

1870-05

Southampton County Chancery

Ricks, Collin A. et als vs Edwards, Allen (adm'r.)

Creditors suit

Others -

Edwards, Martha
Edwards, Gilliam
Edwards, William

GAL of:

Edwards, Junius
" Octavius F.
" Jessie A.
" Sarah A.

{ Edwards, Jessie
{ Edwards, L. P. Guardian

Picks

Bill
exhibits

Edward Behrens als

1869 October Rules

To the Honorable E. P. Pitts judge of the
Circuit Court of Southampton County
in chancery sitting

Humbly complaining your Orator
Collier A. Ricks who sued for himself
and all the other creditors of Robert J.
Edwards died who will come in show their
debts and bear their part of the costs of this
suit shunt into your Honor that in the year
1834 Robert J. Edwards of Southampton County died
intestate leaving considerable personal and real
estate and Sarah A. Edwards his widow and James
Edwards, Oclarius F. Edwards and Jeph A. Edwards
his three children the two first now of age his
heirs and distributees at law, that Allen Edwards
qualified as his administrator and also as guardian
of the three above named children, that Edwards
(Allen) has settled his administration account and
by the last it shows a balance due him of
\$102.20 ^{in 1859} as will more fully appear by a certified
copy the said account herewith filed marked A
and prayed to be taken as a part of this bill
your orator states further that Robert J. Edwards
left a lot in Franklin and a small tract of
land containing five acres with a good dwelling
on it, that though the estate was in debt, ⁱⁿ 1859
a suit was instituted and the lot in Franklin
sold for division among the heirs and that
Messrs Cobb and Kelby the commissioners paid to
Allen Edwards as guardian of James, Oclarius F.
and Jeph A. Edwards \$214.78 ^{cts} each as will
more fully appear by a certified copy of his receipt
taken from the chancery payers in the case of

Edwardes or Edwardes &c. In with files marked exhibit B and prayed to be taken as a part of this bill

Your orator sheweth further that at the May term 1861 William Edwardes as administrator of Martha V. Edwardes obtained a judgment on Allen Edwardes as administrator of Robert G. Edwardes dec'd on a bond for \$400 due 1st February 1857 all interest paid up to 15th December 1858 and \$211 paid August 20th 1860 all of which will more fully appear by a certified copy of the said judgment as well as the In with files marked C and prayed to be taken as a part of this bill and that subsequently the said William Edwardes paid and assigned the said judgment over to your orator in part payment of a legacy due to your orator and his wife, Your orator states further that this judgment has been prevented from being collected by the stay laws which have been in existence from its rendition up to this time, and that it never has been paid to your orator either by Allen Edwardes or by the heirs at law of Robert G. Edwardes and that now it is a charge on the lands of Robert G. Edwardes and on all such estate as his children have received from him and that unless they pay him the lands of Robert G. Edwardes must be sold

In tender consideration whereof and inasmuch as your orator is without relief at law and only entitled to relief in a court of equity where such matters are peculiarly cognizable he therefore prays that Allen Edwardes both as administrator of Robert G. Edwardes dec'd and guardian of James, Octavius F. and Jesse A. Edwardes

Sarah A. Edwardes, James Edwardes, Octavius F. Edwardes and Jesse A. Edwardes an infant by some fit and proper person his guardian ad litem appointed for that purpose may be made parties defendant to this bill and compel them as free and proper persons make to the allegations therein contained as if they had been thereto more fully interrogated, That both Allen Edwardes and James, Octavius F. and Jesse A. Edwardes say whether or not they have not received money for the sale of land belonging to Robert G. Edwardes estate, That Allen Edwardes settle his administration account of R. G. Edwardes estate, that a commissioner of this court take an account of the debts outstanding against the estate of Robert G. Edwardes dec'd and also an account of the actual and annual value of all the real estate now held by his heirs whom he dies seized and possessed and that the court would if it be shown the sale of the same for the payment of your orator's judgment and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of his case may require and as in duty bound your orator will ever pray &c

Shanes p. g.

Ricks

vs 3

Edwards Admin 10als

Answer of J. G. Edwards
by Guardian ad litem

1869 October Rules

The answer of Japhet A. Edwards an infant
by L. R. Edwards his guardian ad litem to
a bill in chancery in the circuit court of
Southampton by Collin A. Hicks against
him and others

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 submits the
interests of his ward to the care of this court
whose peculiar duty it is to protect the rights
of infants and having fully answered prays
leave to be dismissed with his costs &c

Rec'd by consent

Wm B. Shanas Counsel for
the plaintiff

Ricks

to { Ex. with bill

Edward's ad. *g*

(B)

July 23 1818, Received from Allen Edwards, and William
Edwards, Executors of Wm V. Edwards, the Sum of
Twenty Nine hundred and Seventy two dollars and Eighty
two Cents, in full of the balance due me from
my father's Wm V. Edwards Estate. It appears
from the reports of the Commissioners of the Circuit
Court that there was a balance due the estate of
\$9143. 14 Cts as the first of January 1817, to
be divided between myself and Sister Mary E.
Edwards, she receiving \$200- More than
myself, and it appearing to my satisfaction
that \$3500- of the above reported balance has been
lost by the Executors during the late War? without
my fault or theirs - I have agreed to borrow \$1750
of the same, and execute my receipt for the Sum of
\$2971. 82 Cts in full of balance due me -
Given Under my hand after arriving at the age of
Twenty one, the day and year above said.

Robert M. Edwards,

The original filed in Chy Court for S. Southampton Co. Edwards v. Edwards Exrs.

A Copy

Given

SR Edwards, Sec.

Oct 21 1869

Ricks
to } Ex. with bld

Edwards' av ff

, b ,

Southampton Circuit Court, May 3rd 1861.
William Edwards adm^r of Martha M. Edwards Pff.
against
Allen Edwards adm^r of Robt. M. Edwards dec^d. Sifts } In Sifts

The judgment stands as the rules not having been set aside and
the Plaintiff being now entitled to a final judgment, it is therefore
considered that the Plaintiff recover against the Defendant four
hundred dollars, the debt in the declaration mentioned, with
legal interest thereon from the 1st day of February 1851 till paid,
and his Costs by him about his suit in this behalf expended, to be
paid of the goods & chattels of the decedent in or which may
hereafter come to the hands of the Defendant to be administered -
and the said Defendant in Mercy &c. This judgment is to be credited
for the interest up to December 15th 1860, and for \$211. paid
August 30th 1860.
Costs \$9.65

Attest
Geo. W. Edwards, S.C.

Ricks

Ex with bill

Edwards adm

1 A 1

The Estate of Robert L. Edwards decd.

In account with Allen Edwards, his Administrator?

Dr Cr De

1857. Jan. 31.	By balance due the Estate by last report this day					
				874	56	
1858 Apr. 3.	To paid A. T. Stephenson account	10	00			
" June 10.	" " Jordan Edwards "	36	56			
" Aug. 12	" " W ^m A. Wapentun "	30	00			
" Sept. 11.	" " Same Wells bond &c	113	50			
	By amt. recd. of Jos. Gilllette Comr?			101	55	
	" " " Gilllette & Pickett,					
	amt of Lot in Franklin for five years and interest			535	00	
" Oct. 18.	To paid Jas. W. Murfee Judgment in favor of S. S. Williams	447	19			
" Dec. 23.	" " James Pickett	36	21			
	" " S. Pickett School account	48	00			
	" " Gilllette & Pickett "	593	23			
	" " W ^m Murfee "	324	96			
	" " S. A. Edwards assignee of Jeph. Barker, bond & Interest.	390	34			
" " 31	To paid A. Wills account	3	36			
" " "	" Commissions on \$434.55	31	82			
" " "	By Interest on \$100. one year			36	00	
" " "	To Commissions for for Making up this Account and Copy -	2	50			
" " "	To Clerk's fee for recording the same	1	50			
" " "	By balance due Administration			494	06	
		2061	17	2061	17	
" " "	Total amount brought down	494	06			
1859 Jan. 1.	To paid Marilee M. Vaughan's admin. two bonds & Interest -	195	30			

1857. June 1. To Interest on \$494. 06 to

This day

To Balance due Administration \$702.20

This day -

15	84				

Respectfully Submitted,
Henry D. Howard, Comm.

Commissary's Office,
Jerusalem, June 1st 1859.

To the County Court of Southampton County,

Your Commissioner reports to Court

That Allen Edwards the Administrator of Robert Edwards has exhibited before him a Statement of all sums received by the said Administrator in which he has become chargeable or had disbursements, during the period embraced in the foregoing account, together with the vouchers in support of the disbursements. That he finds a balance of \$702.20 to be due by the said Estate to the said Administrator on the 31st day of December 1858, with interest thereon from that day. That the said account is supported by satisfactory vouchers and that the said Administrator has given such bond as the law requires, the penalty whereof and the securities therein are sufficient. The Commissioner did not charge the admin. with interest on the whole balance for the year 1857, because he had to pay out large sums during the year 1858, as will be seen by the account. That the said Administrator was embraced in the list of Administrators posted up at the Court house of Southampton County on the first day of May last, and upon this day, (two days having elapsed since the said was then posted up) the foregoing account is made up and completed. Given under my hand as Commissioner aforesaid, the day and year first aforesaid.

Henry D. Howard,
Commissioner

Southampton County, In the Clerk's Office, June 28th 1859.
This account of Allen Edwards' Administration in the Estate of Robert Edwards died was returned and filed for exceptions and at a Court held for the said County, August 15th 1859. The said account having lain on the table and upwards in the Clerk's Office, and there being no exceptions thereto, was examined, confirmed and ordered to be recorded.

Teste

J. R. Edwards, Ck.

Attest

Clerk

J. R. Edwards, Ck.

Executed by delivering Junius Edwards
a copy of this Summons on the 22^d
day of January 1830

W. W. Briggs dy
for D. & Coles shff

Picks for J^o

to Saml. Day

Edwards' adm^y J^o

1830 February 2^d

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton---Greeting;

We command you to summon

Junius Edwards

if ^{*Orant*} *he* be found within your bailiwick, to appear at the Clerk's Office of our 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 him & others by *William A Ricks* who sues by himself & all the other Creditors of *Robert G Edwards dec'* who will come in, prove their debts & bear their just part of the costs of this suit

And have then there this writ.

Oran White

Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this *10* day of

January

A. D., 18*70*, in the *94* year of the Commonwealth.

O White Cl

Executed by delivering Allen Edwards. Jeph
A Edwards. Sarah A Edwards each a Copy
of this summons. Octavious H. Edwards is ^{not found and} not
a resident or resident of my County. Junius Edwards
has no permanent place of abode in my County.

W W Briggs Dy for
D. E. Doles Shff

Ricks

2 { Sum. Chy.

Edwards and J

1869 Oct 10th Rules

Chy.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton---Greeting:

We command you to summon *Allen Edwards both as admr. of Robert G. Edwards & as Guardian of Junius, Octavius F. & Jesse A. Edwards, Sarah A. Edwards, Junius Edwards, Octavius F. Edwards & Jesse A. Edwards an infant*

circut
if *they* be found within your bailiwick, to appear at the Clerk's Office of our 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 our said Court by Collin A. Ricks who sues for himself and all other creditors of Robert G. Edwards dec'd who will come in and bear their proportion of the costs of this suit*

And have then there this writ.

Odwin White
Witness, ~~LITTLETON R. EDWARDS~~, Clerk of our said Court, at the Court-House, this *24* day of *September* A. D., 1869, in the *94* year of the Commonwealth.

O White

Ricks

to } Gr. Pub

Edwards' ad. J^c

Copy posted at front door of C. H.
Oct. 6th day 1869

At Rules held in the Clerks Office of the Circuit Court of Southampton
County on the first Monday in October 1869.

Collin A Ricks who sues for himself and all the other creditors of Robert G. Edwards
dec. who will come in, prove their debts and bear their just part of the costs of this suit. Peff.
against } In Chancery

Allen Edwards both, as administrator of Robert G. Edwards dec. and as guardian of
Junius, Octavius F. and Jesse A Edwards, Sarah A Edwards, Junius, Octavius
F. Edwards & Jesse A Edwards. Defts.

The object of this suit is to subject the real estate of Robert G. Edwards dec. to
the payment of his debts - and affidavit being made that the Defendant Octavius
F. Edwards is not a resident of the State of Virginia, it is ordered that he do appear
within one month after due publication of this order and do what is necessary to protect
his interest in this suit.

Teste, L. R. Edwards D.C.

Ricks

to Zetoff.

Edwards or J^r

Collin A Ricks who swears for J.

2

} Jeff.

} In by

Allen Edwards att. R. G. Edwards Justice

24

Collin A Ricks this day made oath before me Deputy Clerk of said Court that Octavius F. Edwards one of the Defts is not a resident of the State of Virginia
Given under my hand this 24th day of September 1869

L. R. Edwards D.C.

Ricks
as } order
to } indication
Edwards

AT RULES HELD IN THE CLERK'S OFFICE
 of the Circuit Court of Southampton on
 the first Monday in October 1869.
 Collin A. Ricks who sues for himself and all
 other creditors of Robert G. Edwards, dec'd,
 who will come in, prove their debts and bear
 their just part of the costs of this suit,
 Plaintiff,

IN CHANCERY,

Against,
 Allen Edwards, both as Administrator of Robert
 G. Edwards, dec'd, and as guardian of Ju-
 nius, Octavius F. and Jesse A. Edwards,
 Sarah A. Edwards, Junius, Octavius F.,
 and Jesse A. Edwards,
 Defendants.

The object of this suit is to subject the real es-
 tate of Robert G. Edwards, dec'd, to the pay-
 ment of his debts, and affidavit being made that
 the Defendant, Octavius F. Edwards, is not
 a resident of the State of Virginia, it is or-
 dered that he appear within one month after due
 publication of this order and do what is necessary
 to protect his interest.

A Copy—Teste:
 L. R. EDWARDS, D. C.

cc-4t

*I do hereby certify that the
 original advertisement
 was published in the Christian
 Sun, for four successive weeks
 from the 15th of October 1869 and
 that the price charged is in
 accordance with the published rates of the
 office. Given under my hand this 2nd day
 of May 1890.
 W. B. Wellnes*

Price of adv. \$6.25.

Mr Collis Ricks

*Absence from home pre-
 vents me from receiving your letters. I
 send the ~~amount~~ for adv. You can
 remit my amount to me in a registered
 letter.
 Yours truly
 W. B. Wellnes*

8.7-6
 750
 75
 981
 200
 of. 6.25
 18 06

*Received
 1500*

Julius Edwards
To 3 fragments
Collin Kates

For value received. I hereby assign the
judgment obtained by one of Administrators
of Martha V Edwards against Allen
Edwards administrator of Robert J.
Edwards died on bond for \$400 interest
paid to December 15th 1836 and \$211
paid August 20th 1860 bond due 1st
February 1857 to Collin A Ricks the
said judgment being paid over by me
to said Collin A Ricks in part
payment of the amount which said
Ricks wife Lorisea inherited from her
brother Wm S Vaughan died
Dec 27th 1862 William Edwards.

Memorandum for
check of papers to be
copied and filed

Memorandum for clerks of papers to be copied
and filed

Allen Edwards last adm - acct of Robt J Edwards
in 1859 Exhibit A

Copy the receipt in the chancery papers
in case of Edwards vs Edwards Jan 1860
of Messrs Allen Edwards as guardian for
Jimmie, Octavine, and Jeph. A Edwards
to Messrs Cobb & Kelby for money paid for
lot sold in Franklin exhibit exhibit TB

Copy judgments in case of
William Edwards adm of Martha L Edwards
as

Allen Edwards adm of R. J. Edwards
for prod with credits in Circuit Ct
exhibit C

and file in papers

Shaw

In Southampton Circuit Court

Collins A. Ricks who sues for himself & all the other creditors of Robert G. Edwards dec.
who will come in, prove their debts and bear their just part of the costs of this suit. Peff

against
Allen Edwards both as administrator of Robert G. Edwards dec^d and guardian of
Junius, Octavius F. & Jesse A. Edwards, Sarah A. Edwards, Junius
Edwards, Octavius F. Edwards & Jesse A. Edwards an infant by L. R. Edwards
his guardian ad litem Dft.

1869 Sept. 24 Summons issued &

Oct. R. Executed on Allen Edwards, Jesse A. Edwards &
Sarah A. Edwards - Bill filed - L. R. Edwards assigned Bon ad litem to
Jesse A. Edwards - Answer of infant Jun. R. & Allen Edwards
admo. & Sarah A. Edwards. Order Pub. to Dft. Octavius F. Edwards.
Nov. R. Bill taken for Confessed as to Dfts Allen & Sarah A. Edwards &
cause set for hearing as to them on bill & as to infant &

1870. Jan. R. New process to Dft Junius Edwards

Feb. Sum. ret. Ex² D. Nisi to Junius Edwards

Mar. Bill taken for Confessed as to Dft Junius Edwards

Apr. Cause set for hearing as to Dft Junius Edwards &

2115 ~~700~~ 98

Ricks

vs } Papers

Edwards adm &

1871 May - Dismissed

Sells