1882-18 Southampton County - Chancery Judkins, Arestatia et als vs Judkins, Margaret admr, etc

To sell property to
settle Widow's 1/3 interest
in land, & sale to divide
money 1/3 to Widow

Judkins, Margaret
Admrt. Ent y
Judkins, James H.
Barham, R. F +
Barham, Rebecca his wife
Judkins, John W.
infts

Judkins

vs 23 Decree

Judkins admrs &c

Nov. Term 1882

To be entered

Geo Blow

Judkins
vs
Judkins adm^rs als

On motion of the plaintiff this cause is removed from the docket with leave to any party interested to have the same reinstated on motion to the court

Inclosure

3 Bill
" 3 " exhibits

Inclosure Admiralty

1875 October Rules

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

Humbly complaining your Orator Augustus Judkins sheweth unto your Honor that in the year 1875 James H Judkins died leaving considerable estate both real and personal having first made his last will and testament which has been duly proved in the county court of Southampton and a copy of which is herewith filed marked exhibit A and prayed to be taken as a part of this bill and that his widow Margaret Judkins qualified as his administratrix with the will annexed

By his said will he gave his wife Margaret Judkins one third of his real estate for life, but if his son Wm H Judkins and son-in-law R. F. Basham thought it best to sell all his real estate, then he gave him the income arising from one third of the money for life or if she preferred it to buy her a home not costing more than one third of the money from the sale of the land and one fifth of the personal estate,

He directed all the remainder of his estate to be equally divided between his son Wm H Judkins Augustus Judkins, Rebecca T

Barham wife of R. F. Barham and John M Indkins

Your Oratrix states further to your Honor That the widow Margaret Indkins has by deed duly recorded renounced the provisions made for her by her husband's will as will more fully appear by a copy of her deed herewith file marked B and prayed to be taken as a part of this bill, That her brother Wm M Indkins died in the lifetime of his father childless and unmarried and that his divise lapsed into the estate and that her brother John M Indkins is also an infant under age. Your Oratrix now brings this suit for a settlement of Margaret Indkins administration account of James H Indkins estate and for the recovery of the amount due her and the division of the land among the devisees or if that cannot be done in kind for a sale for a division

In Tender consideration whereof and inasmuch as your Oratrix is without remedy at Law and only entitled to relief in a court of equity where such matters are peculiarly cognizable therefore your prays that Margaret Indkins both in her own right and as administratrix of James H Indkins, R. F. Barham and Frances Rebecca J Barham his wife and John M Indkins an infant by comm fit and prochein Jinson his guardian ad litem may be made parties defendant to this bill and that the court would compel them as full and perfect answers make to the allegations therein contained as if they had been thereto more fully and specially interrogated, That the court would direct all proper accounts to be taken and that after ascertaining the amount due your Oratrix direct the same to be allotted to her both of the real and personal estate or if be necessary for that purpose direct a sale of the real estate and notice is hereby given to all the defendants that I shall ask the court to direct a reasonable attorney's fee to be taxed out of the estate to my attorney for prosecuting This suit And that the court would grant such other and general relief the premises considered as equity may dictate and the nature of her case may require and as in duty bound your Oratrix will ever pray &c

Adams p.q.

Inskeep

vs 3

Inskeep admrs &c

Answer of Jno M Inskeep

by Guard Litem

1875 October Rules

The answer of John M. Watkins by E. R. Edwards his guardian ad litem appointed for that purpose to a bill in chancery in the circuit Court of Southampton by Anastasia Watkins 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 submits the interests of his ward in this suit to the care of the court whose peculiar duty it is to protect the rights of infants and having fully answered prays hence to be dismissed with his costs &c

Recvd by counsel

Wm B Thomas
Counsel for plaintiffs

Executed by delivering A. F. Barham Defendant
& his wife, Margaret Sudkins & Dan'l Sudkins
each a copy of this Summons on the 26th
& 30th day of September 1895

W. W. Briggs Shff

Sudkins
v
Simp. Chy
Sudkins adm &c
1895 October Rules

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON Margaret Judkins both in her own right & as a Dministratrix of James H Judkins dec'. R F. Barham & Rebecca F. Barham his wife & John H Judkins an infant

if he 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 October next to answer a bill in Chancery exhibited against them in our said Court by Anastasia Judkins

And have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this 24 day of September A. D. 187 5, in the 100 year of the Commonwealth.

L R Edwards Clk

Judkins

To Exhibit with Bill

Judkins admx &c°

To the Hon. Joseph W. Urquhart Judge of the County Court of Southampton, and to S.K. Edwards Clerk of the County Court.

This is to Certify and to inform all men by these presents, the Judge of the County of Southampton and the Clerk of the County Court of Southampton in Which Office the last will and Testament of my late husband, James H. Judkins is recorded, that I hereby renounce all the bequests and devises made therein to me fully and unreservedly not claiming the same, but doth and do demand my dower, distributive Share and homestead allowed me by law in the same. As Witness my hand and Seal this 23 day of September 1875.

Margaret Judkins (Seal)

Witness
E. L. Story
O. Moore

Southampton County, In the Clerks Office, Sept. the 23 1875.
This renunciation of Margaret Judkins of the provisions made for her in the last Will and Testament of her deceased husband James H. Judkins dec.
was proved by the oaths of E. L. Story and Orris Moore, the Subscribing Witnesses thereto and admitted to record.

Teste,
S.K. Edwards C.C.

A Copy
Teste, S.K. Edwards C.C.

Jno Shuis
vs
Jno Shuis Admr

Answer of
R. F. Barham
Same
"

Ordered to be filed
May Term 1878.

The Answer of R. F. Barham
unto to a bill of Complaint
Exhibited against them & others by
Margaret Judkins &c in the
Circuit Court of Southampton.
These respondents, having received
all just forms of Exception, for answer
thereto, or unto so much as they are
advised it is material to answer,
answering say - that they are
advised the claim of having the
homestead set apart to Margaret
Judkins is not warranted by the
law known as the homestead law:
because it appearing to the Court
from the record in this cause that
the estate of James Judkins is
perfectly solvent - and it appearing
that there are adult & minor children,
and it appearing that the claim of
homestead is set up by the widow, as
against the adult heirs of James
Judkins & not as against creditors,
the debts having all been paid, the
provisions of the homestead law do
not apply. Your respondents are
advised that the provisions of the
homestead law apply only as to the
creditors of the deceased - and that
when it appears that an estate will
pay every debt - & there still will remain

after setting aside
Comes sufficient to distribute, that the
homestead, law entemplates that the
Estate shall be distributed among
all the heirs & not set aside as a
homestead—. And therefore your
respondents oppose the claim of
the said Marsah Judkins to the
Homestead in this suit—,
Having answered, Your respondents
pray hence to be dismissed—. &c.

R F Barham
* Wife

Southampton County to wit.
I. J B Pruden, a Notary
Public for the County aforesaid
in the State of Virginia do certify
that R. F. Barham the respondent
in the above answer personally
appeared before me in my County
aforesaid & made affidavit to the
same. Given under my hand
May 7. 1878.

J B Pruden N.P.

1

Whll

Judkins

v. Exhibit with bill.

Judkins adv. Pf

50 ¢ fee

630
21

In the Name of God: Amen.

I, James H. Judkins, impressed with the uncertainty of life, and in health, do proceed to make this my last Will & Testament.

First: I direct my Executors to pay all my just debts.

2: I give to my beloved Wife, Margaret one third of all my real Estate, to have and hold during her Natural life, But in the event my Son Wm H. Judkins and Son in law Rainie F. Barham shall deem it best to sell my real Estate, then I give her, during her Natural life the income derived from one third of the Money obtained from the Sale of all my real Estate, But in the event she so desires it. I direct my Executors to buy her a home not to cost more than one third of the Money obtained from the Sale of my real Estate, which home she is empowered to select. I also give her one fifth part of my personal property to have and ~~hold~~ during her Natural life. All of which property devised in this Will to my Wife, Margaret, I give at her death, to be to be equally divided among my four Children to wit; or their Body heirs, Wm. H. Judkins, Rebecca F. Barham, Arrestatia Judkins and Ivo: N. Judkins, to have and hold forever.

3rd. I give all of the remainder of my property, both real and personal, to be equally divided among my four Children, or their Body heirs, to have and hold forever, to wit: William H. Judkins, Rebecca F. Barham, Arrestatia Judkins and Ivo: N. Judkins.

4th: In the event of the death, of either of my Minor

Children, & their Body heirs, then the property devised to such Child to be equally devided among the remaining Children mentioned in this Will above, & their body heirs.
5th I have given my Grandson James Elliott Story nothing in this will, because I have already given his Father the part intended for him.
6th I have receipts for money advanced to a portion of my Children, which receipts are to be counted, as a portion of my personal Estate, But there shall be no account of interest accounted for on the said Receipts.
7th I leave all my Real Estate to be disposed of by my Son Wm R. Judkins, and Son in law Rainer T. Barkdull as they may deem best; Preferring however it should be sold, when the times warrant it.
8th I leave my Son William H. Judkins Sole Executor of this my last Will and desire him to qualify as Guardian of my Minor Children, John H. and Anastatia Judkins. April the tenth Eighteen Hundred and Seventy two.

James H. Judkins

Test:
Joshua Pritchard,
Jeremiah Beale,

At a Court held for the County of Southampton, on Monday the 19th day of April 1875. The last Will and Testament of James H. Judkins was proved by the oaths of Joshua Pritchard & Jeremiah Beale, the two Subscribing witnesses thereto, and Ordered to be recorded. The Executor therein named being dead, on the Motion of Margaret

Judkins, the Widow of the Testator, also made Oath according to Law and together with T. J. Pritchard and J. S. Pritchard, her Securities, (also justified on Oath as to their Sufficiency) entered into and acknowledged a Bond in the penalty of Eight Thousand Dollars, Conditioned as the Law directs, which Bond is Ordered to be recorded. Certificate is granted the said Margaret Judkins for obtaining Letters of Administration on the Estate of the said James H. Judkins, with the Will annexed in due form.

Test,

S. R. Edwards Clk

A Copy,

Test,

S. R. Edwards Clk

Certificate
from
Margaret Sudkins

1877 May 8th

To the Hon. Judge of the Circuit-Court of Southampton County.

This certifies that-whereas there is now a suit-pending in your Court, instituted by myself for Homestead in the Estate of my deceased Husband James H. Judkins and whereas, I, as Administratrix of said Estate have assets in hand which I am willing and anxious to distribute to the heirs therefore I hereby agree and bind myself, that-should the Hon. Court adjudge me entitled to Homestead, to receive it-in land, there being according to my judgment,-sufficient-land for that-purpose, and in no event would I claim any of the other assets, as such Homestead. In witness whereof I have hereunto set-my hand and seal this 18 day of April 1877.

Margaret Judkins (seal)

County of Southampton to wit:-

I a Justice of the Peace for the county aforesaid in the State of Virginia do certify that-Margaret Judkins whose name is signed to the writing above bearing date on the day of April 1877 has acknowledged the same before me in my county aforesaid. Given under my hand this 18 day of April 1877.

Joshua Prettyman J. P.

Supplemental Account

The Estate of James H. Judkins dec'd
In Account with Margaret Judkins Admin.

			Dr. $	cts	Cr. $	cts
1876						
May	1	By Balance due Estate, as per last Report			12 75	46
"	"	" Cash rec'd of Jas H. Devany on Bond			50	00
Dec.	8	" " " E. L. Story "			2 31	17
1877 January	19	" " " C. Moore "			77	40
"	"	" " " [illegible] D. "			18	87
"	"	" " " Wm Day " a/c			3	00
Feby	19	" " " R. F. Barham " Bond			300	00
"	"	" " " Jas H. Devany " "			27	08
March	19	" " " R. F. Barham " "			112	12
"	"	To Commissions on $ 816.14 @ 5 pr. ct.	43	23		
1876 May	1	" paid A. W. Norfleet, balance on a/c	7	24		
"	"	" " Jas K. Tyler, Commissions	15	00		
"	"	" " Joshua Fortlow,	1	75		
"	"	" " L. A. Gay, Attorney fee,	1	50		
"	"	" " C. H. Moore & Co	2	10		
Dec.	4	" " Wm B. Shepard, Sol. atty fee,	3	50		
1877 April	2	" " Clerk & Sheriff Fees	31	54		
"	"	" " Jno J. Kindred, Sol atty fee,	5	00		
"	"	" " Fees for 1876.	9	13		
May	1	By New year's interest on last year's balance				
		To Commissions on $ 71.52 @ 5 pr. ct.	3	82	71	52
"	"	To retained, to pay Commissions Tyler, for this Report, and Copy of Same	5	00		
"	"	To Balance due the Estate,	2 08	81		
			$ 221	62	$ 221	62
1877 May	1	By Balance due Estate brought down, with interest thereon from this day till paid.			$ 208	81

Respectfully Submitted,

James K Tyler,
Commissioner

Commissioner's Office,
Jerusalem, April 27th 1877.

To the Circuit Court of Southampton County,

Your Commissioner respectfully reports to this Court, that at the request of Mrs. Margaret Judkins, the Admx of Jas H.

Judkins

vs. Report of

Judkins Admx &c

Commissioners

(1877 April 27th Rets)

Pursuant to the 2nd Sec. of the Act of
the Gen'l Assembly, passed March 18th
(1875) in the Chancery Suit of
Judkins Admx &c vs. The Commissioners of
Cuyahoga County, Ohio & others, the undersigned
the duly appointed Commissioners
to examine & ascertain if the
Bridge Co's right of Property
is worth anything & if so
how much, &c &c &c

Sudkins

vs

Sudkins Admrs

Assm of Margaret Sudkins

1875 October Rules

The answer of Margaret Indkins both in her own right and as administratrix of James H. Indkins dec'd to a bill in chancery in the circuit Court of Southampton against her and others

This defendant for answer to the said bill or as much thereof as she is advised it is material for her to answer, answering says that it is true she has qualified as administratrix of her husband James H. Indkins dec'd with the will annexed and that she is ready to settle her administration account and pay out whatever balance may be found due upon the decree of the court according to the rights of the parties, she states further it is true she has renounced the provision made for her in her husband's will and now claims her dower, in the real estate, her distributive share in the personal estate and also demands that a homestead also be set aside for her and the infant child Selina M. Indkins in her said husband's estate, And having fully answered she prays hence to be dismissed with her costs &c

Chandler for deft

Received by consent
Wm B. Chandler Plaintiff's counsel

To the Hon Judge of the circuit-court of Southampton County

In obedience to a decree of the circuit-court of Southampton county made at the Nov. Term thereof 1875 - in case of Anetakia Judkins vs Margaret Judkins & others, We Commissioners appointed by said decree for the purpose of assigning Margaret Judkins widow of James H. Judkins decd. dower in the lands of her said husband's estate, met on the 13th of November 1875 - and after viewing the said lands assign the said widow her dower as follows: —
Beginning at an elm post planted on the Franklin new road running thence in a straight-line a southerly direction passing immediately on front and on the west side of a large log barn leaving said barn on the land of the estate and thence in a direct-line continuing in the same direction to a lightwood stump near the pasture fence thence direct-to a small chopped pine near an old gate post thence down the middle of a large path in a southerly direction to the second ditch from the tenants House in which a stake is placed thence in a westerly direction along said ditch to a large dead pine on said ditch thence down said ditch to its head, thence in the same direction to a chopped pine on the edge of an old field thence by a chopped line through said old field to a double end oak on the edge of the larger woods thence direct with the last line mentioned to Flagrum swamp, thence up said swamp to Mrs. Nancy Summers line, thence along said Summers line to the new road thence along said road to the ~~white oak~~ elm post first mentioned. All the lands and buildings enclosed in this line we assign to Mrs. Margaret Judkins as her dower.

J. W. Williams
Joseph D. Gillette
D. J. Watkins
John Pretlow sen

Judkins
vs
Judkins Admr &c.

Report of Comrs
assigning Dower

1875 Nov 15

Memorandum
for
Clark

Copy James H Judkins will exhibit A

Copy deed of Margaret Judkins releasing
her husband James H Judkins wife B

~~and~~ file in papers

Thomas J. J.

Judkins

vs.

Judkins's Admr

Distributive Account

1877 July 28 Returned

An Account, distributing funds in the hands of Mrs Margarett Judkins, Extrx: among the Several heirs of James H. Judkins dec'd

					$ Dr	¢	$ Cr	¢
1877								
May	1	By Amt due Est: by last report & Int added					2086	81
		" " advanced to R. F. Barham in the life time of Jas H Judkins					500	00
		To Costs of Suit & Commissioners fee			17	00		
		" Balance due Est			2569	81		
					$2586	81	$2586	81
May	1	By Balance due Est Brot down to be distributed					$2569	81
		To Mrs Margaret Judkins Wdow	1/3 part		856	60⅔		
		" " R. F. Barham & wife	1/3 "		571	07		
		" " Thomas Byrd & wife	1/3 "		571	07		
		" " John N. Judkins	1/3 "		571	07	2569	81

Mrs Anna S Byrd

In a/c with Mrs Margaret Judkins Extrx

1877								
May	1	By 1/3 part of the above distributive a/c					571	07
1875 May		To Cash advanced you $25. Int to 1 May/77		$3.00	28	00		
Sept	23	" " do $8.80. Int to 1 May 1877.		.66	9	46		
Dec	10	" " do " 90.53. Int to 1st May 1877		$6.03	96	56		
1876 Mar	26	" " paid Am Norfolk a/c $57.15 Int May 1/77		$3.89	61	04		
Apl	17	" " adv: $12. Int to 1 May 1877-		74	12	74		
July	17	" " " $150- Int to 1 May 1877-		$7.48	157	48		
1877 Jany	15	" " " $115- Int to 1 May 1877-		2.01	117	01		
Mch	15	" " " $84.92 Int to 1 May 1877-		.63	85	55		
		Bal: due Mrs Byrd $3.23			3	23		
					571	07	571	07
		By Bal due Mrs Byrd brot down with interest till paid					$	3 23

Over

John N. Judkins

In a/c with Mrs M. Judkins Extrix

1877				
May	1	By yr part of the distributee a/c		$ 571 07
1876 Dec	23	To Cash advanced you $334.99. Int May 1/77 $7.39		342 39
		Bal. due J.N. Judkins with Int. till paid		$ 228.46

R. Frank Barham Surv

In a/c with Mrs M. Judkins Extrix

1877				
May	1	By yr part of the distributee a/c		$ 571 07
		To Cash advanced you by the dec'd in his lifetime		500 00
		Bal. due R.F. Barham with Int		$ 71 07

Mrs Margaret Judkins

Intg/c with Mrs M. Judkins Extrx.

1877						
May	1	By yr part of distributee a/c				$ 856 60
1875 May	1	To Cash $25. Int to 1 May 1877		$3 00	28 00	
Aug	3	" " pd Dr Barrett $3.00 Int May 1/77		.32	3 32	
Dec	10	" Purchase at sale $378.25. Int May 1/77		$32.78	411 03	
	20	" Cash $9- Int to May 1/77		75	9 75	
1876 Mch	5	" Cash $11.00 Interest		.69	11 69	
	20	" paid A.W. Norfleet a/c $106.29 Int		$1.23	112 52	
May	5	" Cash $5- Int on same		.29	5 29	
1877 July	15	" Cash $88.73 - Int on same		$1.10	89 83	671 43
		Bal due Mrs Judkins		$185.17		$ 185 17

Respectfully Submitted,
James K. Tyler,
Commissioner.

Rec'd from Mrs Margaret Judkins Extrix of James H. Judkins dec'd my portion of the funds of dec'd Est as per distributee account in full this 14th day of June 1877.

A.S. Byrd

A.S. Byrd

Rec'd from Mrs. Margaret Judkins Extrix of James H. Judkins dec'd my portion of the funds of dec'd Est. as per distributee account in full this 19th day of June 1877.

Johny. Judkins

Rec'd from Mrs. Margaret Judkins Admrx of James H. Judkins dec'd my portion of the funds of dec'd Est. as per distributee account in full this 18th day of June 1877

R F Barham

Rebecca T. Barham

To the Hon. Judge of the Circuit Court of Southampton County

The undersigned begs leave to state that by a decree of your Court made at the May Term thereof 1877 directing a distribution of the money in my hands among the heirs of the Estate of James H. Judkins dec'd. being fully persuaded there was an error in said distribution inasmuch as in assigning my portion of the proceeds of the personal estate I was only assigned one third of the money in hand by my last and final report made at said term of said Court without adding thereto the five hundred Dollars advanced to R. F. Barham during the lifetime of my husband and then assigning me one third of that amount and also then being costs to amount of $17- not retained in said decree, therefore after consultation with Counsel for all the parties concerned also with the parties themselves who are all of age and by and with their consent I have made the distribution and paid over to the parties according to the distributee account and receipts herewith returned for examination and confirmation by the Court if found correct.

Respectfully submitted
Margaret Judkins Admrx
of James H. Judkins

We approve the above report.

I B Bruce atty for
R. F. Barham surv.
Wm B Harrell atty
for Mrs Judkins Dec'd
wife & Jno Judkins

Southampton Circuit Court November Term 1875.

Anastasia Judkins Plaintiff

against In Chancery

Margaret Judkins both in her own right and as administratrix of James M. Judkins, R. F. Barham and Rebecca F. Barham his wife and John M. Judkins and infants by R. Edwards his guardian ad litem. Defendants.

This day this cause came on to be heard on the plaintiff's bill taken for confessed as to the defendants R. D. Barham and Rebecca F. Barham, the answer of Margaret Judkins and John M. Judkins and infants by his guardian ad litem and general replications thereto and exhibits filed, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Margaret Judkins settle an account of her transactions as administratrix of James M. Judkins dec'd. before one of the Commissioners of this Court, who will also take an account of the actual and annual value of all the real estate whereof James M. Judkins died seized and possessed also an account of all the debts outstanding against the said estate their dignity and priorities if any and the said Commissioner will also enquire and report to Court whether a division of the real estate of the said James M. Judkins can be made [illegible] kind or whether a sale of the said lands will be necessary for a division: and the Court doth further adjudge, order and decree that Dennis Williams, John Pruden and Joseph

L. Gillett and Dandrew J. Watkins, who are hereby appointed Commissioners for that purpose any three of whom may act, shall after reasonable notice to all the parties interested proceed to allot to Margaret Judkins one third of all the lands whereof James K. Judkins died seized and possessed as her dower having regard as well to quality and value as quantity with authority to employ a competent surveyor to assist them if necessary; and all the said Commissioners shall report their proceedings to Court together with any matters specially stated deemed pertinent by themselves or which may be required to be so stated by any of the parties interested.

A Copy -

Test, Wm. H. Parker D. C.

Judkins
vs
Judkins
Copy Decree

The Estate of James H. Judkins Dec.d
In account with Margaret Judkins adm.x:

~~1875~~

			Dr		Cr	
1875						
		By amount sale Chattel property due 10th July 1876			# 638	26
Apl	19	" Cash found in house in gold			75	00
Oct	1	" Cash from Peter Chappell on acct			4	00
Nov	1	" Cash from E.L. Story on bond			63	07
		" " " Wm Day on acct			3	00
1876						
Jany	8	" Cash " John Prince on bond			70	00
"	17	" " " Wm Day " acct			2	00
"	"	" " " John Prince " bond			100	00
Feb	2	" Cash " J.C. Wills " "			40	00
Mch	20	" Cash " John Prince bond			69	31
"	"	" Cash " J.C. Wills bond			47	19
1875		To paid Charles Smith	50	00		
		" " E.L. Story curator bal on report	63	07		
		" " James B. Tuck	5	00		
		" " Jos L. Gillett	6	00		
		" " Lam Joynes	2	75		
		" " D.J. Watkins	2	00		
		" " Peter Chappell		50		
		" " Geo. Moore		50		
		" " O.B Shands	56	00		
		" " John J. Kindred	80	00		
		" " L. A. Gay	1	00		
		" " John Prellow Jr	3	00		
		" " Jos L. Gillet witness fee	1	50		
		" " Jno N. Jones " "	1	50		
		" " Jno N. Jones " "	1	50		
		" " Wade Mumford " "	1	50		
		" " F. DeBordenave " "	1	50		
		" " L. A Gay " "	1	50		
		" " J.F. Bryant " "	1	50		
		" " James Holmes " "	1	00		
		" " L. A Gay " "	1	00		
		Cas.d for.d	# 282	32	# 173	83

1875		To Bal amt brot over			282	32	1736 83
	"	paid Margaret Judkins				50	
	"	" Anna Judkins				50	
	"	" Ella Exum				50	
	"	" Matthew Joyner				1 00	
	"	" Same				1 50	
	"	" John N. Jones				2 00	
	"	" Taxes & tickets for 1875			84	21	
1876	"	" J. W. Williams				2 00	
	"	Commissions on $1736.83			86	84	
	"	Balance due Est brot down			1275	46	
					1736	83	1736 83
May	1	By Balance due Est brot down with interest from date til paid					1275 46

Respectfully Submitted.
James R Tyler
Commissioner

Com's fee $2.50

Commissioners Office
Jerusalem Co. Apl 6th 1876

An Account of the Actual and Annual Value of the real estate of James H. Judkins dec'd as follows

	Actual Value	Annual Value
One Tract of 78¼ acres on Flaggy Run Valued at	$3920 00	$200
1/3 of which Tract has been assigned to the Widow Mrs Margaret Judkins as her dower.		

Respectfully Submitted,
James R Tyler
Commissioner

Commissioners Office
Jerusalem 19th April 1876

To the Circuit Court of Southampton County

Pursuant to a decree of the Circuit court of Southampton County rendered at the November Term last in a suit in Chancery pending in said court between Anastasia Judkins and Margaret Judkins adm'x of Jas H Judkins. & F Barham wife & John N. Judkins. the undersigned one of the Commissioners of the said court to whom was referred for settlement the following account viz: That Margaret Judkins settle an account of her transactions as adm'x of J H Judkins dec'd before one of the Commissioners of this court. who will also take an account of the actual and annual value of ½ the real Est. whereof Jas H Judkins died seized & possessed. also an account of all the debts outstanding against the said estate, their dignity & priorities (if any) and the said Commissioner will also enquire and report to court whether a division of the real estate of the said J H Judkins can be made in kind or whether a sale of the land will be necessary for a division &c & report to the court that on the 31 day of March last he issued notices against the several parties aforesaid. requiring them to attend the settlement of the said account before him at his said office on the 18th day of April 1876 for the purpose & which notice was duly acknowledged by the Defts. that the parties aforesaid appeared before the Commissioner in obedience to the said notice and he thereupon examined, stated & settled the foregoing account up to 1st May 1876. and on that day finds a balance due the said estate of $1275.46 cts with interest from date. the Commissioner states specially. that in his opinion and the opinion of the parties. that it is best to divide the real estate, "and not have a sale" as lands are very low at present. The Commissioner further reports to the court that after the completion of the said account he retained the same in his office ten days for the examination of the parties which with the deeds & notices aforesaid are herein

returned. Given under my hand as Commissioner aforesaid the day & year first aforesaid

James R Tyler
Commissioner

Commissioners fee $15.00
Rec'd to Executrix
of D.H. Judkins

The Commissioner would also State Specially, that he advertised as the Law directs, for the Creditors to send in their claims against the said Estate of D.H. Judkins dec'd and prove them before him, but none were presented and he is informed that they have all been paid.

Respectfully Submitted,

James R Tyler
Commissioner

Judkins
vs. Kept th

Judkins admr &c

Commissioners Tyler

(1876 Apl 29th Rec.)

COMMISSIONER'S OFFICE,

Jerusalem, Va., Mch 31 1876

To Anastasie Judkins and Pltff
against
Margaret Judkins adm of Jas H Judkins R F Barham
and Rebecca his wife and John M. Judkins
Defts

You are hereby notified that I have fixed upon the 18th day of April next, if fair; if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to-wit: that Margaret Judkins settle an account of her transactions as administratrix of James H Judkins dec'd before one of the Commissioners of this court who will also take an account of the actual and annual value of all the real estate whereof of James H Judkins died seized & possessed: also an account of all the debts outstanding against the said estate, their dignity & priorities if any and the said Commissioner will also enquire and report to court whether a division of the real estate of the said J. H. Judkins can be made in kind or whether a sale of the said land will be necessary for a division &c

required to be taken by a decree of Southampton ~~County~~ Cir Court, rendered on the November day ~~of~~ Term 187 5, 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.

Received August the 3rd 1860 of Mr. Jas H Jenkins "Five Hundred Dollars which is to be considered as so much received from his Estate in case of his decease by his daughter Rebecca and to be deducted from what ever may then be due her as one of his Heirs without any interest thereon being reckoned and in the event of the death of my wife the said amount is not made ever collectable from my Estate

Raynor. H. Barham

Statement of Distribution

Margaret Indelicato	$49.50
Bibb & wife	$30.40
Jno N Indelicato	$30.40
Barham & wife	$30.40
	$208.80

41

Judkins

v } Stat. Rules

Judkins adm Pf

Clk	$13 17
Sh.	4.00
L fee &c	16 00
	$ 33 17

1878 Nov

Clk	$ 13.87.
Sh	4.00
L fee.	16.00

In Southampton Circuit Court

Anastasia Judkins

against

Margaret Judkins both in her own right and as administratrix of James H. Judkins, R F Barham & Rebecca T. Barham his wife & John M Judkins an infant by L R Edwards his guardian ad litem.

1875

Sept. 24 Summons issued

" Oct. 8. Summons Rt Executed - Bill filed. L R Edwards assigned Gr. ad litem to infant Deft. John M Judkins. Ans's of infant & Dft. Margaret Judkins in her own right and as administratrix Gen. Rep's thereto. D Nisi v Defts Barham & Wife.

" Nov. R (Taken last monday in October) Bill taken for confessed as to Defts Barham & Wife & Cause set for hearing as to all the Defts - Ky

Nov. 15 Rep. of Com. assigning dower

76 Apr. 29 " " Tyler.

77. May Decree Ky

1882 Nov 7. Removed from the Docket.

Judkins

vs 3 Decree

Judkins admrx

To be entered

Geo Blood

Nov Jan. 1875

Indkins

vs 3 Decree

Indkins adm'r &c

This day this cause came on to be heard on the plaintiffs bill taken for confessed as to the defendants R. F. Barham and Rebecca T. Barham, the answers of Margaret Indkins and John M Indkins an infant by his guardian ad litem and general replication thereto and exhibits filed, and was argued by counsel On consideration whereof the court doth adjudge order and decree that Margaret Indkins render an account of her transactions as administratrix of James H Indkins dec'd upon one of the commissioners of this court who will also take an account of the actual and annual value of all the real estate whereof James H Indkins died seized and possessed also an account of all the debts outstanding against the said estate their dignity and priorities if any and the said commissioner will also enquire and report to court whether a division of the real estate of the said James H Indkins can be made in kind or

whether a sale of the said lands will be necessary for a division, and the court doth further adjudge order and decree that Ennis Williams, Lyn Pillow and Joseph L Gilliland and Duncan S Watkins who are hereby appointed commissioners for that purpose, shall after reasonable notice to all the parties interested proceed to allot to Margaret Judkins one third of all the lands whereof James B Judkins died seized and possessed as her dower having regard as well to quality and value as quantity with authority to employ a competent surveyor to aid them in the premises and all the said commissioners will report their proceedings to court together with any matters specially stated deemed pertinent by themselves or which may be required to be so stated by any of the parties interested

Southampton Circuit Court. May Term 1877.

Anastasia Judkins Plff
against
Margaret Judkins both in her own right & as Admrx of Jas H. Judkins dec'd. R. T. Barham & Richard B. Whitehead & John M. Judkins an Infant, by T. R. Edwards his Guardian ad litem. Defts

This day this Cause came on again to be heard on the papers formerly read & the Reports of Jas R. Tyler, Commissioner to Margaret Judkins administratrix of Jas H. Judkins Estate, an account of the actual & assumed Value of his lands, an account of the debts outstanding against the said Estate, of the 29th of April 1876; the report of Commissioner Tyler dated April 27th 1877, of an additional Settlement of Margaret Judkins Administration on the said Estate, also the report of J. W. Williams, Joseph L. Gillette, D. J. Watkins & John Pankbone Sen Commissioners allotting Dower to the widow Margaret Judkins, Made pursuant to a decree of this Court, entered of the November Term 1876, and to which reports no Exceptions have been filed, a Certificate from Margaret Judkins waiving and claiming to the Homestead in the personal Estate of her husband & electing to claim the same in Real Estate, a receipt filed from R. T. Barham one of the Legatees of Jas H. Judkins for $500. Money received from Jas H. Judkins on the 3 of August 1865, as an advancement, & to be brought in the final distribution of the Estate & was argued by Counsel, & Consideration whereof & it appearing to the Court from the Report of Commr Tyler, that there are no debts found against the Estate and that there is now in the hands of the Administratrix the Sum of Two Thousand Eight Six 81/100 dollars ($2086.81 cts) ready for

distributions, The Court doth adjudge, Order and decree, that all the said reports be Confirmed, and that Margaret Judkins administratrix of James H. Judkins out of the Sum of Two thousand & Eighty Six dollars and Eighty one cents, in his hands, by his Account & through his Counsel, retain admitted as his distributional share the Sum of $ 496.80, that she pay to Thomas Bird & Austenia Bird his Wife the Sum of Six hundred and thirty 40/100 dollars, to John N. Judkins the Sum of Six hundred and thirty 40/100 dollars and to R. T. Barham & Rebecca his Wife the Sum of One hundred and thirty 40/100 dollars; and as to all other matters this Cause is Continued.

A Copy

Teste,

R. Tyler D.C.

Clks Costs	$ 17.17	Paid S.R.C.
Shff "	4.00	
Lfee 8°	16.00	$ 33.17

Judkins
vs
Judkins Exor &c

Copy decree

We the undersigned do hereby certify that we consent and agree that our counsel Wm. B. Shands shall for us agree to amend any error in the decree made at the May Term of the Circuit Court 1877 of Southampton County in reference to the distribution of the assets in the hands of the Administratrix of James H. Judkins, Estate and hereby bind ourselves to settle with the Administratrix of said Estate according as said Counsel shall agree is legal and proper. Given under our hands this 1st day of June 1877

A. T. Byrd
W. S. Byrd
J. N. Judkins

A. J. Byrd & wife

Refunding Bond

1877 July 28th Returned

Know all men by these presents that-we A. J. Byrd and Anna S. Byrd are hereby held and firmly bound unto Margaret Judkins Admrx of James H. Judkins decd. in the sum of Eleven hundred Dollars as witness our hands and seals this 14th day of June 1877.

The condition of the above obligation is such that-whereas Margaret Judkins Admrx of James H. Judkins has this day paid to us the sum of Five hundred & seventy one $\frac{07}{100}$ Dollars in full of the distributive share due us from the estate of said James H. Judkins now if the said A. J. Byrd and Anna S. Byrd shall refund & pay back to Margaret Judkins such sums of money as she shall hereafter pay for debts brought-against-the estate provided the same do not-exceed the sum of Five hundred & seventy one $\frac{07}{100}$ Dollars then this obligation to be void otherwise to remain in full force and effect.

A. J. Byrd (seal)
A. S. Byrd (seal)

Jno. N. Judkins

Refunding Bond

1877 July 28 Returned

Know all men by these presents that— I, John N. Judkins am held and firmly bound unto Margaret Judkins Admrx of James H. Judkins decd. in the sum of Eleven hundred Dollars ($1100.00) as witness my hand and seal this 19th day of June 1877.

The condition of the above obligation is such that— whereas Margaret Judkins Admrx of James H. Judkins decd. has this day paid to me the sum of Five hundred and seventy one 7/100 Dollars in full of the distributive share due me from the Estate of said James H. Judkins now if the said John N. Judkins shall refund or pay back to Margaret Judkins such sums of money as she shall hereafter pay for debts brought against the said Estate provided the same do not exceed the sum of Five hundred and seventy one 7/100 Dollars then this obligation to be void otherwise to remain in full force and effect.

John N. Judkins (seal)

R. H. Barbour vouches
Redemption Bond

1877 July 28. Returned

Know all men by these presents that—we Beynor F. Barham and Rebecca J. Barham are held and firmly bound unto Margaret Judkins Admrx of James H. Judkins dec'd. in the sum of One Hundred and forty two Dollars as witness our hands and seals this 18th day of June 1877.

The condition of the above obligation is such that—whereas Margaret Judkins Admrx of James H. Judkins has this day paid to us the sum of Seventy one 7/100 Dollars in full of the distributive share due us from the Estate of said James H. Judkins now if the said Beynor F. Barham and Rebecca J. Barham his wife shall refund or pay back to Margaret Judkins such sums of money as she shall hereafter pay for debts brought against the said estate provided the same do not exceed Seventy One 7/100 Dollars then this obligation to be void otherwise to remain in full force and effect.

B. F. Barham (seal)

Rebecca J. Barham (seal)

Judkins

v 3 Deem

Judkins' admr. &c.

May Term 1877

To be entered

Geo. Bean.

Judkins
vs
Judkins admr &c

This day this cause came on again to be heard on the papers formerly read the report of James R Tyler commissioner of Margaret Judkins administration of James B. Judkins estate an account of the actual and annual value of his lands, an account of the debts outstanding against the said estate of the 24th of April 1876, the report of Commissioner Tyler dated April 27th 1877 of an additional settlement of Margaret Judkins administration on the said estate, also the report of J. W. Williams, Joseph E Gillette, D. J. Watkins and John Pillow Commissioners allotting dower to the widow Margaret Judkins made pursuant to a decree of this court entered of the November term 1875 and to which report no exception has been filed a ratification from Margaret Judkins waiving all claims to the homestead in the personal estate of her husband and electing to claim the same in real estate, a receipt filed from R. F. Barham one of the Executors of James B Judkins for $500 money received from James B Judkins on the 3rd of August 1865 as an advancement and to be brought in the final distribution of the estate and was argued by counsel On consideration whereof and it appearing to the court from the report of commissioner Tyler that there are no debts proven against the estate and that same is now in the hands of the administratrix the sum of

$208½..81cts ready for distribution, The court doth adjudge, order and decree, That all the said reports be confirmed and that Margaret Judkins administratrix of James H Judkins out of the sum of $208½..81cts By her consent now in the Court in her hands, retain as her distributive share the sum of $69.50 cts, that she pay to Thomas Bird and Anastasia Bird his wife the sum of $30..40cts to John A Judkins the sum of $30..40cts and to R.F Barham and Rebecca J Barham his wife the sum of $30..40cts and as to all other matters this cause is continued

Indkøbs

m 3 Dage

Indkøbs adm

Jndkins
vs 3 Decrs
Jndkins admr-&c

This day this cause came on again to be heard on the papers formerly read as a report of Margaret Jndkins payment of the personal apts in her hands as administratrix of James H Jndkins dec'd and her receipts filed therewith and to which report no exceptions was filed and was argued by counsel On consideration whereof the court doth adjudge order and decree that the said report be confirmed, and the court doth further adjudge order and decree that James W Williams. ~~Dashiell Watkins~~ Lewis E Gibbs and John Patton Leon who are hereby appointed commissioners for that purpose shall allot to Margaret Jndkins the widow of James H Jndkins dec'd. John A Jndkins an infant son five thousand dollars in value of the real estate whereof James H Jndkins died seized and possessed exclusive of the widows dower to be laid off as a homestead under the homestead laws of Virginia employing a competent surveyor to aid them if necessary and report to court in order to a further decree

Jnokins

vs Decree.

Jnokins Admx &c.

This day this cause came on to be
further heard on the papers formerly
read and the answer of R. F. Bar-
ham since filed at the May Term
1878 of this Court, and was argued by
Counsel. And the Court being of opinion
from the record of this cause, that
the claim of the widow of James H.
Jnokins died to have a Homestead
assigned her is not warranted by
a proper construction of the Home-
stead Act. doth adjudge order and
decree that the same be not allowed.
And doth confirm the said report of Maj. Jnokins
And it appearing to the Court from the
bill of the said J. H. Jnokins that power
is given Wm H. Jnokins & R. F. Barham
to dispose of all the real estate of
which the said James H Jnokins died
seized and Wm H Jnokins having died,
the Court doth adjudge order & decree
that R. F. Barham take charge of all
the real Estate of which James H. Jnokins
died seized, except the portion allotted to
his widow for her dower and sell
the same upon such terms as he may
deem most advantageous to the interests
of all concerned: or if he should be of
opinion that a sale of the said lands

at this time would be injudicious, then he will vest the Same with taking from the Curator bond with approved Security. But in no event, will the said R. F. Bauham proceed to Execute this decree, until he shall have entered into bond in the penalty of $3000- with Security to be approved by the Clerk of this Court, Conditioned to faithfully Execute this and any further decree in this Cause. And the said R. F. Bauham will report his proceedings to Court.

Jas. Strain
as 3 Decree
Jas. Strain Solicitor

Nov Term
1878
Dr. Le Sueur.

Le Sueur Bros.