

1874-13 Southampton County Chancery

Clements, Wm. G. T. vs Clements, Richard P.
GAN.

petition for sale of land

in } Clements - Ada F.
fact } " Edgar F.
" George W.
" Josephine

Clements

v } Papers

Clements

126

Comments

07 3 Bill
" exhibit
Comments

1871 April Rules

To the Honorable Judge Blair judge of the
circuit court of Southampton County in chancery
sitting

Humbly complaining your orator William J
J Clements sheweth unto your Honor that on
the 28th of June 1868 Martha L. Giggard by a deed
of trust a copy of which is herewith filed marked
A and prayed to be taken as a part of this ^{will} the
original being duly recorded made to your
orator as trustee conveyed to him a tract of land
containing four hundred and sixty five acres
also her interest in a certain tract of land containing
five hundred acres formerly owned by Washington
Clements for your orator Wm J J Clements
to hold the said land for his lifetime for the
support and maintenance of Ada F Clements
Edgar P Clements, George W Clements and Josephine
Clements four infants all under fourteen years old
and children of your orator that if either of the
said children should die during the lifetime
of your orator then his or her share to his or
her issue if any if none then to the survivors
and at the death of your orator then the land
to be divided equally among the survivors
Your orator states that these lands lie in
Southampton and that these children are
due him to each other, He states further

that there is a small piece of land containing
sixty acres for which he has been offered
a fine price privately, and he thinks it would
be manifestly to the interest of his children
to sell the said sixty acres and invest in
some other lands which he can buy and
which he thinks would suit better. He states
the price he has been offered is three hundred
dollars, But as your orator can only see
under a decree of this court he therefore
moves it and, In Tender consideration whom
and inasmuch as your orator is without remedy
in a court of law and only entitled to relief
in a court of equity he therefore prays that Ada-
m F. Edgar P, George W and Josephine Clements
four infants and all under fourteen years
old may be by some fit and proper person their
guardian ad litem appointed for that purpose
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 thoroughly interrogated
and that the court would by its decree direct
your orator master as aforesaid to sell the
said sixty acres of land privately and invest
the proceeds of sale either in other lands or
in such a manner as to the court may
seem best and that the court would grant such

other and general reliefs. The premises considered
as equity may dictate and the nature of this
case may require and as in duty bound your
orator will ever, pray me

Shames p. 5.

State of Virginia }
Southampton County }

This day Wm J. T.
Clements Plaintiff in the above bill of fraud
and conspiracy in ^{conspiracy} ~~conspiracy~~ in ^{conspiracy} ~~conspiracy for the County of Southampton
vs a ^{parties} ~~parties~~ of the ^{parties} ~~parties~~ for the ^{parties} ~~parties~~
and ^{parties} ~~parties~~ ^{parties} ~~parties~~ and ^{parties} ~~parties~~ ^{parties} ~~parties~~ ^{parties} ~~parties~~ ^{parties} ~~parties~~ ^{parties} ~~parties~~
the facts set forth in the above bill are
true to the best of his knowledge and belief
given under my hand this 20th day of March 1871~~

James R. Tyler,
Commissioner

Clements

to { Stat. Rules

Clements

In Southampton Circuit Court

William G. J. Clements

against

Ada F., Edgar P. George M. & Josephine Clements infants by Richard P.
Clements their guardian ad litem

1870 Dec. 29. Summons issued - Feby Rules - Sum. Ret^d Executed -

1871 April Rules. Bill filed. Richard P. Clements assigned Guardian ad litem to Deft. -
Answer of Infants Genl Rep.

May R. Cause set for hearing &c.

" " J. Decree &c.

1874 June Dismissed

Clements

or 3 Dean

Clements

to be entered

may be in 1971

Geo. S. Shaw.

Clements
as 3 Deems
Clements

This day this cause came on again to be heard on the prayer formerly made and the report of Commissioner Tyler made pursuant to a decree of this term of the court and to which no exceptions have been filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that Wm. J. T. Clements trustee of Ada. F., Edgar P., George W., and Josephine Clements from infants sell privately for three hundred dollars the sixty acres of land in the bill mentioned and after paying the costs of this suit and decree invest the residue of the purchase money in other lands and take a deed to himself as trustee of the said Ada. F., Edgar P., George W., and Josephine Clements and hold the said lands on the same terms and conditions as set forth in the deed to him from Martha V. Priggard of the 18th of April 1848 and report his proceedings to court in order to a further decree.

But the said Wm. J. T. Clements shall not proceed to act under this decree until he or some one for him shall have executed in the clerk's office of this court a bond with good and sufficient security in the penalty of five hundred dollars conditioned for a faithful performance of this decree and any other which may be entered in the cause.

Chum into

as 3 Dams

Chum into

May Term 1871

to be entered

Geo: P. Blow.

Clements

as 3 Decr

Clements

This day this cause came on to be heard on the plaintiffs bill the answer of the four infant defendants by Richd P Clements Their guardian ad litem general replication Thursts exhibit filed and deposition of witnesses and was argued by counsel for consideration whereof the court doth adjudge order and decree that one of the commissioners of this court enquire into and report to court whether the interests of the four infant defendants Ada F. Edgar P, George W and Josephine Clements will be promoted by the sale of the sixty acres of land as asked for in the plaintiffs bill, and whether any rights of any other persons will be violated thereby reporting the evidence on which he bases his opinion to the court together with any special matter deemed pertinent by himself or which may be required by any of the parties interested to be so stated

Compendium Report

1871 Apr. 10

Blumens
vs 3 Report
Blumens

Commissioner's Office
Jerusalem, May 8th 1871.

The undersigned one of the
commissioners of the ~~executions~~ of this court
begs leave to report that in obedience to a decree
of the court entered at the May term 1871 directing
him to enquire whether the interests of the four
infants, Ada F. Edgar P. George W and Josephine
Blumens would be promoted by a sale of sixty
acres of land now held by W. J. F. Blumens as
trustee for them and whether the rights of any
other person would be violated thereby. He has
examined into the facts required to be reported and
thinks that the interests of the said infants
would be promoted by the said sale and that
the rights of no other person would be injured
thereby and he reports the evidence on
which he bases his opinion. All of which
is respectfully submitted by

Samuel R. Tyler,
Commissioner.

Comis for \$1.00
Chy to D. H.

1
The depositions of ~~Fortunatus Dunn~~ and
George A. Richardson
Taken ^{on the 15th day of June 1870} at the house of William Prince
in Southampton County in the presence
of Richard P. Clements guardian and
attorney of Ada F. Edgar P., George W. and
Josephine Clements for infants to
be used as evidence in a certain
suit in chancery in the circuit court
of Southampton now by the name
and style of Clements vs Clements

Fortunatus Dunn having been first duly
sworn deposes and says He thinks it
would be decidedly to the interest of
Ada F. Edgar P., George W. and Josephine
Clements to see the land in the bill
mentioned by sixty acres that the
Trustee has been offered \$3 an. acc.
its full value and the Trustee can
buy other land at a less sum for
are equally good and further this
agreement with no

Fortunatus Dunn

George A. Richardson having been
first duly sworn deposes and says
that he concurs in the statement
made by Fortunatus Dunn that he

Clements

v. } Depositions

Clements

Came to hand dated April 10
1871.

is a neighbor of H. J. T. Clummett
and his children and knows the
land well that Mr Clummett has
been offered \$3 - an acre its full
value and that he can purchase
other lands near for a less sum
quite as valuable and further
This deponent swears not

Geo. A. Richardson

Southampton County to wit

The above depositions were taken
subscribed and sworn to before me
a justice of the peace at the
time and place mentioned in the
caption and in the presence of
Richd P Clummett the grandjuror
ad litem given under my hand
this 4th of April 1871

Wm Prince (J.P.)

Grizzard
to } Deed

Clements

124.



This Deed made this 18th day of April 1868, between Martha V. Grizzard the grantor of the first ^{one} part and W^m G. J. Clements trustee of the other Witnesseth, that for and in consideration of the natural affection which Martha V. Grizzard bears to her nephews and nieces Ada F. Clements, Edgar P. Clements, George W. Clements and Josephine Clements she doth grant unto W^m G. J. Clements trustee as aforesaid the following tracts of land, to wit, a certain piece or tract of land lying in Southampton County containing four hundred and sixty five acres, more or less and bounded by the lands of F. Dunn, James E. Peters, and others, also all the said Martha V. Grizzard's interest in a certain tract of land formerly owned by Washington Clements lying in the County of Southampton containing by estimate five hundred acres and bounded by the lands of James E. Peters, Septha P. Hale and others. UPON trust that the said W^m G. J. Clements shall hold the abovesaid tracts of land during his the said W^m G. J. Clements' lifetime for the support and maintenance of Ada F. Clements, Edgar P. Clements, George W. Clements and Josephine Clements and should either of the said Parties ^{die} during the lifetime of the said W. G. J. Clements then his or her share to be applied to the support of his or her children, if no children then to the support of the survivors, and at the death of W^m G. J. Clements trustee as aforesaid then the said tracts of land to be divided equally between Ada F. Clements, Edgar P. Clements, George W. Clements and Josephine. But should either of the parties die during the said W. G. J. Clements lifetime without children then his or her share to be equally divided among the survivors, it being the intention of the grantor Martha V. Grizzard that the said lands shall be equally ^{divided} at the said trustees death among Ada F. Clements, Edgar P. Clements, George W. Clements and Josephine Clements or the survivors of them and the issue of such as may be dead the children of any who may have died taking his or her parents share and the said Martha V. Grizzard doth hereby warrant and defend unto the said W^m G. J. Clements such title as has been conveyed to her from W^m G. J. Clements by deed dated the 28th day of March 1868. Witness the following signatures and Seals.

Martha V. Grizzard
W^m G. J. Clements

(Seal)
(Seal)

County of Southampton to wit.
State of Virginia

I Robt. Rowland a justice of the Peace for the County aforesaid and State of Virginia, do certify that Martha V. Grizzard whose name is

Signed to the writing above bearing date on the 18th day of April 1868 has
acknowledged the same before me in my County aforesaid - Given under my hand this 18th
day of April 1868.

Robt. Rowland J.P.

Southampton County In the Clerks Office May the 4th 1868.

This deed of gift from Martha V. Grizzard to Wm. G. Clements Trustee, for the
benefit of Ada F. Edgar P., George M. & Josephine Clements, was this day received and
together with the Certificate thereto annexed of the acknowledgment of the said Martha V.
Grizzard before a justice of the peace, admitted to record

Teste

L. R. Edwards Clk

Attest-

Teste, O. White Clk

Clements

vs 3

Clements

Assurance of infant
dependants by g^o and others

1871 April Rules

The union of Ada F. Edgar P. George W
and Josephine Clements from infants under
fourteen years ^{old} by Richard P Clements their
guardian ad litem appointed for that
purpose to a bill in chancery in the Circuit
Court of Southampton by Wm J. T. Clements
against them

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 thinks it would be advisable for
the master to see the sixty acres of land
in the bill mentioned And having fully
answered prays hence to be dismissed with
his costs

Chancery dept

State of Virginia }
Southampton County }

This day Rich^d P Clements
appeared before me a justice of the peace for
the state and county aforesaid and made ^{oath} that
the facts set forth in the above answer are
true to the best of his knowledge and belief
given under my hand 20th day of February 1871
Wm R. Parker J.P.

Personally appeared before me J. W. V. and
made oath that he did deliver to the parties
a true copy of this summons January
1st 1871.

James R. Tyler,
Coun in Chancery
— " —

Clement's

E. E. and B.

Clement's

1870 February Rules

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon *Ada F. Clements, Edgar P. Clements, George W. Clements & Josephine Clements*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *Superior* Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *February next to answer a bill in chancery exhibited against them in our said Court by Wm. G. F. Clements*

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this *29* day of *December* A. D., 187*0*, in the *95* year of the Commonwealth.

Oswin White

Elements

or 3 Decem

Elements

To be entered.

Geo B. Wood

June Term 1874