

1877 - 06

Santhampton County - Chancery

Clayton, Richard W. Vs. Kitchen, E. E. Estate

I sell land to
Settling Judgment

Wm. W. Briggs - Sh.
E. E. Kitchen Est

Nathan Johnson

Mary Kitchen

Martha E. Kitchen

Milton S. Butler

George W. Fayard

Lucy Johnson

Baker Johnson +

Martha Johnson
his wife

George Jones

Orin Selus

James Orrean

Andrew B. Kitchen

Victoria Johnson

Alfred D. Johnson

52 - 101

Clayton

v } Papers.

Kitchins adms Gal

To be destroyed

To the Honorable George Blow judge of the
Circuit Court of Southampton County in
chambers sitting

Humbly complaining your Orator
Richard W Clayton sheweth unto your Honor
that at the November Term 1867 of the
circuit court of Southampton Jas B. Nugent
as executor of R. W. Nugent who sued for
the benefit of A. B. Nugent obtained a
judgment against E. E. Kitchin for the sum
of \$134 with interest from the 25th of Dec-1862
which was duly docketed all of which
will more fully appear by a certified copy
of the said judgment and certificate of
its being docketed herewith filed marked
exhibit A and prayed to be taken as a part
of this bill and that the said judgment
was assigned to your Orator on the 16th of
March 1874 for value received as appears
by the receipt of J. W. Nugent attorney for
plaintiff appended to the copy of the
said judgment herewith filed

Your Orator states further that at
the time the said judgment was
obtained E. E. Kitchin was seized and
possessed in fee simple of 400 acres of
land in Southampton and that the

said judgment was a lien on the said land

Your Orator states further that E. E. Kitchum died in 1868 and namely his estate has been committed to Wm W Briggs sheriff of Southampton for administration and that he left Mary Kitchum his wife and two children Martha E Kitchum and Indiana B Kitchum an infant his heirs at law

That the said E. E. Kitchum in his lifetime and after the rendition and docketing of the judgment aforesaid sold 75 acres of the said land to Milton D Butler who has since sold the same to George W Raiford that he sold 100 acres of the same to Nathan Johnson who subsequently sold 50 acres of it to George Jones and the other 50 acres to Orrin Dole that he sold 69 acres to James Payson and the residue of the land is now held by the widow and children of E. E. Kitchum

Your Orator states further that Nathan Johnson died intestate in 1869 leaving Lucy Johnson his widow and three children to wit Martha J Johnson now married to Baker Joyner Victoria Johnson

an infant and Alexander P Johnson an infant his distributees and heirs at law and that at the March County court 1874 of Southampton his estate was committed to the hands of W. W. Briggs sheriff of Southampton for administration

Your Orator states and charges that there are no personal assets belonging to the estate of the said E. E. Kitchum wherewith to satisfy his judgment and that he is compelled to invoke the aid of this court to make the same out of the lands owned by the said Kitchum at the time the same was obtained

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 properly cognizable he therefore prays, that Wm W Briggs sheriff of Southampton both as administrator of E. E. Kitchum and Nathan Johnson and Mary Kitchum Martha E Kitchum Milton D Butler George W Raiford, Lucy Johnson, Baker Joyner and Martha J Joyner his wife George Jones, Orrin Dole, James Payson and Indiana B Kitchum Victoria Johnson and Alexander P Johnson the three last

infants by some fit and proper person
their guardian ad litem appointed for
that purpose may be made parties defendants
to this bill and that the court would
compel them as full and perfect answer
makers to the allegations therein contained
as if they had been themselves more fully
and specially interrogated That the
court would direct one of its commissioners
to enquire into and report on the actual
and annual value (stating the number
of acres) of the land of which E. B.
Kitchen was seized and possessed in November
1867, how much of the said land the
said Kitchen sold after that time and
to whom and how much of it is
now held by his widow and children
also taking all other accounts that may
be necessary and if upon the coming in
of the said accounts it should appear
that there are no persons except them
that the said lands or such part thereof
as may be necessary may be sold to
satisfy your orders 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 its duty bound your orders will
ever pray use
Shawcross

157

Clayton

as 3 Bill
" 3 Collins
Ketchum Adams

1874 May Rules

Southampton Circuit Court November Term 1864
J B Urguhart ^{Pl} of R. H. Urguhart dec' suing for the benefit of A. B.
Urguhart

against
E. E. Kitchen

Plff

{ In debt
Suff. }

Judgment against the Defendant for One hundred and thirty four dollars
with interest thereon from 25 December 1862 till paid & Costs \$7.17 -
Abstract

SR. Edwards loby

1874 Mar. 16th Received the sum of fifty dollars
in full of the above judgment ~~of R. H. Clayton~~ of R. H. Clay-
ton -

J. W. Urguhart att.
for Plaintiff

Clayton

to } Ex. with Bill

Kitchens ad. 8/2

Southampton County Court March Term 1874

On the motion of Orran Diles It is ordered that Wm W Briggs Sheriff of this County take into his hands the estate of Nathan Johnson dec^d and administer the same according to law he having being dead over three months and no person applying for administration on his estate.

At Copy

Teste L R Edwards Clk

Southampton County Court April Term 1874

On the motion of R. W. Clayton it is ordered that Wm W Briggs Sheriff of this County take into his hands the estate of E. E. Kitchen dec^d unadministered by James Preeson the former administrator, and administrator, and administer the same according to law.

At Copy

Teste L R Edwards Clk

Clayton

as 3

Ketchum's claim 4 -

Answer of infancy
dependent

1874 May Rules

The answer of Indiana B Ketchum
Victoria Johnson and Alexander P Johnson
their infants by L R Edwards their guardian
ad litem to a bill in chancery in the
Circuit Court of Southampton by Richd
W Clayton vs them 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
wards to the care of this court whose
peculiar duty it is to protect the rights
of infants and having fully answered
says he has to be dismissed with his costs

Recd by consent

Shanda for plaintiffs

Dorchester Circuit Court June Term 1874.

Richard W. Clayton,

Self: In Chancery

against
Wm. W. Briggs Sheriff of Dorchester and adm^r
of E. E. Mitchell dec^d & Nathan Johnson dec^d
Mary Mitchell, Martha E. Mitchell, M. D. Butler, Geo. W. Raiford, Lucy Johnson, Baker
Jagun & Martha his wife, George Jones
Oran Jones, James Orfan, and Indianas
B. Mitchell, Victoria Johnson & Alexander
E. Johnson the above last Indians by

This day this Cause came on to be heard on the plain-
tiff's bill taken for Complaint as to the Defendants Wm. W.
Briggs adm^r of Nathan Johnson dec^d and of E. E. Mitchell dec^d
Mary Mitchell, Martha E. Mitchell, M. D. Butler, Geo. W.
Raiford, Lucy Johnson, Baker Jagun & Martha V. his
wife, Geo. Jones and Oran Jones the answer of the three
infant Defendants Indianas B. Mitchell, Victoria
Johnson & Alexander E. Johnson by their Guardian
ad litem, general replication, return of the exhibits
filed and was argued by Counsel. On consideration
whereof, the Court doth adjudge order and decreed, that
one of its Commissioners of this Court take an
account of Wm. W. Briggs transacting as adm^r
of E. E. Mitchell dec^d & an account of the number
of acres of Land raised by E. E. Mitchell in November

1847, its actual & annual value, and the number of judgments rendered against the said E. C. Kitchen, their priorities & dignity, how much of the said land the said Kitchen has after that time, stating its value and the number of acres, the actual & annual value thereof, how much of the same is now held by the Widow and Children of the said E. C. Kitchen, its actual & annual value, & report the said accounts to Court required with any matters specially stated, deemed pertinent by himself, or which may be required to be so stated, by any of the parties interested?

Attest
 J. C. Ames Esq. D. C.

Clayton.
 Copy done
 W. C. Adams

Sept 12th 1874

James Presow
Com: Notice

COMMISSIONER'S OFFICE,

Jerusalem, Va., 14 Augt 1874

To Richard W Clayton Plff
against
W. W. Briggs Sheriff of Southampton and administrator
of E. E. Kitchen decd + Nathan Johnson decd. Mary
Kitchen. Martha E. Kitchen. M. D. Rutledge. Geo W. Rayford
Lucy Johnson. Baker Syner + Martha his wife George
Jones. Orran Doles. James Puffer, and Indiana
B Kitchen Victoria Johnson + Alexander P. Johnson the
three last Infants by their Guardian ad litem Plff

You are hereby notified that I have fixed upon the 1 day of Septs next, if
fair; if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following
accounts, to-wit: Take an account of W. W. Briggs transactions
as admr. of E. E. Kitchen decd -
2nd An account of the number of acres of Land owned
by E. E. Kitchen in November 1867. its actual + annual
value, and the number of judgments undisch against
the said E. E. Kitchen, their priorities + dignity. How much
of the said Land the said Kitchen sold after that time
stating to whom and the number of acres, the actual
+ annual value thereof, how much of the same
is now held by the widow and children of the said E. E.
Kitchen its actual + annual value and report
to court &c

required to be taken by a decree of Southampton County Court, rendered on the June day
of June 1874, in a suit in Chancery, depending in said Court, in which you
are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

JAMES R. TYLER, COMMISSIONER.

To the Sheriff of Southampton county to execute.

James Preson
Corn: Notice

COMMISSIONER'S OFFICE,

Jerusalem, Va., ... 187

To

James Presson

You are hereby notified that I have fixed upon the 1 day of Sept next, if fair; if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit: An account of Dr Briggs transactions

as adm of E. E. Kitchen decd

an account of the number of acres of Land owned by E. E. Kitchen in November 1867 its actual and annual value. and the number of judgments rendered against the said E. E. Kitchen this prior to his death. how much of the said Land the said Kitchen sold after that time, stating to whom and the number of acres. The actual and annual value thereof. how much of the same is ^{now} held by the widow and children of the said E. E. Kitchen. its actual and annual value. and report to Court

required to be taken by a decree of Southampton County Court, rendered on the 1st day of Jan 1874 in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

JAMES R. TYLER, COMMISSIONER.

To the Sheriff of Southampton county to execute.

Clayton

es

Report of

Kitchener's admin^r of

Commissioner Tyler

1874 Oct 13th

"

*Account of the judgments docketed against
Edmund E. Kitchin dec^r, their priorities and dignities -*

date Judgt 1867 Nov. Term Mr.	J. B. Unguhart Esqr of C.A. Unguhart dec ^r who sues for the benefit of A.B. Unguhart against Edmund E. Kitchin	\$	cts	\$	cts
	Judgment for \$75. 00	75	00		
	Interest from 12 th Nov. 1867 to 1 st Sept. 1874	32	75		
	Costs	6	87		
	Docketed December 23 rd 1867			114	62
date Judgt. 1867 Nov. 2 Map	P. W. Dole against Edmund E. Kitchin				
Judices Judgt.	Judgment for	21	00		
	Interest from 1 st Jan. 1865 to 1 st Sept. 1874	12	18		
	Costs		55		
	Docketed Nov. 2 nd 1867			33	73
date Judgt. 1868 Feb. 8 th Map	P. W. Dole against Edmund E. Kitchin				
Judices Judgt.	Judgment for	35	00		
	Interest from Nov. 22 nd 1859 to 1 st Sept. 1874	31	67		
	Costs		53		
	Docketed Feb. 13 th 1868			67	22
				215	57
				over	

An Account of the number of acres of land owned by Edmund E. Kitchen in 1867, its actual and annual value; how much of the said land the said Kitchen sold after that time, stating to whom sold and the number of acres, the actual and annual value thereof. How much of the same is now held by the widow and children of the said Edmund E. Kitchen, its actual and annual value.

Account No. 1. Account of the number of acres of land owned by Edmund E. Kitchen in 1867, its actual and annual value.

One tract of 353 ³ / ₄ acres on Round Hill	Value -	Actual -	Annual -
	\$1061.55	\$35.00	\$35.00
" " " 132 " " "	\$264.00	\$25.00	\$25.00
	<u>\$1325.25</u>	<u>\$60.00</u>	<u>\$60.00</u>

Account No. 2 How much of the said land the said Kitchen sold after that time, stating to whom sold and the number of acres - the actual and annual value thereof.

To George W. Raiford 30 acres.	Value actual -	Annual -
	\$150.00	—
" Mr. Louisa Burgess and W. D. Butler		
121/4 acres at \$2.25 per acre. Geo. W. Raiford owns 77 acres of said land -	\$173.25	\$25.00
Mr. Burgess 67 acres of said land	\$150.75	—
To Nathan Johnson 100 acres	\$250.00	\$20.00
George Jones (Ct's) now owns 50 acres of said land		
To Richard Clayton 48 ¹ / ₄ acres	\$96.50	—
" Manhu. Bradshaw 15 acres	30.00	\$10.00
	<u>\$830.50</u>	<u>\$55.00</u>

of August 1874, he issued notices against the several parties aforesaid—
requiring to attend the settlement of the said accounts before him at his said
office on the first day of September last which were returned to your
Commissioner duly executed upon all the parties except James Preper.
That the parties aforesaid appeared before the Commissioner in obedience to
the said notices and he thereupon stated and settled the foregoing accounts.
The Commissioner states specially to the Court that Wm. H. Briggs the
Adm'r has received no assets belonging to the said Estate nor has he paid
out anything, therefore your Commissioner was unable to report any administration
accounts. The Commissioner further reports to the Court that after the
completion of the said accounts he retained the same in his office two days for
the examination of the parties which with the decrees and notices aforesaid are herewith
returned. Given under my hand as Commissioner aforesaid the day and
year first aforesaid.

Commissioner's Fee \$15.00

James H. Tyler
Commissioner in Chancery

Attest by
W. B. Rugg, Clerk

1877 May Rules

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting :

WE COMMAND YOU to summon *Wm. S. Briggs* Sheriff and as such administrator of *Franklin Johnson dec'd* and administrator of *E. E. Kitchin dec'd*, *Mary Kitchin*, *Martha Kitchin*, *Indianna B. Kitchin* and infant *Milton B. Gutter* *Geo. M. Rufford* *Lucy Johnson*, *Baker Joyner* and *Martha J. Joyner* his wife *Victoria Johnson* infant, *Alexander B. Johnson* infant, *George Jones (col)* *Orin Jones (col)* and *James Brown* if they be found within your bailiwick, 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 *May next to answer a bill in Chancery, exhibited against ~~them~~ in our said Court* by *Richd. W. Clayton*.

And have then there this Witness **LITTLETON R. EDWARDS**, Clerk of our said Court, at the Court-house, this *14th* day of *April* A. D. 1874, in the *98th* year of the Commonwealth

L. R. Edwards *clerk*

Mummandum
for Clerk

Memorandum for Clerk

Copy order committing estate of E. E. Ketchum
and Nathan Johnson to H. W. Briggs, Shiff
also copy certificate of docketing
judgment in case of Wright for
a B Wright to benefit as Ketchum
and file with bill

Shames p. 3.

Clayton

to } Stat. Rules

Kitchens adm^r of

In Southampton Circuit Court

Richard W Clayton

against

Wm. W. Briggs Sheriff of Southampton both as administrator of
E. E. Kitchen dec'd and Nathan Johnson dec'd Mary Kitchen, Martha
E. Kitchen, Milton D. Butler, George W. Raiford, Lucy Johnson
Baker, Ignior & Martha I. Dwyer his wife, George Jones,
Orwin Dole, James Preeson, and Indiana B. Kitchen, Victoria
Johnson and Alexander P. Johnson, the three last infants by S. R.
Edwards their guardian ad litem

1874 April 4. Summons issued

May R. Summ. ret'd Ex.

Bill filed

S. R. Edwards assigned Gov. ad litem to infants Ofts. Ans^r
of infants. G. Ref. D. Nisi to adult Ofts.

June R. Bill taken for Conf^s as to adult Ofts. & Cause set for
hearing & P.

June Decree for acct.

Oct 13 Report

Oct Decree for Sale -

1875 Feby

Rept of Sale & Decree & P.

Clayton
Briggs
Report
Kitchin's adm. notes

1875 Feb 28

In obedience to a decree of the Circuit Court of Southampton County rendered at October Term 1834, in the Chancery suit of Richard W. Clayton against Driggs and of E. E. Ketchum & others, I advertised the land in the proceedings mentioned, according to the directions of said decree, and sold the same to the highest bidder in the Town of Jerusalem on the 21st day of December 1834, (that being Court day). And at the sale so made George Raiford became the purchaser by bidding therefor the sum of One Hundred & seventy seven & 50/100 dollars, and the said George Raiford paid in cash all the purchase money. And out of that amount I paid costs of suit & sale as follows: Clerk of Court \$8.61 Sheriff \$15.00. Commissioner Tyler \$15.00. Wm. D. Shanks Attorney \$31.50, Auctioneer \$1.00 My Commissions for selling \$8.83 - Making in all \$99.98 - leaving a balance in my hands of \$93.52 subject to the order of the Court. Your Commissioner will state, the land was sold subject to the widows dower, she being, a healthy woman of about fifty years of age, He therefore, is of opinion, that the sum of \$122.50 is equal to three fourths the appraised value; that being \$655.00.

To the Hon. Geo. Blau

Respectfully Submitted

W. W. Driggs Comd

Jan'y 15th 1835

Dorchester Circuit Court, Oct Term 1874.

Richard H. Clayton

Plff

Sub Chancery

against
Wm. W. Briggs Sheriff and adms of E. E.

Kitchin dec. and Nathan Johnson dec. & Defts

This day this Cause came on again to be heard on the papers formerly read and the report of Commissioner Tyler, made pursuant to the decree of this Court, entered at the June Term 1874, and to which report no Exceptions have been filed, and was argued by Counsel on Consideration whereof the Court doth adjudge, Order and decree, that this Report be confirmed, that Wm. W. Briggs Sheriff of Dorchester, who is hereby appointed for that purpose, shall after having given at least twenty days Notice of the time & place of Sale by public advertisement at Jerusalem, and at least two public places in the immediate vicinity of the Land proceed to sell at Jerusalem on said County Court day, at public auction, to the highest bidder, a tract of Land known as Round Hill containing 16 3/4 acres, whereof Edmund E. Kitchin died Seized and possessed, Subject to the Dower of his widow Mary Kitchin and 2nd held and Occupied by the said Edmund E. Kitchin's heirs at law, on the following terms to wit. Sufficient Cash to pay the Costs of this Suit and Sale, including a fee of thirty dollars to R. B. Shands the Plaintiff's Counsel, and the balance of the purchase money

or @ Credit of one, two and three years, equal annual
 instalments, taking from the purchaser Bonds with approved
 Security, Carrying interest from the day of Sale, retaining the
 title to the ^{Said} Land until the further Order of this Court,
 and the said W. W. Briggs upon return the Bonds for
 the purchase money along with his report in order to
 a further decree of this Court

Paid \$31.50
 Wm B Shanks
 atty for plaintiff

A Copy
 Teste James R. Sykes J.C.

Claydon
 } Copy Decree

Kitchens done &

1955 10 6 Report

Statement
of annuities paid
and to be paid

Statement of whole amount of Debt paid 213.57

Cash in hand 97.50

Amount still due 118.07

To paid as follows to R. M. Dols 57.22

" " " " " R. W. Clayton 50.85 -

118.07 0.7

R. M. Dols paid under check 33.73

R. W. Clayton " " 53.77

\$ 97.50

Clayton

3 Dec

Kelchman adms

To be entered

Geo. B. B. B.

June Term

1874

Clayton

vs. 3 Decem

Kitchin's adm or

This day This cause
came on to be heard

on the plaintiff's bill taken for conference
as to the defendants Mr W Briggs adm-
of Nathan Johnson dec'd and of E. E
Kitchin dec'd, Mary Kitchin, Martha E
Kitchin, Milton D Butler, George W
Reinforce, Lucy Johnson, Babin Joyner and
Martha V. Joyner his wife, George Jones and
Corran Dole, the curson of the three
infant defendants, Indiana B Kitchin
Victoria Johnson and Alexander P Johnson
by their guardian ad litem general:
replication thrusts and the exhibit files
and was argued by counsel on
consideration whereof the court doth
adjudge order and decree that one
of the commissioners of this court
take an account of Mr W Briggs
transactions as administrator of E. E.
Kitchin dec'd 2nd and account of the
number of acres of land owned by
E. E. Kitchin in November 1867, and
the number of judgments rendered
against the said E. E. Kitchin their
priorities and dignity, how much of

The said land the said Kitchin
sold after that time stating to
whom and the number of acres the
actual and annual value thereof
how much of the same is now
held by the widow and children of
the said E. E. Kitchin its actual and
annual value and report the said
accounts to come together with any
matters specially stated deemed
pertinent by himself or which may
be required to be so stated by any
of the parties interested

retaining the title to the said ^{land} until the
further order of this court and the said
Wm W Briggs will return the bonds for
the purchase money along with ^{his} report
in order to a further decree of this court

Clayton

vs B Deane

Plaintiff & Defendant

Oct Term 1874

to be entered

Edw. D. Johnson

Clayton

as 3

Decem

Kitchin adu ne

This day this cause came on again to be heard on the papers formerly made and the report of Commissioner T. H. made pursuant to a decree of this court dated at the same term 1874 and to which report no exceptions have been filed and was argued by counsel on consideration whereof the court doth adjudge, ^{that this report is confirmed} order, and decree, that Mrs W Briggs sheriff of Southampton who is hereby appointed for that purpose shall after having given at least twenty days notice of the time and place of sale by public advertisement at Jerusalem and at least two public places in the immediate vicinity of the land proceed to sell at Jerusalem on some court day at public auction to the highest bidder a tract of land known as Romea Hill containing $163\frac{3}{4}$ acres whereof Edmund & Kitchin since seized and proposed subject to the dower of his widow Mary Kitchin and now held and occupied by the said Edmund & Kitchin his at law on the following terms to wit sufficient cash to pay the costs of this suit and sale including a fee of thirty dollars to Mr B Shanes the plaintiff's counsel and the balance of the purchase money on a credit of one, two, and three years equal annual instalments taking from the purchaser bonds with approved security carrying interest from the day of sale

Clayton

as 3 Decm

Kitchin's adom. in.

Feb. Decm. 1875

to be entered

Geo. F. Blod.

Clayton

v 3 Deere

Kitchins adm or

This day this cause came on again to be heard on the papers formerly read and the report of Wm W Briggs sheriff of the sale of a tract of land formerly owned by E. E. Kitchins dec'd made pursuant to a decree of this court entered at the October term 1874 and to which report no exceptions have been filed and was argued by counsel On consideration whereof the court doth approve, order, and decree that the said report be confirmed and that the said W. W. Briggs make a deed to the purchaser Robert Raiforce with special warranty and that the said Wm W Briggs out the \$97.50 as the purchase money in his hands pay to Robert M Dole the sum of \$33.73 and the residue thereof to wit \$63.77 pay to R. W. Clayton assignee of J. B. Maguire ex or and return his receipts along with his report for the further order of this court

Clayton

23 3 Decem

Kitchins adms

To be entered

Yes Blw

Nov. Term 1877

1877 November Term

Clayton

vs. 3 Decr

Kitchin's adm.

On motion of the

plaintiff his bill is dismissed