all of whom
jointly inherited said land from their father - That your
complainant Wilson Jones sometime since purchased the
interests of four of said heirs, to wit Jason M. Benjamin
Guashney, ~~in right of his wife~~ and his wife Putney, Whitley
and Willoughby, as will appear by copies of the deeds of con-
veyance on record in the Clerks office and filed as parts
of this bill - That the said Josiah D M. Deltz died sometime
since leaving a widow Emily Deltz and two child-
ren Mary Ann and Wilem Deltz his only heirs, who are
entitled to the interest of said Josiah - That the said Martha
Colton widow of the said Wiley J Deltz the father of your
petitioners complot after wards married Joseph Colton, who died
sometime since, leaving the said Martha entitled
to her dower in the aforesaid land, which your complot are
advised she is willing should be sold, and receive her interest
in the proceeds of sale in fee simple. That she is between 30
and 60 years of age and in a state of bad health. Your complot
also state that the said Emily Deltz widow of the said
J. D M. Deltz is entitled to one third of one seventh of said
land for life as her dower -

In tender consideration of all which and in as much as the
share of said land will not exceed \$300 - Your complot
are advised that they have a right to come into your Hon-
Court and demand sale of the same, under our Act of

apertly expressly made to give relief in such cases, and there-
fore pray that the said Martha Cotton widow of the
said Wiley J. Deltre died, Emily Deltre widow of the
said J. D. M. Deltre died, and Mary Ann & Witten Deltre
infant children of the said J. D. M. Deltre died by some fit
and proper persons to defend them, ^{and Mary Jones Carr of Wilkes} be made defendants
to this bill, that they answer the same, and that your
worships will decree a sale of said land, and distribution
of the proceeds of sale according to the rights of the parties
and they will well as in duty bound ever pray &c.

Prichy & Goodwyn

Attys

Answer of Mary Ann and Witten Deltre infants of J. D. M.
Deltre died: by Jason Deltre their guardian to a bill against
them & others by Wilson Jones & wife & others. These respon-
dents saving &c. for answer say that they have no objection
to the sale of the land in the bill mentioned, and that the facts
therein stated they believe to be correct; that sale of said land
they believe would be to the interest of all parties - And having
answered pray hence to be dismissed the court with costs &c.

Prichy & Goodwyn

Attys

Answer of ^{widow of the said Wiley J. Deltre}
died: to the above bill of Complaint. - This respondent, saving &c.
For answer says - that she has no objection to the sale of said
land in the bill mentioned and is willing to receive her
interest in the same in fee simple - And having answered
prays to be dismissed the court with costs &c.

Prichy & Goodwyn

Attys

Clayton & others

Deltre & others

Decree

Nov. Court 1847

This cause came on this day to be heard
by consent of parties on the bill, answers thereto and exhibits
and was argued by counsel. On consideration whereof, the
court doth order, adjudge and decree that Jason M. Deltre
who is hereby appointed Commissioner for that purpose, after
he has given twenty days notice of the time and place of
sale at the Court House and other public places in the
neighborhood of the land in the bill mentioned, proceed
to sell at public auction to the highest bidder, the said tract
of land in the bill mentioned of which Wiley J. Deltre died
died on a credit of six months, except so much as will
pay the expenses of this decree which he is to receive in cash
and that for the balance of the proceeds of sale, he take bonds
with good security in the following manner to wit - one bond
for one seventh of the whole amount and assign the same to
Martha Cotton in fee of Dowry - one bond for five sevenths of the
balance and assign the same to ^{Mary Jones Carr of} Wilson Jones & wife & others -
one bond for one seventh of said balance, and assign the same
to James Clayton & his wife Unity - one bond for one third of one
seventh of said balance, and assign the same to Emily Deltre
widow of J. D. M. Deltre died, for her life as dowry - and one bond
for two thirds of one seventh of said balance, due the infants
Mary Ann and Witten Deltre, which the said Commissioner is directed
to return to court - the court doth further order that should
the said Emily Deltre prefer to receive her interest in fee
simple, then in that case, said Commissioner is directed to take
one bond for one fifth of one seventh of said balance and assign
the same to the said Emily in fee simple - and
one bond for the remaining four fifths and return the same
to court - And that said Commissioner report his proceedings to court
in order to a final decree -

Southampton ^{County} Circuit Superior Court November Term 1847.
James Clalighton and Unity & his wife Plffs
against. { In Chancery }

Martha Coker widow of the late Wiley J Delk Emily Delk widow
of the late J. D. M. Delk. dec^d and Mary Ann & Delk
infant children of the said J. D. M. Delk dec^d by Jason Delk
their guardian ad litem. Defts.

This cause came on this day to be heard by consent of parties
on the bill answers thereto and exhibits and was argued by Counsel
On consideration the Court order, adjudge and decree that Jason
M Delk who is hereby appointed Commissioner for that purpose
after he has given twenty days notice of the time and place
of sale at the Court house and other public places in the neigh-
borhood of the land in the bill mentioned, proceed to sell at
public auction to the highest bidder the said tract of land in
the bill mentioned of which Wiley J Delk died seized on
credit of six months, except so much as will pay the expenses
this decree which he is to receive in cash - and that for the
balance of the proceeds of sale he take bonds with good secu-
rity in the following manner to wit. One bond for one seventh
of the whole amount and assign the same to Martha Coker
in lieu of dower. One bond for five sevenths of the balance and
assign the same to Benjamin Jones Executor of Wilson Jones, one bond
for one seventh of said balance and assign the same to James Claligh-
ton and his wife Unity - One bond for one third of ^{one seventh} ~~said balance~~
of said balance and assign the same to Emily Delk widow of
J. D. M. Delk for her life as dower and one bond for two thirds
of one seventh of said balance due the infants Mary Ann and

Delk which the said Commissioner is directed to return to
Court - the Court doth further order that should the said Emily Delk
prefer to receive her interest in fee simple, then in that case, said
Commissioner is directed to take one bond for one fifth of one
seventh of said balance and assign the same to the said Emily in
fee simple - and one bond for the remaining four fifths and
return the same to Court - And that the said Commissioner report

his proceedings to the Court in order to a final decree.
Lelkes Costs \$2.38.

Received by J.R. Edwards

Attesty

Teste J.R. Edwards

The Sale of the land I have advertised to take place on the
premises on Saturday 11th December next.

Yrs

J.R. Edwards

Nov 16. 1847.

Capt. Jas. E. Clayton

Dear Sir I have advertised at Berlin
Jas E. Clayton

Clayton

107

Coker & others

Canada

born

1847 Dec 1st

Waggon

10

Coker & others

Amended Decree

This day this cause came on
again to be heard on the papers formally read
and was argued by Counsel. On Consideration
whereof the Court doth order & adjudge & decree
that the original decree be so amended to
direct 4/4 to Benj Jones & to Wilson Jones
instead of 5/4. and one seventh to Maryann
Jones the widow of ~~Benj~~ ^{Wilson} Jones — and report
to the Court in order to a final decree

Clayton & wife

to } Report

looked

1848 March

By Virtue of a Decree of the ~~Superior~~ Court of Southampton
County and hereunto annexed I have proceeded to sell the land
named in said Decree after giving notice &c And Martha Cofer
became the purchaser for \$151-25^{cts} of which I have paid \$12-38^{cts} for
the Decree and \$5 for commissions leaving the balance of \$133-87
And I have given to Martha Cofer \$19-12 leaving a balance of 114
Dollars ~~and~~ and 75 cts One bond of \$65-56^{cts} to Benjamin Jones Executor
of Wilson Jones Decd for $\frac{4}{7}$ One bond of \$16-89 to Margaret E Jones
Widow of Wilson Jones Decd One bond to James C Clayton and
Unity his wife of 16-39 One bond to Emily C Delk Widow of
Josiah D McDelk Decd of \$3-27^{cts} which is $\frac{1}{8}$ of $\frac{1}{4}$ as her dower in fee
simple and One bond of $\frac{4}{5}$ of $\frac{1}{4}$ of \$13-13 to Jason McDelk
guardian ad litem for the orphans of Josiah D McDelk Decd
All of which is Respectfully submitted to the Court

Jason McDelk

~~\$13.13~~

On or before the 11th of June next we promise to pay
Jason M Delt Guardian ad litem, of Mary A S. Onyhton
J Delt the just and full sum of Thirteen ^{hundred} Dollars
lawful money of Virginia It being for the purchase of a
tract of land called Willefords lying in the county of South-
ampton formerly belonging to Wiley J Delt Decd Wherein
the said Jason M Delt was appointed Commissioner by
the Chancery superior Court at the November term 1847
For the true payment of which we bind ourselves our
heirs Executors &c as witness our hands and seals this
11th day of December 1847

Teste

Martha Goodrich

Martha ^{hwy} ~~Cofer~~ ^{mark} ~~Cofer~~ ^{mark}
Jas E. Clayton

Seal

Seal