

1858-005 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BURGES

VS. ANDREWS et al

5/1858

other surnames: Brown,
Burgess, Kello

41 ~~55~~ ~~28~~.22

Burges

v. } Papers.

Andrews

Burges

v. } Stat. Rules

Andrews & others

In Southampton Circuit Court.

A. S. H. Burges

Plff.

against

Stephen, Frank, Charles, & George Andrews, Susan Brown & Samuel
Kello admrs. of Stephen Andrews decd.

Defts }

1856 March 28th Summons issued return to April Rules

" April Rules 7th Sum. ret. & Ex. Bill filed - Decree nisi to Deft. Kello adm. & O. Pub. & other
other Defts

" " 28th Bill taken for confessed as to Deft. Kello adm. & cause set for hearing as to him
on bill &c

" Nov. 3rd Order for account &c

1857 May " Decree for Sale.

" Nov. " Rep. & Decree

1858 May " Rep. & Decree

1857. May	Celks	§ 5.46
	Shff	1.50
	Comm.	5.00
	Ord. Pub.	2.50
	Comm. No.	<u>3.25</u>
		17.71
	Lum + tax.	<u>16.50</u>
		§ 34.21.

Burgis } Bill
v }
Andrews

1856 April Rules

To the Hon. Richard H Baker Judge of the Circuit
Court for the County of Southampton - In Chancery
Humbly complaining

sheweth unto your Honor your Orator A. P. H. Bur-
^{who sues for the benefit of his self and other creditors of Stephen Andrews decd}
ges that sometime about the year 1838 Stephen
Andrews of the County of Southampton died in ad-
vance of a small tract of land containing
about thirty acres lying in the said County.
That the said Stephen Andrews left no personal es-
tate whatever, and at the term 1856 of the
County Court of Southampton Samuel Kello Sff.
of the said County qualified as his administrator.
That the heirs at law of the said intestate are his
nephews and nieces, to wit: Stephen, Frank, Charles
and George Andrews, and Susan Browne (for-
merly Andrews the widow of Robert Browne decd.)
all residing beyond the limits of the common-
wealth of Virginia - That at the death of the said
Stephen Andrews he was indebted to your Orator
in the sum of \$22.95 for which he had executed
his bond on the 23^d of Feb. 1838, which bond is
still unpaid and is herewith filed marked
(A) and prayed to be taken as a part of this
bill - In tender consideration of all which and in
as much as your Orator is without remedy in
the premises except in a Court of Equity where
matters of this kind are cognizable, to the end
therefore that justice may be done, he prays
that Stephen, Frank, Charles & George Andrews
Susan Browne and Samuel Kello adm^r of
Stephen Andrews decd. may be made defendants
to this bill and answer the allegations thereof.
That the said land may be sold and the debts due
your Orator paid, and that such other and
general relief may be granted as equity

may do so, and as in duty bound he will ever
may do
Chas. H. H. & Messrsburg
per H. H.

X
Barges 2 From
As 3
Inward

Nov. Term 1856

To be entered

R. N. B
✓

Burges
as } Deems
Andrews de }

The bill being taken for confessed as to the Debt Saint Kello on whom process has been duly served and he still failing to appear & answer, plead and demur and it appearing that the Plaintiff has proceeded against the said Stephen, Frank, Charles, & George Andrews and Susan Brown in the most prescribed by law against absent Defendants, this cause came on this day to be read on the bill and exhibited and was argued by counsel, on consideration whereof the Court doth at judge order & decree that a Commissioner of this Court take & report to Court an account of the transactions of Saint Kello as agent of Stephen Andrews, an account of the outstanding debts against the estate of the said Andrews ^{discussing his character & ability} and an account of the annual ^{absolute} value of the real estate of the said Andrews - with any matters specially stated annex pertinent, by himself or required by the parties to be so stated -

Burges
to } Copy Deere
Andrew ye

Southampton Circuit Court, November Term, 1856.
S. S. H. Burgess

Off

against

Stephen, Frank, Charles & George Andrews, Susan Brown,
& Saml Kello, (adm. of Stephen Andrews dec'd & Defts.)

The bill being taken for confessed as to the defendant,
Saml Kello on whom process has been duly served, and he
still failing to appear & answer, plead & demand (and it appearing
that the plaintiff has proceeded against the said Stephen, Frank,
Charles & George Andrews and Susan Brown in the mode
prescribed by Law against absent Defendants, this cause came
on this day to be heard on the bill and exhibits and was
argued by Counsel. On consideration whereof the Court
adjudge, order and decree that all commissioners of this Court take &
report to Court an account of the transactions of Saml Kello as adm.
of Stephen Andrews, an account of the outstanding debts against
the estate of the said Andrews distinguishing their character
& dignity (and an account of the annual & absolute value of
the real estate of the said Andrews with any matter
specially stated deemed pertinent by himself or required by
the parties to be so stated.

Teste,

Henry S. Adams, D.C.

Burger
to $\frac{2}{3}$ hours
Andrews

May count '57
To be entered

R. H. B

Burges
vs
Andrews } James

This day this cause came on again to be heard on the papers for same & read and the report of commissioners Howard made pursuant to the order of the last term to which there is no exception, and was argued by counsel on considerations whereby the Court confirming the said report doth adjudge order and decree that unless the said Stephen Francis Charles & George Andrews and Susan Brown or some one for them shall pay to A. H. Burges the sum of \$49.11 with interest on \$22.95 from March 1st 1857, within six days from the date of this decree that the Sheriff of Southern District Court & after consulting for three days of the Court House and at two or more public places in the vicinity proceed to sell the said land in the best manner at public auction to the highest bidder reserving so much in cash as may be necessary to pay the costs of this suit and for the balance take a bond payable in twelve months with interest from date and report to Court

Burgis

n. } Co. Duesel

Andrews

1857 Nov. 12 Repl.

Southampton County Court, May Term, 1854.
 A. S. H. Burges Plaintiff

against
 Stephen, Frank, Charles & George Andrews, Susan Brown,
 Saml. Kello admt. Stephen Andrews defendants

This day this cause came on again to be heard on the papers formerly read and the report of Court. Howard made pursuant to the order of the last term to which there is no exception (and was argued by Counsel. On consideration whereof the Court confirming the said report doth adjudge, order and decree that unless the said Stephen, Frank, Charles, & George Andrews (and Susan Brown or some one for them) shall pay to A. S. H. Burges the sum of \$49.11 with interest on \$32.95 from March 1st 1854, within sixty days from the date of this decree that the Sheriff of Southampton County (after advertising for thirty days at the Courthouse and at two or more public places in the vicinity) proceed the said land in the bill mentioned at public auction to the highest bidder reserving so much in cash as may be necessary to pay the costs of this suit and for the balance take a bond payable in twelve months with interest from date and report to Court.

Clkrs Costs \$ 5.46 = \$ 2.03 Test

Shff. " 1.50

Com. 5.00

Or. Pub. 2.50

Com. notice 3.25

Law. Huf 16.50
 \$ 34.21

Shff. Coms 2.60

Auctioneer 1.
 \$ 37.81

Henry S. Howard, D.C.

Eliza T. Bran \$ 52.00
 Branch

52.81
 37.81
 \$ 14.99

Burgess as Amicus - Report of Commr? Nov 19th 1857

The Commissioner reports that in pursuance of the decree of May 1857 he sold the land in the proceedings mentioned and that Elbert Branch became the purchaser for the sum of \$52, and desiring rather to pay the cash than to give his bond, the Commissioner received it, and after paying the costs of suit & expenses of sale amounting to \$37.81, the balance of the proceeds of sale amounting to \$14.19 is now in the hands of the Commr? subject to the order of the Court any which is respectfully submitted

Wm D. Driggs Shff

Burpee
is $\frac{1}{2}$ of
Andrews

To be entered
R. H. Baker
Nov. Co. 1857.

Biggs
is
Andreas

This day this cause came on to be finally read

on the papers for me, read and on the report of Commr. Briggs
made pursuant to the order of the Hon. Court 1857 to
which report there is no exception and was agreed by
Court and our consideration being the Court confirm-
ing the said report do do as proposed and decree
that Comr. Briggs who is hereby appointed a special
commissioner for that purpose execute and with
special warrant for the said land to Elbert Branch
and pay over the sum of \$14.18 reported in his honor, to
A. F. H. Biggs

Barges }
2 } seen

Andrews

May 6. 1858

To be entered

R. H. Baker

Boyd }
" } Stem
Andrews }

This day this cause came on to be finally
heard on the papers former & read and on the report
of Commissioner Briggs made pursuant to the
order of the last term to which report there is
no exception and was argued & considered on
consideration where the court with adjourned
and deem that the said report be confirmed

Burgess

to } Sum. Chy.

Andrews

1856 April Rules

Exceeded in Sum. Chy. by
delivering a copy of the
within Cpl. the 3^d 1856

Stephen, Frank, Charles &
George Andrews and Susan
Brown are not residents
of this County

Thos. Lewis Jfr.
for Weller Jfr.

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING

We command you to summon

*Stephen, Frank, Charles & George Andrews, Susan Brown &
Samuel R. Ellis attorney of Stephen Andrews &c*

to appear at the Clerks office of our Circuit court of Southampton county at the Rules, to be
holden for the said court on the first Monday in *April* next, to answer a bill in
Chancery exhibited against *them* in our said court by

A. L. H. Burgess

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said
Court at the Courthouse, this *28th* day of *March* 185*6* in the *80th*
year of the Commonwealth.

L R Edwards

Buages.
vs { Amis Notice
Andrews &c

To March 11th 1837.

Exe cut ^{by delivering a copy of the within to Saml Kellogg}
^{from 5 Septm 1836} on. Chs 10
March 11th 1837
for Mr W Briggsdoff

Commissaries Office

Jerusalem January 31st 1857.

To A. S. H. Barger, plaintiff

And

Stephen, Frank, Charles & George Andrews & Susan Brown & Saml. Kello, admrs. of Stephen Andrews dec'd defendants.

You are hereby notified that I have fixed upon the 11th day of March 1857, to take & settle at my office an account of the transactions of Saml Kello admr. of Stephen Andrews; an account of the outstanding debts against the estate of the said Andrews distinguishing their character & dignity; and an account of the annual & absolute value of the real estate of the said Andrews, required to be taken by the decree of Southampton Circuit Court rendered at the November Term 1856, in a suit in Chancery depending in said Court in which you are parties plaintiff and defendants; at which time and place you are required to attend.

Given under my hand, as Commissaries in Chancery of the said Court the day and year first aforesaid.

Henry S. Howard Com^r.

To the Sheriff of Southampton
County to execute

Burges

2 { Affidavit?

Andrews

Southampton Court & to wit;
This 28th day March 1856 I W. Massenburg
appeared before me and made oath that
Stephen, Frank, Charles, & George Andrews
and Susan Brown, some of the defendants
to a bill filed against them &c by A. S. H. Burges
are non residents of the commonwealth of
Virginia

J. R. Edwards Clerk
Circuit Court, Southampton County

Burgis

& } Dr. Pub.

Andrews

Copy posted at L^d H^o door
Ap^l. Court 1856

At Rules held in the Clerks Office of the Circuit Court of Southampton County on the
7th day of April 1856.

A. J. H. Burges

against

Plff.

} In Chancery

Stephen, Frank, Charles & George Andrews. Susan Brown and

Samuel Kells adms. of Stephen Andrews de^d.

Defts }

The object of this suit is to obtain a decree for the sale of a tract of land containing about thirty
acres of which Stephen Andrews died seized, lying in the County of Southampton, for the
payment of a debt due the plaintiff from the said Stephen Andrews of \$22.75 for with interest
from the 20th February 1858. And affidavit being made that the Defendants Stephen, Frank,
Charles and George Andrews and Susan Brown are not residents of this State, they are required
to appear within one month after due publication of this order and do what is necessary to pro-
tect their interest and that a copy of this order be published once a week for four successive
weeks in some Newspaper published in the City of Norfolk and posted at the front door of the
Courthouse of this County on the first day of the next County Court thereof.

Attest

Test. L R Edwards Clk

Burges

& { Prof pub.

Andrews

AT RULES held in the Clerk's Office of the Circuit Court of Southampton county, on the 7th day of April, 1856,

A S H Burges,
against

Stephen, Frank, Charles and George
Andrews, and Susan Brown and Samuel
Keils, admin. of Stephen Andrews, dec'd,

Plff

IN
CHANCERY

Defts

The object of this suit is to obtain a decree for the sale of a tract of land containing about thirty acres of which Stephen Andrews died seized, lying in the county of Southampton for the payment of a debt due the plaintiff from the said Stephen Andrews of \$22 95-100, with interest from the 23d February 1833, and affidavit being made that the defendants, Stephen, Frank, Charles and George Andrews and Susan Brown are not residents of this State, they are required to appear within one month after due publication of this order and do what is necessary to protect their interests; and that a copy of this order be published once a week for four successive weeks in some newspaper published in the city of Norfolk and posted at the front door of the court house of this county on the first day of the next county court thereof.

thereof.

A Copy—Teste

au 29 -r4w

L R EDWARDS, C. C.

OFFICE OF THE SOUTHERN ARGUS,
NORFOLK, VA., 29th Sept^r 1856. }

J. Abraham F. Leonard, one of the publishers of the Southern Argus, a newspaper published daily in the City of Norfolk, State of Virginia, do certify that the annexed Legal Notice in the case of *A S H Burges, vs. Stephen, Frank, Charles and George Andrews & others*

pending in the Circuit Court of the County of Southampton has been published once a week for *four* successive weeks in the said newspaper, commencing on the *29th* day August 1856.

A. F. Leonard

Burgos
~ } Adieu

Andrews

COMMISSIONER'S OFFICE,
Jerusalem, Jan. 31st, 1857.

TO STEPHEN, FRANK, CHARLES AND
GEORGE ANDREWS AND SUSAN BROWN.
—You are hereby notified, that I have fixed upon the
14th day of March, 1857, to take and settle at my
office an account of the transactions of Sam'l. Kello,
as Administrator of Stephen Andrews, an account of
the outstanding debts against the estate of the said
Andrews, distinguishing their character and digni-
ty, and an account of the annual and absolute value
of the real estate of the said Andrews, required to
be taken by the decree of Southampton Circuit
Court, ordered at the November term, 1856, in a suit
in Chancery depending in said court, between A. S.
H. Burgess, plaintiff, and you and Samuel Kello,
Administrators of Stephen Andrews, defendants;
at which time and place, you are required to attend.
Given under my hand, as Commissioner in Chan-
cery of the said Court, the day and year first afore-
said.

HENRY S. HOWARD,
Commissioner.

fe 5—Thw

City of Petersburg to wit
This day personally appear-
ed before me a Justice of the
Peace in the City of Petersburg
W B Davidson, Clerk in the South
Side Democrat Office, who made
oath that the annexed is a copy
of an Order of publication
which has been inserted in
the South Side Democrat, a
Newspaper published in
the aforesaid city once a week
for four weeks successively
Given under my hand
this 31 March 1857

J. C. Swan D.
Comm Notice 325

Burges

vs } Comm's Report

Andrews &c.

1857 April 1st Ret^d

A. S. H. Burgess

Drift

against
Stephen, Frank, Charles & George Andrews, Susans
Brown, & Land. Wells adm^r of Stephen Andrews Drift } In Chancery.

An account of the outstanding debt against the estate of Stephen Andrews deceased.

	£	s
Debt due A. S. H. Burgess by bond dated 23 ^d Feb ^y 1838.	22	95
Interest thereon to the 1 st day of March 1857	26	16
Total Amount of Debt's inclusion of Interest to March 1 st 1857. with Interest on £22.95 from the said 1 st March 1857.	49	11

An account of the annual & absolute value of the real estate of Stephen Andrews deceased.

Absolute value of the land (26 1/2 acres) @ 2.00 per acre = £ 53.00

Annual value of the same from £5.00 @ 10.00 per acre = £ 7.50

Respectfully Submitted
Henry S. Howard, Coun^r.

Commissioners Office

Jerusalem, March 31st 1857.

To the Circuit Court of Southampton County

Pursuant to a decree of the Circuit Court of Southampton County rendered at the November Term 1856 in a suit in Chancery depending in said Court between Burgess and Andrews & others, the undersigned, one of the Commissioners of the said Court to whom was

required for settlement by said decree an account of the transactions of Saml. Kello
as adm^r. of Stephen Andrews, and account of the outstanding debts against the
estate of the said Andrews distinguishing their character of dignity and an ac-
count of the annual and absolute value of the real estate of the said Andrews
reports to the Court that on the 31st day of January 1857, he issued notices
against A. S. H. Barges and Saml. Kello adm^r. of Stephen Andrews dec^d.
requiring them to attend the settlement of the said accounts, before him, at his office
aforesaid, on the 14th day of March 1857, which was returned to your
Commissioners duly executed; and on the said 14th day of January 1857
he had published in the South Side Democrat a newspaper published
in the City of Petersburg for four successive weeks a notice against
Stephen, Frank, Charles J. George Andrews & Susan Brown the
absent defendants requiring them to attend the settlement of the said
accounts, before him, at his said office on the said 14th day of
March 1857, which was returned to your Commissioners duly
authenticated as to its publication. That Saml. Kello adm^r. of
Stephen Andrews appeared before your Commissioners in obedience
to the said notice and stated that no moneys or property of any
kind have come to his hands as administrator aforesaid of the
said Andrews dec^d. and that he knows of none except a small
tract of land of about 26 1/2 acres. Your Commissioners then proceed-
ed to take an account of the outstanding debts against the estate of
the said Stephen Andrews dec^d. of which there was only one debt
due A. S. H. Barges presented a proved one by bond dated the
23rd Feb^y 1855, for \$22.75/100 which with interest to the 1st
day of March 1857, amounts to \$49. "100. and your Commis-
sioners examined at the same time sundry witnesses as to the absolute &
annual value of the real estate of the said Stephen Andrews
and ascertained from them that the absolute value of the same
is about \$53.00. and the annual value \$7.50. The Commissioners
further reports to the Court that after the completion of the said ac-
counts he retained the same in his office ten days for the examination
of the parties, which with the decree and notices aforesaid are here-

with

with returned. Given under my hand as Commissioner aforesaid, the day
and year first aforesaid.

Commissioners fee \$5.00

charg^d to plaintiff

Fee for the order of

Publication or Commission

notice published \$3.25

Sheriff's fee \$1.00

Henry D. Howard Com^r.

Henry D. Howard Com^r.

Burgis

& } Rep.

Andrews

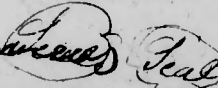
1858 May 3rd

In obedience to a Decree of the Circuit Court
of Southampton County made at the ~~November~~
Term 1857. I have executed to Elliot Branch
a Deed for the Land in the Proceedings Mentioned
and have paid A. S. Burgess of the amount
ordered to be paid to him in said Decree Given
Under My hand this 3^d day of May 1858
J. M. W. Briggs Comy

S. Andrews,
note 2.
A. S. H. Burgess

(A.)

\$22.95 For value Rec^d of A. S. Id Burgos I promise
to pay him Twenty Two Dollars $\frac{95}{100}$ witness my hand
Seal this 23rd day of February 1838

Stephenson 

Witness
Jas H. H. Pona