

1877-19

Southampton County Chancery -

Pretlow, Joshua ^{et al} vs Cotton, Allen

Creditors sale

Burton, Jo Anna

" Lydia

Barnes, Wm.

" , Samuel

Newsom, Francis

Whitley, Eliza

Barnes, John

" , Eliz

Gardner, Abby

" , Anastina

and others -

Burton, Nancy

525.

36

Patterson's

(107) 3 Bills
" exhibit

Cotton is wife

~~1870 Nov. 1st for 1st~~

1871 - Jan. Report & diva.

1874. May. Report & Dep.

Received by Clerk Circuit

Court Aug. 13th 1873.

To the Honorable Joseph Ureghart judge of
the county court of Southampton in chancery
sitting

Humly complaining your orator
Joshua Pullen, Joanna Buxton Lydia M
Buxton, Samuel Barnes Mrs Barnes Francis
Newson, Elijah Whitley John Barnes
Eliabath Barnes, Abby Gardiner Fannister
Gardiner, Mary R Gardiner and Empherry
Dandier and Dempsey Tyler and Mildred his
wife shew unto your Honor that in the
year 1842 Joseph Buxton of Southampton
county departed this life leaving considerable
estate both real and personal having first
duly made his last will and testament which
was duly proved in the county court of
Southampton and a copy of which is herewith
filed marked A and prayed to be taken as
a part of this bill, by this said will Joseph
Buxton after giving some trifling legacies gave
the balance of his estate to his wife Nancy
for her life or widowhood and at her death
or marriage he directed the said estate
to be divided as follows he gave to Elvina
his daughter inmaried to Allen Cotton
£50 to his daughter Margaret who dies during
the lifetime of her mother inmaried, under
age and intestate and consequently her share
goes to the other distributees and him at law
£50 to his son George Buxton who sold his
interest in the estate to Joshua Pullen £50
to his daughter Joanna Buxton £50 and to

his daughter Lydia M. Benton \$50 and after giving these specific legacies he directs the balance of his estate to be divided equally among all his children and their descendants the parties now entitled since the death of the widow Nancy Benton are the children above named and Samuel Barnes, Wm Barnes Francis Newson, Eliza Whitley John Barnes and Elizabeth Barnes children of Eliza Barnes who was a daughter of Joseph Benton, Abby Gardner, Faustina Gardner, and Mary M. Gardner children of Mary Gardner who was a daughter of Joseph Benton, Euphemy Darden a daughter of Joseph Benton and Dimpsey Tyler and Mildred his wife who ~~was~~ is a daughter of Joseph Benton. Your orators state further that the widow Nancy Benton died in October 1870 and all that is now left of the estate is 109 acres of land lying in Southampton County and that it is necessary to sell this land in order to pay the specific legacies bequeathed by the will and divide the residue according to the rights of the parties. They state further that all the parties are of age and desire the sale and that the claims are much less than \$300.

In further consideration whereof and inasmuch as your orators are only entitled to full relief in a court of equity where such matters are peculiarly cognizable they therefore pray that Allen Cotton and Elmina his wife may be made parties defendant to this bill that the court would compel them as full and perfect

answer make to the allegations therein contained as if they had been therein more fully and specially interrogated and that the court would decree a sale of the said tract of land and division of the money according to the rights of the parties and that the court would grant such other general relief the premises considered as equity may dictate and the nature of their case may require and as in duty bound your orators will ever pray we

Shanes Jr.

Cottons' Report

1877 May 8th

To the Hon Jas. B. Jones Judge of the Circuit Court
of Southampton County

The undersigned, who was appointed
a Commissioner under a decree of the County Court
of Southampton County at the Nov Term of said Court
1870, in the suit of Bellaw & als against Weston & wife
to sell a certain tract of land mentioned and described
in said decree and to distribute the proceeds thereof, after
paying costs & expenses of sale, to the parties entitled
therein under said suit. Who was also appointed an
Commissioner to make a deed to the purchaser after
receiving the purchase money from the purchaser
of said land, here leaves to report that he sold
the land to Jos. Vaughan at public auction, he being
the highest bidder at said sale, paying for the
same the sum of \$400. Upon the receipt of which
your Commissioner made his deed with Special Warranty
which was duly signed and delivered. And your
Commissioner further reports that after paying
the costs & expenses of said sale, ^{a tax on said land} an Acct
of which is filed herewith and marked "A".
He proceeded to pay under the decree of said Court
the residue to the parties entitled therein, an acct
of which is filed herewith and marked "B" with
accompanying receipts as vouchers, all of
which is respectfully submitted as the
final report of your Commissioner
Wm. H. Cotta
1877. Commissioner

Puller is also

as 3

Cotton is wife

Answer of Cotton
is wife

The answer of Allen Cotton and Elinora
his wife to a bill in chancery in this county
court by Joshua Patton and others against
them

These defendants for answer to
the said bill or as much thereof as they are
advised it is material for them to answer,
answering say that they admit the allegations
of the plaintiffs bill and claim also in
sale of the said land and having fully
answered pray hence to be discharged with
their costs etc

Shames for defts

Recd by consent

Shames for plaintiffs

Shelton's
~~Cotton~~ wife

Comm

as } Report
Cotton wife
Dana

1841 Jan 16

To the Hon. Court of Southampton

Your Commissioner respectfully
submits that he has sold the land
of Jos. Burton as directed in the Decree
at the Dec. term 1870 - and Jas. Vaughan
became the purchaser of the same
for the sum
of Four hundred dollars & has paid
one half of the sum as directed by
the Decree - & now prays that he be
allowed to pay the other half & have
a deed made to him for the same
Respectfully Submitted
Allen H. Cotton Comr.

Patronals

as 3 Dec

Cotton & Co

To be entered

J. W. M. & Co

Jan 8 term 1871

Let's for 1871

Patterson is also

as 3 Decm
Cotton is wife

This day this cause
came on again to be heard on the
papers formerly read and the report
of Commissioner A. H. Cotton to
which no exceptions have been filed
and was argued by counsel on the
maining volume. The court cloth
adjudge order and decree that the
said report be confirmed and that
A. H. Cotton make a deed to
James Vaughan the purchaser
upon his paying all the purchase
money and report his proceedings
to court in order to a further
decree

Putlow-nals

as $\frac{2}{3}$ Decm.

Cotton is wife

To be entered

J. W. Wignhart

Judge

Nov. Decm 1870

Pullow is also

vs 23 Deem
Cotton is wife

By consent of parties this day this cause came on to be heard on the plaintiffs bill answer of the defendants general replication thereto and exhibit filed and was argued by counsel On consideration whereof the court doth adjudge order and decree that Allen Cotton who is hereby appointed a special commissioner for that purpose shall after having given at least twenty days notice of the time and place of sale by public advertisement at the court house door and in the neighborhood of the land proposed to sell ^{on the premises} at public auction to the highest bidder the tract of land belonging to the estate of Joseph Buxton containing one hundred and nine acres on the following terms to wit one half cash and balance on a credit of twelve months taking from the purchaser bond with approved security carrying six per cent interest from the day of sale and retaining the title till the further order of this court and after paying the costs of this suit and expenses of sale and after collecting the demand payment from to Joshua Pullow sixty dollars to Allen Cotton and Elmina his wife sixty dollars to Isaac Buxton sixty dollars and to Lydia M Buxton sixty dollars and should the amount of sales be not enough to pay the abovesaid parties in full then pay them their legacies

pro rata, but should there be a surplus after paying the said special legacies then the said commission will divide the same into eight equal shares and allot one share to Joshua Patton; one share to Allen Cotton and Elmina his wife one share to Joanna Burston one share to Lydia M Burston one sixth of one eighth to Wm Barnes one sixth of one eighth to Samuel Barnes one sixth of one eighth to Frances Newsom one sixth of one eighth to Eliza Whitley, one sixth of one eighth to John Barnes one sixth of one eighth to Elizabeth Barnes, one third of one eighth to Abby Gardner, one third of one eighth to Faustina Gardner, one third of one eighth to Mary V Gardner, one eighth to Benjamin Gardner and one eighth to Dempsey Tyler and Mildred his wife. And the said commission is hereby directed to report his proceedings to this court in order to a further decree

But the said commissioners shall not proceed to act under this decree until he shall have given a bond in the penalty of five hundred dollars with good security conditioned for a faithful performance of this and any other decree which may be entered in this case.

Handwritten notes on lined paper, including the word "Biology" and various illegible scribbles.

Know all men by these presents that we Allen Cotton
are held and firmly bound unto the Commonwealth of Virginia in the just and
full sum of five hundred ^{Dollars}
to the payment whereof well and truly to be made to the said Commonwealth we bind
ourselves our heirs, executors and administrators jointly and severally firmly by these
presents Sealed with our Seals and dated this 19 day of Dec 1870

The Condition of the above obligation is such that whereas by a decree of the
Court of Southampton County rendered on the ^{day of November} 1870
in a suit in chancery therein pending between B. H. Cotton
Plaintiff and

Cotton H. H. Cotton
the above bound Allen Cotton Defendant
was appointed Commissioner to
make sale of certain real estate in the said decree described
Now if the said Allen Cotton shall faithfully discharge
the duties of his said Office or trust according to law under the said decree and under
any other decree which may be rendered in the said suit, then the above obligation to be
void or else to remain in full force and virtue

Allen H. Cotton (Seal)
Joshua Putton (Seal)
(Seal)
(Seal)

A Statement of an acct - of Costs & expenses of
 sale of the Joseph & Buxton tract of land - in Cheshire
 Costs of suit - and Taxes in action on said land, as
 paid by Allen Cator Commissioner to sell the same under
 a decree in the suit of Pettow & ex v^o Cator
 & wife "A"

1871	Jan 17	To Amt - pd Clerk	7,50
"	17	To " " W B Stands outy	14,00
"	17	To " of Com. on \$400	17,00
"	17	To " of Tax accts for the years 1865 -	30,26
		1866 - 1867 1869, 1870 -	<u>64,76</u>

But paid to factor his ex - l^{ts} &c

1871	Jan 7	To Amt Pd Joshua Pettow	60,00
	Dec 24	To " " W ^m H Holland	4,58
	Mar 2	To " " Fostina Garden	4,58
	Mar 2	To " " Abby S Garden	4,58
	Jan 5	To " " Joanna Buxton "B"	73,75
	Jan 4	To " " Lydia M Buxton	73,75
	Jan 4	To " Amt - received by self as	
		Amt - due wife out of the est -	
		as one of the heirs	73,75
	March 14	To Amt - pd John S Burns	
		for him self, brother & sister	18,75
	Jan 24	To Amt - pd Emphina Garden	18,75
1877	May 5	To " New in hand of Allen	
		Cator due Sempers Tylor	18,75
			<u>400,00</u>

Pittowals

or 3 Decm

Cotton is wife

May Term 1877

to be entered

Geo Blom

Pettowals
or 3 Decr
Cotton's wife

This day This cause
came on again to be
heard on the papers
formerly read and the

Report of A. H. Cotton commissioner to
which report 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 it appearing to
the court that there is nothing further
to be done in this cause it is ordered
that the same be removed from the
docket

Jan'y 17th 1871 Received from A. B.
Cotton \$10 in full for obtaining
claim for sale of Joseph Beaton's
land

Wm B. Chaney

September the 28 1842

Received of Allen H. Lottan six dollars
and thirty six cents it being our portion of
our grandfather's estate

Sam^l Barnes
Elyer + Whitley
Francis + Newsum

Rec of Allen H Cotton ^{Comptroller} the sum of Sixty
dollars being the special legacy of George B. Cotton
are paid to me by order of South Scituate
Circuit Court Decr term 1870

July 1871

Joshua Preble

42
Nancy Buzetown
8-38

1462

Mrs. Nancy Buxton

To D. L. DOLES, Sheriff of Southampton County.

TAXES FOR 1869.

To Tax on $179\frac{1}{4}$ Acres of Land,.....

2 15-

" " " Male persons over 21 years of age,.....

" " " County Levies,.....

" " " Personal property, at 30c.,.....

" " " Land ~~Personal property~~, levied by Co.

3 23

Received *17th* day of *Jan*

1867 *5-38*
1 79
payment
359

in full.

J. E. Harris Deputy
for D. L. DOLES, Sheriff.

Recd of A. H. Cillon as
Comm of Jas C. Buxton Estate
the Sum of thirteen (\$13 ⁷⁵/₁₀₀)
dollars & ⁷⁵/₁₀₀, it being one eight-
of the money that was to be
divided among the heirs
Jan'y 24th 1877.

Emphima ^{her} Darden
m/c

M. Nancy Buxton

To W. W. BRIGGS, Sheriff of Southampton.

TAXES FOR 1870.

To Tax on

179 $\frac{1}{4}$

Acres of Land,.....\$

3

5-9

" " "

Male persons over 21 years,.....

County Levies,.....

Personal Property,.....

Land and Personal Property levied by County, ..

3

5-9

7-18

Received 27 day of June 1871

Dollars in full.

J. C. Harris

Deputy,

For W. W. BRIGGS, Sheriff.

Received of Allen Cotton —
Companion in the Burial of Pauline
over to Cotton a wife the sum of
Seventy three ⁷³7¹⁰ dollars in full of
my share of proceeds of the Burial
plot upland.

Jan 4th, 1871

Lidia M Buxton

Receipt of Allen Cotton Com-
mission in the sum of Twelve
ones & Cotton worth the sum of
Sixty three 75^{cts} dollars in full
of my share of Parents of the
Buxton Trucking Co
Jan 5th 1841.

James Buxton

Rec of Allen H Cotton the sum of thirty dollars
part of legacy from the estate of Jos. Burton
Jan'y 20th 1871
Teste- Lydia M + Burton
Joshua Patton clerk

Received of J. H. Cotton four dollars and fifty Eight
cents being a commission of Joseph C. Buxton
estate. It being one third of one eighth of
the money that was to be divided amongst
the heirs Dec 24. 1871. Wm. H. Holland
Law Clerk.

March the 14. 1874

Received of Allen H. Cotten thirteen dollars
and seventy five cents it being our share of
our grand father Joseph Benton estate
John S. Barnes

\$ 30

Rec of Allen & Cotton Commrs of Jos Buxton
stated the sum of Thirty Dollars July 5 1871
eighteen hundred & seven pence

Joshua Pettou

Rec of Allen & Cotton Commrs the sum of thirty
Dollars part of Legacy from the estate of Jos Buxton
July 5 1871 eighteen hundred & seven pence
Leb-
Joshua Pettou

Joanna ^{her} Buxton
muck

Received of A. H. Cotton, Commissioner,
Four Dollars and fifty eight cents, it being
one third of one eighth of the Estate of
Joseph C. Buxton, my grand-father,
March 2^d. 1871

Witness, J. N. Johnson

Fortinia Gardner

Received of A. H. Cotton, Commissioner,
Four Dollars and fifty eight cents, it
being one third of one eighth of the Estate
of Joseph C. Buxton, my grand-father,
March 2^d. 1871

Abby S. Gardner

Mrs. Nancy B. Eaton

TAXES FOR 1868.

To SAM'L KELLO, Sheriff of Southampton County, Dr.

To Taxes on

179 1/4

Acres of Land, ...

2 15-

To Taxes on Male persons over 21 years of age, Personal Property, &c.

To Taxes on

County Levies, ...

To Taxes on Land, ~~Personal Property, &c.~~, levied by County, ...

3 23

5- 58

Received Payment

Jan'y 13

186

A. J. Stephenson

D. S.

For Sam'l Kello, Sheriff.

70

31

Nancy Burton

1825- ---

8-38

4.32

9.70

Mrs Nancy Burton

To SAM'L KELLO, Sheriff of Southampton Co., Dr.

TAXES FOR 1867.

To Taxes on	179 1/4	Acres of Land,.....	2	15-
To Taxes on Male Persons over 21 years of age, Personal Property, &c.,.....				
To Taxes on		County Levies,.....		
To Taxes on Land, ~~Personal Property, &c.,~~ levied by County,.....			3	23
			5-	38

Received Payment,

Jan'y 13

1867

A F Stephens

D. S.

For SAM'L KELLO, Sheriff.

Mrs Nancy Buxton

To SAM'L KELLO, Sheriff of Southampton Co., Dr.
TAXES FOR 1865.

		DOLLARS.	CENTS.
To Taxes on	<i>175 1/4</i> Acres of Land, valued at	<i>1</i>	<i>44</i>
To Taxes on	White Males over 21 years,		
To Taxes on	Income,		
To Taxes on	County Levies,		
To Taxes on	Land, for County purposes, — — —	<i>2</i>	<i>88</i>
To Taxes on	Income, for County purposes,	<i>4</i>	<i>32</i>

Received Payment,

Jan 13th 1867
A L Stephenson

D. S.

For SAM'L KELLO, Sheriff.



Mr. Allen H. Cotton
Franklin
Va.