

1871-074

Chancery Papers: Clayton vs Clayton & al

Southampton County

other surnames: Glasgow, Barnes

Clayton

or 3

Glasgow by me

Bill, answer is decm

1860 Jan - Decm as filed

Mar - Decm amended.

1861 May - Report

" June " Conf.

Bills for p. 115.

To the worshipful County of Southampton County
in Chancery sitting

Humbly complaining your oratrix
sheweth unto your worship that sometime in the year
1859 James Clayton departed this life having first duly
made his last will and Testament a copy of which is
herewith filed marked A and prayed to be taken as a
part of this bill, that among other devises your oratrix
sheweth that the said James Clayton left to your
oratrix who is his wife all his interest in the Baisden
tract of land for her life and at her death to his two
infant children Allen A Clayton and Julian T Clayton
your oratrix sheweth further that the said tract
of land contains some hundred acres more or less
and that she owns one half for life and the two
children the same at her death that the other half
is owned by five infant children to wit

Martha A E Glasgow, Lydia R Glasgow William H
Glasgow, James E Glasgow and Isaac M Glasgow

your oratrix states further that she desires a sale
of the same and that a certain amount in fee
may be allotted to her in lieu of her life estate, she
states further that the same will be considerably more
than hundred dollars and that a division of the said
land would under each share worthless as she does
not suppose the whole tract worth three hundred
dollars In consideration whereof and inasmuch
as your oratrix is without remedy at law and only
entitled to relief in a court of equity where such matters
are cognizable she therefore humbly prays That

Allen A Clayton, Julian T Clayton, Martha A. E Glasgow
Lydia R Glasgow, William H Glasgow, James E Glasgow
and Isaac M Glasgow infants by some fit and proper
person Their guardian ad litem appointed for that purpose
may be made parties defendant to this bill and compel
them as full and perfect answer make to the allegations
therein contained as if they had been themselves more fully
and specially interrogated, and that the court would decree
a sale of the said tract of land on such terms as
to it may seem best and a division of the money
arising therefrom according to the rights of the
parties and that the court would grant such other
and general relief the premises considered as a whole
may dictate and the nature of the case requires and as
in duty bound your orator will ever pray me

Shanda p. q

The answer of Allen A, and Julian T Clayton, Martha A. E,
Lydia R, William H, James E, and Isaac M Glasgow
infants defendants by E R Edwards Their guardian
ad litem to the above bill

This defendant for answer to the said
bill or as much thereof as he is advised it is material
for him to answer, answering says that he knows
nothing of the facts set forth in the plaintiffs bill
submits the interests of his wards to the care of this
court whose guardian duty it is to protect the rights
of infants and having fully answered prays hence to
be dismissed with his costs etc

Shanda p. d.

Clayton was
at 3 Dean
Glasgow by initials

18th June 1861.

Clayton:
is 3 Decem
Glasgow by me als

By consent of parties This day This cause came on to be heard and was argued by counsel on consideration whereof the court doth adjudge, order and decree that Richard W Clayton who is hereby appointed as special commissioner for that, shall after having given twenty days notice by public advertisement proceed to sell at public auction on the premise to the highest on a credit of six months except sufficient cash to defray the expenses of this suit. and sell a tract of land containing one hundred acres more or less, and on collecting the money to divide it into two equal shares and allot one half of one half to Mary A Clayton and allot one ^{half} of one fourth to Allen A Clayton, lawful guardian, one half of one fourth to the guardian of Julian T Clayton one fifth of one half to the guardian of Martha A. & Glasgow one fifth of one half to the guardian of Lydia R Glasgow, one fifth of one half to the guardian of William G Glasgow, one fifth of one half to the guardian of Isaac Glasgow and fifth of one half to the lawful guardian of James G Glasgow.

But the said commissioner is not to act under this decree until he shall have executed as bond in the sum of five hundred dollars conditioned as the law directs

and report to court in order to a further decree

Clayton

to { Copy Dec 1

Clayton to

W. C. C.

12.14

Southampton County Court January Term 1860

Claytons

against

Glasgow by &c

Deft

J. W. Chancery

Off

By consent of parties this day this cause came on to be heard and was argued by Counsel. On consideration whereof, the Court doth adjudged, order and decree that Richard W. Clayton who is hereby appointed as special Commissioner for that, shall after having given thirty days notice by public advertisement proceed to sell at public auction on the premises to the highest bidder on a credit of six months except sufficient cash to defray the expenses of this suit and, sold a tract of land containing one hundred acres more or less, and on collecting the money to divide it into two equal shares and allot one half of one half to Mary A. Clayton and allot one half of one fourth to Allen A. Clayton lawful guardian, one half of one fourth to the guardian of John T. Clayton, one fifth of one half to the guardian of Martha A. G. Glasgow, one fifth of one half to the guardian of Lydia R. Glasgow, one fifth of one half to the guardian of William A. Glasgow, one fifth of one half to the guardian of Isaac Glasgow, and fifth of one half to the lawful guardian of James G. Glasgow.

But the said Commissioner is not to act under this decree until he shall have executed a bond in the sum of five hundred dollars conditioned as the law directs.

Colts costs \$5.00

Attest

J. R. Edwards Cl

Lacey " 10.00

Deputy " 15.00

\$30.00

Clayton
is 3 from
Glasgow by sea

1860 March 6th.

Clayton

at 3

Amended Decree

Glasgow by meals

By consent of parties This cause
This day came on again to be heard on the papers.
formerly made and was argued by counsel, on consideration
whereof the court doth adjudge order and decree
that the commissioner Richard W Clayton divide the
Tract of land in the bill mentioned into two equal
shares in value and allot one half to Mary A
Clayton and the other half sell on the terms
presented in the former decree in this cause, and
divide the money arising from the said sale
into five equal shares and allot one fifth to Martha
A Glasgow, one fifth to Lydia R Glasgow, one
fifth to William B Glasgow, one fifth to Isaac
Glasgow and one fifth to James B Glasgow, or
their lawful guardians, and make the purchaser
a deed when all the purchase money shall
have been paid, And report to the court in
order to a further decree

1861 May Term

Commissioner's Report

The undersigned commissioner begs leave to report that in obedience to a decree of the March Term 1860 he proceeded to have first the tract of land divided but the Surveyor was unable to divide it into two equal shares in value but allotted to Mary Clayton 46 acres & woods and 13 perches valued at \$139.74 cts and to the Glasgow children 38 acres & woods and 27 perches which sold for \$181 and that he paid to Mary Clayton \$20.63 and charged her with one half the costs to wit \$17.90 cts and it will stand thus

Amount of sales due the Glasgows	\$160.37 cts	
" to be paid Mary Clayton	20.63	
One half costs to be deducted	17.90	38.53
		\$ 121.84

Which divided in five shares gives to each the sum of \$24.37 cts and I now have to distribute to Martha A. E. Glasgow the sum of \$24.37 cts to Lydia R Glasgow the sum of \$24.37 cts to William H Glasgow the sum of \$24.37 cts to Isaac Glasgow the sum of \$24.37 cts to James E Glasgow the sum of \$24.37 cts all of which is Respectfully submitted by

R. W. Clayton Commissioner

Clayton RW

25

Richard W. Clayton Guardian Isaac Glasgows infant children
1859 To the Clerk Southampton County Va

Dec. Recording your bond

J. R. Edwards by

D.

25

1910

Mr H Hood

Ed

Mr Rich^d M Clayton Esq^s
1867 To W^m A Hood Dr
" To surveying fence \$15.00
Recd payment in full
Robt A Hood

Feb'y 18th 1861 Rec^d from Rich^d W Clayton \$15.00
in full for acem for sale of land belonging
to Glasgoros Miss

Wm B Shands

Richard W Clayton Com
1861.
Feb.

In the Clerk Southampton Co
Fee in suit for Sale of Wardens Land -

Dr.
\$5.00
L R Ed was duly

June 20th/1862

By cash from sale of land	\$92.00
To commissions	4.60
" Atty fee	15.00
" Surveys fee	15.00
" Clarke's fee	5.25-
" Balance	<u>52.15-</u>

June 20th/1862. 92.00. 92.00

By Balance due \$52.15-
Glasgow heirs

James Claytons
Will

Copy

James Claytons Will

Copy

James Claytons Will

James Claytons Will
I, James Claytons, of the County of ... State of ... do hereby certify that the within and foregoing is a true and correct copy of the original of the within and foregoing as the same appears from the records of the County of ... State of ...

James Claytons Will
I, James Claytons, of the County of ... State of ... do hereby certify that the within and foregoing is a true and correct copy of the original of the within and foregoing as the same appears from the records of the County of ... State of ...

I James Clayton of the County of Southampton and State of Virginia do hereby make and ordain this writing as and for my last will and Testament in manner and form following, Viz, Item first, I bequeath to my beloved wife Mary A. Clayton during her widowhood, The Plantation whereon I now reside, and fifty acres of the same Plantation, to be so Cut off as to most benefit the former and least injure the latter Plantation, Also all my interest in the Basing plantation; The following Shares namely, Jesse, Edmund, Alfred, Pherebas, Anthony, Delila, and her two Children Oston & Berry, Chawp, Janeanna, George, Malbrings, Child Dick, Bird, Selvy, them and their future increase. One half of my household and kitchen furniture, One year provision for family and stock, All my distillery East Applemill, presses stands &c, Also the following property of her own choice, Two horses, two cows and calves, ten Sheep, four Sows and pigs, two Oxen yoke; two carts and wheels, one set cart gear four plows, two sets plow gear & axes, 2 pr Iron wedges, One Loom and gear, 2 Spinning wheels, 2 pr Cards.

Item 2^d After the death or marriage of my beloved wife, I give and bequeath to my two Sons, Allen A. Clayton and Julian T. Clayton all the above named property both real and personal and all future increase to them and their heirs forever.

Item 3th I give and bequeath to my son Robert M. Clayton the Sum of one Thousand Dollars to him and his heirs forever.

Item 4th I give and bequeath to my Son Murdock M. Clayton my plantation known as Hedgepiths to him and his heirs forever.

Item 5th I give and bequeath to my grandson, James H. Peep on the Sum of Five dollars as his sole legacy.

Item 6th The remainder of my farm Plantation is to be sold to the best advantage and the proceeds be divided in three equal shares, my daughter Eliza C. Mcblenny, to receive one share, my son Richard W. Clayton one, and my three grandsons, John A. Clayton, James K. P. Clayton and Richard A. Clayton, is to receive the remaining one.

Item 7th The remainder of my estate not heretofore disposed of to be sold and the proceeds be divided in four equal shares, my daughter Eliza C. Mcblenny is to receive one, my son Richard W. Clayton is to receive one, my son Murdoch M. Clayton, is to receive one my three grand children John A. James K. P. and Richard A. Clayton is to receive the remaining one.

Lastly: I do hereby nominate and appoint D. A. H. Burges, James M. Mcblenny, Richard W. Clayton and Murdoch M. Clayton my Executors to this my last will and Testament, overruling all others, Wills heretofore by me made, In testimony whereof I have herewith caused my Signature and Seal to be affixed this 24th day May 1858, in the presence of

Alfred T. Stephenson,
Robert M. Dole,
Francis A. Stephenson,

James Clayton 

At a Court held for the County of Southampton on the 19th day of September 1859,
The last Will and Testament of James Clayton deceased was proved by the oaths of Alfred T. Stephenson and Robert M. Dole, two of the Subscribing Witnesses thereto, and the same ordered to be recorded.
And on the motion of D. A. H. Burges, James M. Mcblenny Richard W. Clayton and Murdoch M. Clayton, the Executors therein named, who made oath and together

With Wm I. Mcblenny, Allen Edwards, Alfred T. Stephenson and Thomas J. Baister his Secretary (who justified on oath as to their Sufficiency) entered into and acknowledged a bond in the penalty of Eighty thousand Dollars, conditioned according to Law, Certificate is granted them for obtaining a probat of the said Will in due form.

Teste

LR Edwards 

Attest

Teste LR Edwards 

Know all men by these presents that we
Martha A & Glasgow, George S Barnes & wife
Lydia B Barnes and James E Glasgow all of the
County of Halifax and State of N Ca have made
ordained nominated and appointed and by these
presents do make ordain nominate and appoint
William H Glasgow of the County of Halifax and
State aforesaid our true and lawful attorney, for
us and in our names and for our own proper use
and benefit To ask demand sue for recover and
receive of and from R M Clayton of the County
of Southampton and State of Va all such sum or
sums of money debts or demands whatsoever
which are now due and owing unto us the said
Martha A & Glasgow George S Barnes & wife Lydia B
Barnes James E Glasgow all of the County and State
above written due to us from the Estate of our
Uncle James Basden of the County of Southampton
and State of Va and to have use and take all
lawful ways and means or otherwise for the recovery
thereof and acquittance or other sufficient discharge
for the same for us and in our names To make seal
and deliver and do all other acts and things whatsoever
concerning the premises as full and in every respect
as we ourselves might or could do we personally present
and attorney, our or more under him for the purpose
aforesaid To make and again at his pleasure to
revoke ratifying and confirming and by these
presents allowing whatsoever our said attorney
shall in our names lawfully do or cause to be
done about the premises by virtue of these
presents

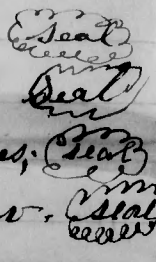


I witness whereof we have hereunto set our hands and seals This the 13th 1871

in presence of
+ B. W. Morgan

Martha A & Glasgow

George L. Barnes
Lydia, Re. M. Barnes
James E. Glasgow.



State of North Carolina
Hobbs County

In the Probate Court
the within and foregoing

Power of Attorney from Martha A & Glasgow George L Barnes and Lydia R Barnes and James E. Glasgow to William H. Glasgow. is exhibited before the undersigned, Clerk of the Superior Court and Judge of Probate in and for the County of Hobbs and State aforesaid, and the due execution thereof is proved by the oath and examination of B. W. Morgan the subscribing witness thereto.

In Testimony whereof I have hereunto subscribed my Name and affixed my Official Seal at office in Hobbs Town this the 14th day of October A D 1871.

John I. Geyer
Clerk Superior Court and
Judge of Probate
Hobbs County
North Carolina



State of North Carolina

At Chambers in the 6th Judicial District of North Carolina

I, S. M. Watts Judge of the Superior Court in and for the 6th Judicial District of North Carolina hereby Certify that John I. Geyer, whose Name is signed to the foregoing Certificate, is now and was at the time of signing the same, Clerk of the Superior Court and Probate Judge of Hobbs County, State aforesaid and that his said Allocation is in due form

S. M. Watts J. C.
Judge of the Superior Court
6th Judicial District of North Carolina

State of North Carolina
Hobbs County

In the Superior Court
I, John I. Geyer Clerk of the Superior

Court and Judge of Probate for the County and State aforesaid, hereby Certify that S. M. Watts whose name is subscribed to the foregoing Certificate is now and was at the time when he subscribed the same, Judge of the Superior Court in and for the Sixth Judicial District in the State of North Carolina, duly elected and qualified, and that full faith and Credit be given to his Official Acts as such

In Testimony whereof I have hereunto signed my Name and affixed my Seal of office, at of office in Hobbs Town this the 20th day of October A D 1871

John I. Geyer
Clerk Superior Court &
Judge of Probate
Hobbs County, North Carolina



Received of Richard W. Clayton Eighty-nine + Eighty-seven
(89.87) cents, it being a settlement in full between the said
R. W. Clayton (guardian for Glasgow wards) and said wards.

Received payment - 27th Oct. - 1871.

W. H. Glasgow

Know all Men by these Presents, That We *Richard W Clayton*

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of

five hundred

Dollars, current money of Virginia, to the payment

whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and

severally, firmly by these presents. Sealed with our seals, and dated this

day of

A. D., 18*60*.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

Richard W Clayton Commissioner appointed by a decree of the County Court of Southampton County as the suit depending in said Court between Clayton against Glasgow &c on the 16 January 1860

shall faithfully discharge the duties of his said office or trust, according to law, then the above obligation to be void or else to remain in full force and virtue.

Signed, Sealed and delivered }
in the presence of the Court. }

{ SEAL }

{ SEAL }

{ SEAL }

{ SEAL }