

1867-08

Santhampton County

Burhage, Annie L. et al vs

Burhage, John W. et al
vs

(Sale of Property
known as Lumber)
Lumber interest

Thomas L. Burhage vs

(John W. Burhage
(Thomas L. Burhage)
Lumber

L. R. Edwards
Lumber and Lumber

~~the~~ 97 1 58

Bur bage

v. } Papers

Bur bage

1869 November Term

Burroughs by me
 as } Bill
 } ^{to} initiate
 Burroughs.

1867 October Rules

To the Honorable Richard H Baker judge
of the circuit court of Southampton County
in chancery sitting

Humbly complaining your orators Annie
L Burbage an infant who sues by Thomas
J Burbage her next friend and Thomas J
Burbage who sues in his own right, sheweth
unto your honor that on the 23rd of February
1866 one of your orators Thomas J Burbage
made a deed conveying to one John W Galstead
as trustee a tract of land lying in Southampton
County known as Littleton containing seven
hundred and six acres more or less and certain
other property therein contained and named
on trust that the trustee should hold the
property therein conveyed during the joint
lives of Thomas J Burbage and his wife Annie
L Burbage for the sole and separate use and
support of the said Annie L Burbage and the
issue of the marriage free from the control
and debts of the said T. J. Burbage and at
his death should his wife be then living
have for the use and support of the wife and
children issue of the marriage during her
widowhood and if she marries again to the
use and support of the children issue of the
marriage, all of which will more fully
appear by a certified copy of the said deed
now on the files marked A and prayed to be
taken as a part of this bill, They state
further that this land was purchased
from Joshua Portlow and Joseph Corns ^{since April 2nd 1865.}
They shew further that John W Galstead

The Master Thunin name who resides in North Carolina has now signed the deed and declines to act, and that Anne Q Bembage wife of Thomas I Bembage has recently died leaving Anne L Bembage Thomas I Bembage and John W Bembage their infant children issue of the marriage, your orators state further that there is about twelve hundred and fifty dollars (\$1250) of the purchase money still due to Messrs Pottow and Compher for the land and that Thomas I Bembage has no deed for the land but a written contract of record to convey when the purchase money shall have been paid they state further that since the purchase Thomas I Bembage has been living on the land cultivating it and supporting his wife and children from the proceeds of it, but now finds himself unable to pay the residue of the purchase money, that the death of his wife has unsettled the whole scheme of his life and that he now finds it necessary to break up farming and again resume his former life that is of a sailor or a seafaring man from which he thinks he can realize more money, your orators state further that they think it would be to the interest of all parties interested to sell the Littleton tract of land for the following reasons to wit, in the first place the farm if rented out will go to waste and ruin; already the house needs repair. that a sale will be necessary to raise money to meet the payment now due on it

and they think it will command more money now than hereafter should it be rented out as Mr John Pottow has offered Thomas I Bembage \$3500 it being \$100 than he paid for it the farm, All tender consideration whereof and inasmuch as your orators are without relief at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable they therefore pray that John W Bembage and Thomas I Bembage two 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 owners under the allegations therein contained as if they had been themselves more fully and specially interrogated, that the court would satisfy the sale of the Littleton tract of land made by Thomas I Bembage to John Pottow for \$3500 or direct a sale at public auction as to it may seem best, pay the amount due Messrs Joshua Pottow and Joseph Compher and invest the residue of the proceeds of sale in such manner as to the court would seem best, and grant such other and general relief the premises considered as equity may dictate and the nature of this case may require and as in duty bound your orators will ever pray we

Shand & Kilby p. 9

Burial by sea

as 3 persons of
infant death

Burial

1864 October Rules

The answer of John W. and Thomas J. Burbage
two infants by L. R. Edwards their guardians ad
litem appointed for that purpose to a bill
in chancery by Annie L. Burbage by her mother

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, but places the interests of his
ward under the care of this court whose
guardian duty it is to protect the rights of
infants and having fully answered prays
himself to be discharged with his costs &c

Received by consent

Shamels is Kelly counsel
for plaintiffs

Southampton County. In the Clerk's Office. the 26th day of February 1866. -
This Deed between Thomas J. Burbage of the first part, John W. Halstead of
the second part and Annie O. Burbage of the third part was acknowledged by
the said Thomas J. Burbage to be his act and deed, and the same bearing
Stamps of the United States internal revenue to the amount of fifty Cents
affixed thereto, is admitted to record.

Teste,

L R Edwards, Clerk

Burbage

Burbage
to
3 Ex: with lib.

.st.

This Deed Made this 25th day of February 1866. between Thomas J. Burbage of the first part, John W. Halstead trustee of the Second part and Annie O. Burbage wife of the said T. J. Burbage of the third part. Whereas Thomas J. Burbage has received the sum of \$5400. by his wife & being her estate which she has inherited from her father and brother and whereas the said Burbage is anxious and willing to settle on the said Annie O. Burbage his wife other property of equal value in consideration of the estate, of the estate which he has received by her for the support of herself and children, born now and such as may be hereafter born, the issue of their marriage, Now therefore, This deed witnesses that in consideration of the premises and the further sum of one dollar in hand paid, the said Thomas J. Burbage doth grant unto the said John W. Halstead trustee, the following property real and personal to wit; all the said Thomas J. Burbage's right title and interest to a certain tract of Land lying in Southampton Co. known as the Littleton tract containing by estimation 700 acres more or less, bounded on the west by the lands of Thomas Croft, and Richard Barrett, North and east by the Blackwater River and South by the lands of Lawrence Gardner and others. The boundaries more fully to be ascertained by reference to a deed from Cornell and Beary to Joshua Pickett and Joseph G. Crumpler from whom the said Burbage purchased the said tract of land. Three horses, ten Cows, thirty hogs, twenty pairs Sheep, and the future increase of the Stock, and all the farming implements on the said plantation, On Trust for the following uses and purposes to wit: The said Trustee is to hold the property above said during the joint lives of the said Burbage and Annie his Wife for the sole and separate use and support of the said Annie O. Burbage and the issue of their marriage freed from the debts and Control of the said Thomas J. Burbage, at the death of the said Thomas J. Burbage, should his wife be then living, then for the use and support of the said Annie O. Burbage and the children issue of the marriage during her widowhood, should she marry then to the use and support of the children issue of their marriage, Witnesses the following Signatures and Seals. -

Thomas J. Burbage



Witness.

Burlage & Co's
N. Burlage } Repts.

Recd May 1868

1868 Aug 8. Received the bond of John Prithlow & J. Prithlow
for \$3500. filed with this report.

J. P. Prithlow Jr

To the Circuit Court of Southampton.

The undersigned, Thomas J. Pettow Jr. respectfully reports to the said Court - That pursuant to the decree of said Court made at November Term 1867 in a Chancery cause therein pending wherein Annie L. Burbage &c. are plaintiffs and Thomas J. Burbage &c. defendants, he proceeded to collect of John Pettow as therein named the sum of \$2000. in cash, and to receive of said John Pettow his Bond for \$3500. dated this 16th of Nov. 1867 and payable six months after date with interest from date, as directed by said decree, and has disposed of the same as follows -

By cash received as above \$2000.00

To paid costs of suit to wit:

To the Clerk \$7.60

" Wm. B. Shands, Atty: 50.00

" John R. Kelly for Deeds

1 stamp

} 150.00

" paid John Pettow & Son.

G. Crumpler, as directed, bal. { 1362.56

on hand

" Charges to Commr.

50.00

\$1485.16

Balance in cash

\$514.84

in the hands of the Undersigned

(over)

The undersigned further reports, that he
has made a deed to John Prettow admitted
by said Decees. ^{as above, to make a deed} and that John Prettow, and
Mr. G. Lempler have also executed a deed
to him conveying the said Land to him -
and that the sum of \$3500: is herewith
returned to Court - and that there remains
in hand in cash the sum of \$574.84

Respectfully submitted to Court

J. J. Prettow Jr. Comr.

1868 Feb 17 Recd of Mr. J. Prettow
Jr. fifteen dollars, in full for fees,
due me

John R. Kilby

Amie L. Burbage an infant who was by
Thomas J. Burbage her father and next
friend and said Burbage in his own right
vs John W. Burbage and Thomas J. Burbage
infants

T. J. Burbage

1868.

To Clerk Southampton Dist. Ct.

Mar 19

To fees in Chancery Dist. v. Burbage to this time
including report to be filed &c

3

17.60

Rec^d payment of Doct J. J. Pardon Jr

J. R. Edwards Clerk

The Deposition of Saml. B. Pettow
taken by Consent of parties, at the
office of W^m B. Shands, in Jerusalem,
Southampton County on the 7th day of
November 1867, to be read as evidence
in a Chancery suit now pending in
the Circuit Court of said County wherein
Anna L. Burdage &c. is plaintiff and
Thomas J. Burdage and others Defendants.

Thesaid Saml. B. Pettow being
duly sworn says, I am well acquainted
with the farm called "Tittetown" on Black
water River about one half mile, from Franklin
and on which Capt. Mr. J. Burdage now
resides and described in said suit
that I resided on the said Land for
part of one year before the war - That
I consider the sum of five thousand
five hundred dollars, the price agreed
on between said Capt. Mr. J. Burdage
and John Pettow, as a free and fair
price for it - That said Mr. J. Burdage
gave five thousand four hundred dollars
for the said Land ^{in 1865} ^{since} ~~before~~ the war, and that
I consider the depreciation at least one
thousand dollars; the arrangement I
consider advantageous to the parties and
would recommend a sale ~~of~~ the same;

That the place is not in good order, and
as the said Burdage is about to break
up, it would soon still more depreciate
- J. B. Prellow

Dr. Wm. A. Maffenburg and Warren Edwards,
being duly sworn, say that they ~~live~~
near the premises above referred to, and
that they consider the arrangement entered
into by and between Capt. M. J. Burdage
and Mr. Prellow, for the sale of said farm
at five thousand five hundred dollars
as a good arrangement for the parties -
The land is depreciating still
soon be still worse - and we would
recommend that the arrangement
be carried out as agreed on, as one
advantageous to the parties owning the
land.
Warren Edwards
W. A. Maffenburg,

Southampton County Trust

J. Lem B. Shands, a Comr.
in Chancery for said County do
certify that the foregoing dep-

otions were taken at the place for
the day as set forth in the Caption
hereto. Given under my hand
this 7th Nov. 1867.

J^m B Shames Com.
in Chancery in Co. Court

Barbidge
vs.
Barbidge } In Chancery

Petition of
Jesse Cornwell & Son

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

Tom petitioners beg leave to make
the following statement, viz: on the 1st day of
January 1866 J. L. Embage executed his bond for
the sum of five hundred dollars current money
to Messrs Cornell & Beans, obligees to secure the
purchase money of a certain tract or parcel
of land known as the "Little Town" farm, in
consideration of which the said Messrs Cornell
and Beans agreed & did release Mr Joseph
C. Crumpler and Mr Joshua Pettlow of
the County of Southampton Virginia from the amt.
above specified (\$500), which amount they, the
said Crumpler & Pettlow, then owed Messrs
Cornell & Beans, in consideration of a former
purchase of said land by them (Messrs Crumpler
& Pettlow) made. The said Messrs Cornell & Beans
giving the said Messrs Crumpler & Pettlow a
receipt for the same and taking the said
J. L. Embage's bond aforesaid in lieu thereof.
Tom petitioners do further state, that the bond
aforesaid with two payments thereon (one of
\$141 ⁴³/₁₀₀ on the 13th of March 1866, and the other
of \$73 ⁴³/₁₀₀ on the 29th of Dec 1866) with a remainder
of \$389 ⁴³/₁₀₀ interest inclusive & on outstanding
and remaining unpaid, being left out or over-
looked in the decree rendered in the Circuit
Court for the County of Southampton on the Chancery
side during the month of November 1867 for the
sale of the land aforesaid, and the payment
of all claims binding the land, without the
benefit of our petitioners, however, and

from petitioners by ^{the} ~~the~~ ^{the} bond aforesaid
then filed with this petition. May be entered
in the decree and they allowed to become parties
to the suit and that the said bond be paid

R. Ragan Griffin
for petitioners

(Adm.) (Comp.)
Messrs. Connel & Beans Attys.

Burlage

Sum. Chy.

Burlage

1867 October Rules

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY--GREETING:

WE COMMAND YOU to summon

*Amie & Burbage, Thomas I Burbage & John W
Burbage, three infants,*

to appear at the Clerk's office of our

Circuit -

Court of Southampton County, at the Rules

to be holden for the said Court on the first Monday in

*October next to answer a bill in Chancery
exhibited against them in the said Court by Amie & Burbage an infant who sues by
and Thomas I. Burbage who sues in his own right.*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *5* day of *October* 186*7*, in the *92*^d
year of the Commonwealth.

L. R. Edwards Clk

Burbo

& } Stat: Rules

Burbo

In Southampton Circuit Court.

Annie L Burlage an infant who sues by Thomas J. Burlage her next friend
and Thomas J. Burlage who sues in his own right
against.

John W Burlage & Thomas J. Burlage infants

1867 Oct. 5: Summons issued.

" " R. Bill filed. L R Edwards assigned Gen. ad litem to
Deft: Ans. of Deft: Gen. Ref. chancr.

" Nov: R. Cause set for hearing &c.

" " J. Decree &c.

1868 May J. Decree.

1869 Nov. Decree final

1st Band Principal & Inst.	\$244.40
2nd " " " & " "	279.54
3rd " " " & " "	279.54
4th " " " & " "	559.08
	<u>\$1362.56</u>

Burbage

as 3

Burbage

Report of J. L. Pullman

Burbage

as 3

Report

Burbage

Thomas J. Kellow Sen guardian
of Amos L Burbage, John W Burbage and
Thomas J Burbage begs leave to report in
obedience to a decree made at the May
Term 1869 of the Circuit Court of Southampton
that he received on the 5th of May 1869 from
Thomas J Kellow junior the sum of
three hundred and seventy dollars and
nineteen cents and that he received from the
clerk of the circuit court of Southampton
the certificate of deposit of the Norfolk Trust
company for three thousand, three hundred
and fifty dollars receiving for the same and
on the first of July 1869 he received from
the Norfolk Trust Company the sum of Three
Thousand five hundred and ^{and four cents} fourteen dollars,
it being the principle and interest due on the
said certificate up to that time and that he
now holds the abovesaid sums of money
as guardian of the abovesaid infants
and shall hereafter settle his accounts
regularly as guardian in the county Court
of Southampton all of which is
respectfully submitted by
Nov 3rd 1869 E J Kellow

Received this 25th day of ^{August} July 1869 of the Clerk of the Circuit Court of
Southampton County the Certificate of Deposit of the Norfolk Trust Company
for \$3350 - which was returned with the within report - Received by me as
Guardian of Annie L. John W. & Tho J Burbage

J J Burbage

Burbage

as

Burbage

Commonwealth of Virginia

Filed May 25

1869

Burboage

as 3

Burboage in

The undersigned commissioners
to report
begs leave that in obedience to a decree of
the May term 1868 he withdrew the bond
of \$3300 executed by John Portlow and J
S Portlow and collected the same, that he
paid to Cornell & Beams the sum of
\$389.15 as directed and himself returns
their receipt and after paying all expenses
he deposited in the Norfolk Trust ^{Company} the sum
of \$3300 and the certificate ^{hereunto appended} and has cash in hand the sum
of \$370.19 cts subject to the order of this
court all of which is respectfully

Submitted by
May 4th 1869

J. J. Wicklow Jr

Recd Jan 1st 1869 of B Dutton Jr. Commsr.
of the estate of Annie & John Burdett the sum of \$89⁰⁰/₁₀₀
payment in full of bond held vs said estate

R R Luffman
Jr Beane & Co

Know all men by these presents that we Thomas J. Pretlow Jr & Thomas J. Pretlow Sr - are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Six thousand dollars, to which payment 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 16 day of November 1867 -

The condition of the above obligation is such that whereas by a decree of the Circuit Court of Southampton County made on the 8th day of November 1867, in a Suit in Chancery therein pending in which Annie L. Burbage who sues by Thomas J. Burbage her next friend & Thomas J. Burbage who sues in his own right are plaintiffs and John W. Burbage and Thomas J. Burbage infants & Defendants, the above bound Thomas J. Pretlow Jr. was appointed a Commissioner for certain purposes in the said decree & forthwith Now if the said Thomas J. Pretlow Jr. shall faithfully discharge the duties of his said Office or trust under the said decree and any other decrees in the said cause which he may be required to execute, then the above obligation to be void or else to remain in full force and virtue.

T. J. Pretlow Jr. (Seal)
T. J. Pretlow Sr. (Seal)

Southampton Circuit Court Clerk's Office November 16 1867.
The above bond was executed and acknowledged before me in my Office aforesaid, by the obligors thereto, and Thomas J. Pretlow Jr. the security to the said bond made oath before me, that his estate after the payment of all his just debts is worth the sum of Six thousand dollars, the penalty of the said bond as he verily believes -
Given under my hand the day and year aforesaid

L. R. Edwards Clerk

and the said Thomas & Pullon ^{Senior} is directed
to report his proceedings to court in
order to a further decree.

Burbage

as 3 Decr

Burbage vs

John Richard

Esq. & Wife

Wm J Day

Burke

as 3, Decem

Burke is als

This cause this day came on again to be heard on the papers formerly made ~~and~~ the report of Commissioners J & Parlow made pursuant to the decree entered at the May Term 1868 of this 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 the said report be confirmed and whereas it appears that since the last decree rendered in this cause Thomas J Parlow Sr has qualified in the county court of Southampton as guardian for the three infant children to wit Anne L Burke, John W Burke and Thomas J Burke having executed a bond with security in the sum presented by law in the sum of six thousand dollars, the ^{court} doth further adjudge order and decree that the clerk of this court be directed to deliver up to the said guardian J. J. Parlow the certificate of Deposit of the Norfolk Trust Company for \$3350 taking his receipt for the same as guardian and that the said guardian is hereby authorized to collect the same and the court doth further order that the said Commissioners J. J. Parlow jr pay to the said guardian the sum of \$370.19 cts the balance of the funds in his hands

Burbage

as } Decm

Burbage

1869

Nov or

Final Decm

To be Entered

E. F. Pitt

Burbage
vs 3 Diem
Burbage

This day this cause came
on again to be heard on the papers formerly
made and the report of Thomas S. Patton
sent in pursuance of a decree
~~formerly~~ entered at the May term 1869
of this court and was argued by counsel
on consideration whereof the court doth
adjudge, order, and decree, that the said
report be confirmed: and it appearing
to the court that there is nothing
further to be done in this cause it doth
further order that the same be removed
from the docket

Burbage

to } Copy donee

Burbage

May 69

Southampton Circuit Court. May 1st 1869.

Annie L Burbage, an infant who sues by Tho^s J. Burbage her next friend &
Tho^s J. Burbage who sues in his own right Defts. }

John W Burbage & Thomas J. Burbage infants Defts. }

In Chancery

This cause, this day came on again to be heard on the papers formerly read and the report of Commissioner T. J. Pretlow made pursuant to the decree entered at the May Term 1868. of this 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 the said report be confirmed. And whereas it appears that since the last ^{decree} rendered in this cause Tho^s J. Pretlow Sr. has qualified ~~as~~ ⁱⁿ the County Court of Southampton as guardian for the three infant children to wit. Annie L Burbage, John W Burbage & Tho^s J. Burbage, having executed a bond with Security in the mode prescribed by law, in the penalty of Six thousand dollars, the Court doth further adjudge, order and decree, that the Clerk of this Court be directed to deliver up to the said guardian T. J. Pretlow, the Certificate of Deposit of the Norfolk Trust Company, for three thousand three hundred & fifty dollars, taking his receipt for the same as Guardian, and that the said Guardian is hereby authorized to collect the same. and the Court doth further order that the said Commissioner T. J. Pretlow jr pay to the said guardian the sum of three hundred & seventy dollars & nineteen Cents the balance of the funds in his hands. and the said Tho^s J. Pretlow Sr. is directed to report his proceedings to Court in order to a further decree

At Copy-

Teste, L R Edwards Dy. Clk

Burtago
is. 3 Dura
Burtago

Southampton Circuit Court. November Term 1867.

Annie L. Burbage, an infant who Sues by Thomas J. Burbage }
her next friend, & Thomas J. Burbage who Sues in his own right. Plffs. }
against. } Substantive

John W. Burbage and Thomas J. Burbage infants. Defts.

This Cause came on this day to be heard on the Bill of the Complainants and the Exhibits filed therewith, and on the answer of the Infant Defendants by their Guardian ad. litem, and with general replication to said answer and on examination of witnesses, and was argued by Counsel, on Consideration whereof the Court believing that the Contract Made by Thomas J. Burbage to Sell the Land & premises referred to in the Bill to John Pickens for Fifty five hundred dollars is advantageous to the interests of all parties concerned, does hereby ratify the same, and doth adjudge, Order and Decree, That Thomas J. Pickens Jr. (who is hereby appointed a Commissioner for that purpose,) Make to said John Pickens, a Deed for the said real Estate with Special Warranty, in the usual form, retaining a Lien on said Land for the deferred payment, & the payments to him by said John Pickens of the Sum of Two thousand dollars in Cash, and executing his bond and good Security for the Sum of Thirty five hundred dollars, with interest from date, and out of the Cash proceeds pay to Joshua Pickens and Joseph S. Campbell, what ever Sum may be due them on the original purchase of said Land, taking a Deed from them for the same to said John Pickens, for their Interest therein, and then pay the Costs of this Suit, including an attorney's fee of Fifty dollars, and Make report to Court of his proceedings under this Decree. But before any such Sale or Deed shall be Made by the said Thomas J. Pickens Jr. as Commissioner as aforesaid, he shall execute before the Clerk of this Court in his office, a Bond in the penalty of Six thousand dollars payable to the Commonwealth of Virginia conditioned for the faithful execution of this Decree, and of any other Decrees he may in this Cause be required to execute.

A Copy. Teste. J. R. Edwards 66

an attorney's fee of \$50 - , and
make Report to Court of his proceedings
under this decree - But before any
such sale or deed shall be made by
the said Thomas - J. Patton Esq. Att. Gen.
as aforesaid, he shall execute before
the Clerk of this Court in his office, a
Bond in the penalty of \$6000. payable
to the Comth. of Va. Conditioned for the
faithful execution of this decree & of
any other decree he may in this cause
be required to execute.

Burbafe &
2

Burbafe &

1867

Wm. C. L. Decree

To be entered

R. H. B.

D

Burke v. Burke

This cause came on this day to be heard on the Bill of the Complainants and the Exhibits filed therewith & on the answer of the Defendant by their friend an attorney, with general replication to said answer, ^{& on examination of witnesses} and was argued by Counsel.

On consideration whereof the Court ~~doth~~ ^{do} ~~adjudge order and decree that~~ ~~that~~ ~~John Putton~~ who, believing that the contract made by Mr. J. Burke to sell the said premises referred to in the Bill to John Putton for \$500 ~~each~~, is ~~an~~ advantageous to the interests of all parties concerned, does hereby ratify the same & doth adjudge, order and decree that Thomas J. Putton who is hereby appointed a com. for that purpose I make to said John Putton a deed for the said real estate, with ^(retaining a lien on said land for the deferred payment) special warranty, in the usual form, on the payment to him by said John Putton of the ~~said~~ sum of \$2000 in cash, & executing his Bond & good security for the sum of \$3500, with interest from date out of the ~~costly~~ proceeds pay to John Putton & Mr. S. Crumpler whatever sum may be due them on the original purchase of said land, taking a deed from them for the same to said John Putton for their interest therein, and then pay the costs of this suit, including

he the said Thomas J. Pretton Jr.
 is directed to deposit ^{the same} in the Norfolk
 Trust Company
 to the Court of this Court, to be drawn
 out by order of this Court, taking a
 Certificate of Deposit therefor
 which he will return to this Court
 with his Report of his proceedings
 in this case.

+ will pay to the legally qualified guardian
 of Anne L. Burbage, John W. Burbage and
 Thomas J. Burbage Jr. if one should be
 qualified in ninety days from this day &
 if not so paid, then he

Burbage &
v

Burbage &

1868

May Ch. Decree

to be entered.

R. W. Barker

Barbap & v. Barbap &

This day Beans & Cornell
filed their petition, by Leave of the
Court, and, the cause came on to
be heard on the papers formerly read
and on said petition and on the
Report of Thomas J. Pettow Jr. Comr.
made pursuant to the decree of
November Term 1867, to which report
there is no exception, and was
argued by Counsel: On considera-
tion whereof the Court ^{doth} adjudge
order and decree that the Clerk
of this Court deliver to said Thomas
J. Pettow Jr. Comr. as affirmed the
Bond of John Pettow and Mr J.
Pettow for \$3500 filed in the
cause, on his leaving a receipt
for the same, and that the said
Mr. J. Pettow out of the proceeds
of said Bond and the sum of
\$574.84, in his hands in cash,
pay to Beans, Cornell the sum
of \$389.65, balance due them
on the land sold under proceedings
had in this cause, and then pay any
costs & expenses that remain unpaid
and the Balance of the said money

he the said Thomas J. Pretlow Jr.
 is directed to depose ^{the same} in the Norfolk
 Trust Company
 to the Court of this suit, to be drawn
 out by order of this Court, taking a
 Certificate of Deposition therefor
 which he will return to this Court
 with his Report of his proceedings
 in this case.

+ will pay to the legally qualified Guardian
 of Anne L. Burbage, John W. Burbage and
 Thomas J. Burbage Jr. if ~~are~~ should be
 qualified in ninety days from this day &
 if not so paid, then he

Burbage &
v

Burbage &

1868

May Ch. Decease

to be entered.

R. W. Barker