1884 - 11 Southampton County - Chancery Butler, Milton D &c Fremon, Jas W. Exrs

"Creditors Suit"

Briggs, Wm. W. Sh. + Exrs Est

Fremon, Jas. W. + Exrs

+

Fremon, Julia A

To the Hon. Geo. Blow Judge of
the Circuit Court of Southampton
In Chancery—

Humbly complaining sheweth unto
your Honor your Complainant Milton
D Butler who sues on behalf of him-
self and all other Creditors of Jas. W Free-
man dec'd, who may contribute their
part to the Cost of this suit, That during
the year 1871 Jas. W Freeman departed
this life intestate, and at the Oct Term
1871 of the County Court of Southampton
his Estate was committed to the hands of
W. W. Briggs Sheriff for administration
as will appear more fully from a copy
of the order hereunto filed Marked "A"
and prayed to be taken as a part of this
bill, That the said James W Freeman
left as his heirs at Law and distributees
his widow Julia A Freeman and the follow-
ing children all infants, to wit: Charles,
William and James Freeman, That
the said W. W. Briggs Sher'f as afore-
said, by virtue of his office has possess-
ed himself of all personal estate
of said Freeman and distributed the
same, amongst the Creditors, pro rata, but
that the said personal Estate was not ex-

ficient to pay the Creditors of said Freeman in full, as will appear by Copy of the Admr & Distributees apes & ape of debts heretofore taken and herewith filed marked "B" "C" & "D" & prayed to be taken as part of this bill -

That the said Freeman at the time of his death was indebted to your Complainant in the sum of $24.84 by Bond due 1st Jany 1862 as will appear from said Bond herewith filed as a part of this bill, that the said Freeman was at the time of his death, seized of a Considerable Real Estate in said County and that your Complainant has no remedy left him, but to seek the aid of this Court, in subjecting said land to payment of his debt. In Consideration whereof and inasmuch as your Complainant is without remedy save in a Court of Equity, where matters of this kind are properly to be heard, Your Complainant prays that Wm. W Briggs Admr & Admx of Jas W Freeman dec'd, Julia A Freeman his widow and Charles, William, and James Freeman, all infants, may be made parties defendant to this bill & Compelled to answer its allegations

That some fit and proper person may be assigned Guardian ad litem to defend the interest of the infant defendants in this suit- That your Honor will grant an order directing a Comm'r of this Court to take the following ops— to wit:
1st An op of the Administration of Wm W. Briggs upon said Estate - and an op of debts against said Estate according to their priorities-
2nd An op of the annual and absolute value of the real Estate of which said James W Freeman died seized, and if it should be necessary that the same may be sold and proceeds thereof properly distributed, and that your Honor will grant such other further, general & special relief as the nature of this case may require or to Equity may seem meet, and as in duty bound your Complainant will ever pray &c.

May it please the Court &c

J B Prince, S.C.

The joint and several answer of Charles Williams and James Freeman all minors, by L Richards their Guardian

ad litem to a bill of Complaint filed against themselves & others in the Circuit Court of Southampton by W. P. Butler –

These respondents saving and reserving &c. for answer to said bill say that they are infants and know nothing of the facts alleged in said bill, and being such they submit their rights to the protection of this Honorable Court & having answered they pray hence to be dismissed &c.

S. R. Edwards Gd ad litem

J. B. Prince p.d.

Butler &c. vs
Edwards &c. &c.
Williams & Sinnott

125

1878 April Rules

J. B. Prince p.d.

Executed by delivering W. W. Briggs & Julia A. Freeman each a Copy of this Summons on the 29th day of September 1873

A. H. Cobb Dy for
W. W. Briggs Shff

Butler
vs
Freeman's admrs

1877 Oct. Rules Cir. Ct.

Executed Sept. 29, 1873
A. H. Cobb D.S.
Shff

The Commonwealth of Virginia:

TO THE SHERIFF OF SOUTHAMPTON COUNTY....GREETING:

WE COMMAND YOU TO SUMMON W. W. Briggs Sheriff & anor of J. W. Freeman dec'd Julia Ann Freeman Widow, & Charles, William & James Freeman all three Infants

if they to 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* M. J. Butler who sues for the benefit of himself & all other Creditors of James W. Freeman dec'd who may Contribute to the Cost of this suit

and have then there this writ.

Witness, **Littleton R. Edwards,** *Clerk of our said Court, at the Court House this* 24th *day of* September *1877, in the* 102d *year of the Commonwealth.*

L R Edwards C C

Exhibit "A"

Butler

vs

Freeman adm &c

Southampton County Court, October Term 1871.

On the Motion of Jas R. Pulley. It is Ordered that Wm. M. Briggs Sheriff of this County, take into his hands the Estate of James W. Freeman, dec'd. and administer the Same according to Law.

A Copy

Teste,

Jas R Tyler, D.C.

Executed by delivering to W W Driggs
& Julia A Freeman each a copy of this
Summons on the 28th day of March 1878

A. Abbott Dy Sh
W W Driggs Sh'ff

Bartlett
Plaintiff's
Att'y
Freeman's adm'r &c
1878 April Rules

The Commonwealth of Virginia:

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

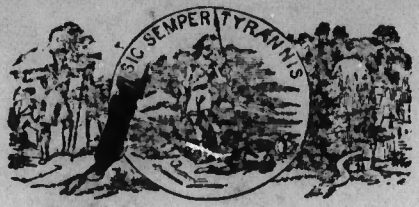
WE COMMAND YOU TO SUMMON Wm A. Briggs Sheriff and adms of J. W. Freeman Julia A. Freeman (Widow) Charles William & James Freeman, Infant three Minors if to be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court, of Southampton County at the rules to be holden for the said Court, on the first Monday in April next to answer a Bill in Chancery Exhibited against them in our Said Court by M D Butts who sues for the benefit of himself and all other Creditors of James W. Freeman dec'd, who will Contribute their part to the Costs of this Suit and have then and there this writ.

Witness, **Littleton R. Edwards,** *Clerk of our said Court, at the Court House this* 20th *day of* March *1878, in the* 102nd *year of the Commonwealth.*

L R Edwards CC

A Copy of the
within notice was
posted at the C. H. door
for 3 months —

J. W. Sebille
Coroner



Commissioner's Office.

Jerusalem June 16th 1878

TO THE CREDITORS OF THE ESTATE OF

James W. Freeman dec'd

AND ALL OTHERS CONCERNED.

You are hereby notified, that, by a decree of the Circuit *Court of Southampton County, I have appointed the* 16th *day of* September *next, at my Office, for receiving proof of all the debts, or demands, against the said decedent, or his estate; at which time and place you are required to attend.*

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

J. N. Sebrell *Commissioner.*

Monitor Print, Franklin, Va

Pasquotank Circuit Court, May Term 1878.

Milton D Battles, who sues for the benefit of himself, & all other Creditors of Jas W Freeman, deceased

vs

W.W. Briggs Exr & adm of Jas W. Freeman, Julia A. Freeman, (Widow) & Charles, William & James Freeman, (Infants) by &c

In Chancery

This day this Cause came on to be further heard, on the Bill of the Complainant taken for Confessed as to the adult defendants, the answer of the Infant defendants by J.R. Edwards their Guardian ad litem, the general replication thereto, & Exhibits filed, & was argued by Counsel, On Consideration Whereof the Court doth adjudge, Order & decree, that a Commissioner of this Court, take the following accounts, to wit;

An account of the transactions of W.W. Briggs as admr of James W. Freeman, dec'd taking any accounts heretofore returned as prima-facie Correct, liable to be Surcharged & falsified.

An account of the absolute & annual value of the real Estate of which the said Freeman died Seized & possessed,

An account of the Complainants demand, and all other outstanding debts against the ~~said~~ Estate of the said James W. Freeman, distinguishing their dignity, all of which accounts, the Commissioner will audit & report to Court, together with any other Matters Specially stated, deemed pertinent by himself, or so required to be stated by any interested party.

A Copy,

Test, J.R. Tyler, D.C.

Butler
vs
Firemen's assn &c

City decree

The Estate of James W. Freeman, dec'd

In account with Wm W. Biggs Shff & Admr

		Dr.		Cr	
1872 Jan. 1.	By amo of a/c of sale			104	20
	To paid Clerks Tickets	2	75		
	" " Taxes for 1870	17	48		
	" " " " 1871	15	47		
	" " Auctioneer at sale	3	00		
	" " Clerk at sale	3	00		
	" " C. H. C. Bailey, Coffin	20	00		
	" Com'rs on $104.20 5 pr. ct.	5	20		
	" Com'rs fee for this a/c & Copy	5	00		
	" Clerk's fee for recording a/c	1	00		
Dec 31.	By interest on $31.30 6 mos.				93
	Balance due Est	32	23		
		105	13	105	13
1877 Jan. 1.	By bal: due Est. brot down			32	23
	Int on $32.23 4 yrs			7	73
	To Com'rs on $7.73 5 pr ct.		39		
	Balance	39	57		
		39	96	39	96
1877 Jan. 1	By balance due Est with interest till paid			39	57

Respectfully submitted

J. M. Sibell

Comr in Chancery

An account of debts against the Estate of James W. Freeman dec'd. proved before J. M. Sebrell one of the Comrs in Chancery for the County Court of Southampton County, January 1st 1877.

Due bill in favor of Julia Hargrave, Col.	15	00			
Dct from Dec. 11. 1869.	6	40	21	40	
A/c due James Sadler	13	38			
Dct. from Jan. 1st 1870	5	61	18	99	
A/c due R. A. Blythe	1	65			
Dct from Jan 1. 1870		70	2	35	
A/c due Jno W Brittle	1	55			
Dct from Jan. 1. 1869		74	2	29	
Bond due John W Brittle	38	50			
Dct from Dec 11. 1865. to Mar 10. 66		57			
	39	07			
Cash paid Mar 10 1866	20	00			
	19	07			
Dct from Mar 10 66 to Nov. 8. 68	3	08			
	22	15			
Cash paid Nov. 8. 1868	6	75			
Amt carried over	15	40			

Amt brot over	15	40		
Int from Nov. 8th 68. to Apl 3. 69.		38		
	15	78		
Cash paid Apl 3rd 1869	5	00		
	10	78		
Int from apl 3. 69 to May 7. 69		05		
	10	83		
Cash paid May 7. 1869		80		
	10	03		
Int on bal: from May 7. 1869	4	62	14	65
A/c due Peter J. Holmes	8	00		
Int from Jan 1. 1867	4	80	12	80
A/c due J n. Bain	1	50		
Int from Jan. 1. 1867		90	2	40
A/c due Wm H. Pretlow	11	00		
Int from Jan. 1. 1869	5	28	16	28
A/c due Wm H. Morris & Sons	101	95		
Int from Jan 1. 1872	30	58	132	53
Bond due Ro. J. Bailey 5th Jan. 1863				
for £2.37 scaled at $3.00 for 1.00	14	12		
Interest from Jan. 5. 1863	11	86	25	98
			249.	67

	Amt brot over			249	67
	Due bill in favor Ro J Bailey	23	00		
	Int from Mar. 9. 1867 to Feb. 15. 69	2	62		
		25	62		
	Cash paid Feb. 15 1869	23	00		
		2	62		
	Int from Feb. 15. 1869		87	3	49
	A/c due Ro: J. Bailey	2	50		
	Int from Jan. 1. 1870	1	05	3	55
✓	Bond due B.C. Drew	119	65		
	Int from Oct. 1st 1865	80	75	200	40
✓	A/c due Ben C. Drew	88	65		
	Int from Jan. 1. 1868	48	07	136	72
	A/c due J. H. Pulley	30	00		
	Int: from Jan 1. 1870	12	60	42	60
	A/c due Bain & Drew. work fixed	103	60		
	Int from Jan. 1. 1870	43	51	147	11
	A/c due Bain & Drew door	91	40		
	Int from Jan. 1. 1870	38	38	129	78
	Bond due L. F. Bain	23	24		
	Int from Jan. 1. 1867	13	94	37	18

Bond due Jan. 1. 1862. to M. D. Butler. $44 84 scaledat $1,20 for $1.00	37 36		
Int from Jan. 1. 1862.	33 60	70 96	
			1021. 46

The balance found due in a/c current from W. W. Briggs Admr &c. to the Estate of Jas. H Freman deceased, was distributed as follows.

Balance due.			39 57
Paid for a/c of debts &c	5 00		
" Clerk for recording a/c	4 00		
" Julia Hargrave	63		
" Jas Sadler	56		
" R H Blythe	07		
" Jno W. Battle a/c	07		
" Jno W Battle Bond	45		
" P. J Holmes a/c	38		
" J. M. Bain a/c	07		
" W. H. Pretlow a/c	49		
" W Hellon & Sons. a/c	3 95		
" Ro. J Bailey. Bond	75		
" Ro. J. Bailey. Due bill	10		
" Ro. J. Bailey a/c	10		
" B. C. Dees. Bond	5 88		
amt carried over	22 50	39	57

Amount brot over			22	50	
To paid B. C. Drew a/c.			4	08	
" " J. A. Pulley a/c.			1	27	
" " Bain & Drew a/c			4	36	
" " Bain & Drew a/c			3	85	
" " L. F. Bain, Bond.			1	40	
" " M. D Butler, Bond			2	11	
			39	57	39 57

An a/c of debts & demands against the Estate of James W. Freeman, dec'd proved before me J. R. Selden, a Comm in Chancery, for the Circuit Court of Southampton County, Sept. 16th 1878.

Judgment in favor of A. B. Urquhart surviving obligor of himself & A. B. Urquhart, deceased			52	70	
Int: from Dec. 1. 1860. ~~17 Dec. 1877~~ to Jan 1. 1877			53	75	
Costs -			6	07	112 52

Judgment in favor J. D. & B. Pretlow Exors W. A. Summer.					
dec - deceased.			88	50	
paid Feby 27. 1859.			40	00	
			48	50	

Amt due Feb. 27. 59	48	50		
Interest on $48.50 fm Aug 1. 1859	50	44		
Costs	6	42	105	36
Note due S. B. Kella	28	00		
Int fm Jan. 27. 68.	14	70	42.	70
Bond due Juliette C. Freeman	185	00		
Int fm Jan. 1. 62.	166	50	351	50
A/c due F. Vick	14	10		
Int fm Oct. 1. 1868	7	00	21	10
Bond due Geo. W. Vick	50	38		
Int. fm Dec. 19. 1869.	21	25	71.	63
			704.	81

Interest on the ~~above debts~~ are computed up to Jan. 1. 1877, when the Admr paid out balance in his hands, fm sale of Chattel Estate, among the creditors who had proved their claims at that time.

Respectfully submitted
J. M. Sebrell
comr in chy

An account of all debts, demands &c, against the Estate of James. W. Tedeman, dec'd, distinguishing their priorities, dignities &c including those proved on the 1st Jan. 1877. and those proved Sept 16. 1878. with interest up to Jan. 1. 1877, on each

Judgment in favor	A B Urquhart &c		112 52
Judgment in favor	Summerell's Exors		105 36
Due bill in favor	Julia Hargrave Less 63¢		20 77
A/c due	Jas. Sadler Less .56¢		18 43
A/c due	R. H Blythe. Less .07¢		2 28
A/c due	Jno. W Brittle Less .07¢		2 22
Bond due	Jno W Brittle Less 45¢		14 20
A/c due	L. J. Holmes Less 38¢		12 42
A/c due	J. M Bain Less .07¢ =		2 33
A/c due	Wm H Britton Less 49¢		15 79
A/c due	Wm H Morris & Son Less $3.95		128 58
Bond due	Robt J Bailey Less 75¢		25 23
Due bill due	Robt J Bailey Less 10¢		3 39
A/c due	Robt J Bailey Less 10¢		3 45
Bond due	Ben C Drew Less $5.88		194 52
A/c due	Ben C Drew Less $4.08		132 64
A/c due	J H Pulley Less $1.27		41 33
A/c due	Baine & Drew Wakefield Less 4.35		142 75
A/c due	Baine & Drew Door Less 3.85		125 93

amts carried over

Butler
& Comm. Sibells Report
Freemans admor &c

Butler
vs
& Comrs Report
Freemans Admor &c

1878 October 31st

Amts brot over

Bond due	L. F. Bains, Exrs of 1st	35 78
"	" M. D. Butler, Exrs of 2d	68 85
Note	due Dr. S. B. Kello.	42 70
Bond	due Juliette C. Truman	351 50
A/c	due Frank Vick	21 10
Bond	due Geo. W. Vick	71 63
	Total	$ 1695 70

Respectfully submitted
J. M. Sebrell
Comr in Chancery

An account of the Absolute and Annual value of the Real Estate of which James W. Truman died seized and possessed.

	Annual value	Absolute value
411 acres of Land in Berlin Iron Distrct, on Sea Cock Swamp	125 00	123 00

Respectfully submitted
J. M. Sebrell
Comr in Chancery

Commissioner's Office
Jerusalem Sept. 16. 1878

To the Circuit Court of
Southampton County:

Pursuant to a Decree of the Circuit Court of Southampton County rendered at the May Term 1878, in a suit in Chancery depending in said Court between Milton D Butler who sues for the benefit of himself and all other Creditors of James W. Freeman deceased, Plaintiffs and Wm W Briggs, Shff & c Admr of Jas. W. Freeman dec'd, Julia W. Freeman (widow) & Charles, William and James Freeman (Infants) by &c. Defendants - the undersigned one of the Commissioners of the said Court to whom was referred for settlement by said Decree, the account of W W Briggs' transactions as Admr of James W. Freeman dec'd, also an a/c of all debts and demands against the Estate of said Freeman, and an account of the fee simple and annual value of the real Estate of which said Freeman died seized and possessed, &c, reports to the Court that on the 16th day of June 1878 he issued notices against the

several parties aforesaid, requiring them to attend the settlement of said accounts, before him at his said Office on the 16th day of September 1878. which were returned to your Commissioner duly executed. That the parties aforesaid appeared before your Commissioner in obedience to said notice, and he thereupon examined the vouchers, stated, and settled the foregoing account of the said Wm W. Briggs' administration of the Estate of the said Jas W. Freeman, decd, up to the 1st day of Jan. 1877, and finds that the said Admr had apportioned a balance of $3q^{57}$ due Estate, after costs of Administration & funeral expenses were deducted, among the Creditors who had proved their claims up to that date and had paid out the same — as will more fully appear in above a/c — Your Commissioner also on the said 16th June last, advertised for an a/c of debts and demands against said Estate, and posted a notice of the time of taking proofs of such debts at the front door of the Court house of said County on the first day of two successive terms of the County Court — to wit at the July and August terms last, that the several Creditors of said Estate

Transactions of the Admr of J.W. Freeman decd

Whose names are mentioned in the foregoing accounts, appeared before the Commissioner at his Office, upon the day specified in the notices, and exhibited and proved to the satisfaction of your Commissioner, their several debts and demands against said deceased or his Estate upon which the Com'r has computed the interest up to the 1st day of Jan. 1877. the date of the first proof of debts and distribution of balance in the hands of the Adm'r. He finds the aggregate amount of all debts and demands against said Estate to be $1695.70 (Total debts)

inclusive of interest up to Jan. 1. 1877.

From the sworn evidence of parties residing in the locality, and from the assessment on the Land Book, your Commissioner reports the absolute value of the real Est to be $1233.00 (Absolute value) and the annual value $125.00 (Annual value)

After the foregoing accounts were prepared, your Com'r was requested by the widow of said J.W. Freeman dec'd to hold up the said acc in order that she might lay before

Amts brot over	
Bond due L. F. Bains, Less $1.00	35 78
" " M. D. Butler, Less $2.00	68 85
Note due Dr. S. B. Kello.	42 70
Bond due Juliette C Freeman	351 50
A/c due Frank Vick	21 10
Bond due Geo. W Vick	7 63
Total	$ 169 70

Respectfully submitted
J. M. Sebrell
Comr in Chancery

An account of the Absolute and Annual value of the Real Estate of which James W. Freeman died seized and possessed

	Annual value	Absolute value
411 acres of Land in Berlin Iron Distrikt, on Sea Cock Swamp	125 00	1233 00

Respectfully submitted
J. M. Sebrell
Comr in Chancery

him for proof, another Claim against said Estate, which had been misplaced or was held by a party residing at some distance from this County, and the parties to the said Consenting your Commissioner acceded to this request but the said Claim has not been produced, and your Commissioner is constrained by the close proximity of the term of the Circuit Court to close the acts, without having received said Claim.

This agreement of the parties explains the cause of your Commissioners delay in returning ~~his report~~.

All of which is respectfully submitted,

J. M. Sebrell
Com'r in Chancery

Fee for this ...
Reports. acts ...
Notices &c $25.00 ...
Chg'd to M. D. Butler ...
Plaintiff ...

~~48~~ ~~58~~ 49

Butter

v Stat. Rules

Niemans adv

1878 Nov

Kalk	ℳ 9.87
Sh.	4.00
Leon Schrill	25.00
Lau [illegible]	16.50
	ℳ 55,37

In Southampton Circuit Court

Milton D Butler who sues for the benefit of himself and all other Creditors of Jas W Freeman dec'd

against

Wm W Briggs Sheriff & admr: of Jas W Freeman dec'd Julia W Freeman widow & Charles, William and James Freeman.

1878 March 20 Sum: Chy. issued

" April 8 Sum: ret'd Executed on adult Defts. Bill filed. LR Edward assigned Gdn ad Litem Defts. Answer of Infants Genl Rep: Decree Nisi v: adult Defts.

" May " Bill taken for Confessed as to adult Dfts: & Cause set for hearg.

" " 7 Decree for accounts &c

Oct 31st Report 15

" Nov 7 Decree for Sale &c

1879 May . Rept. & decree &c

Butler for H.
vs
Freemans Adm.

Distribution of
funds & Recpts

"

1880. May 1.

m 9
9

An Account distributing funds belonging to James H. Freemans Est. now in the hands of Jos B Prince among his Creditors as follows –

1879						
July	By amo in hand				58	00
	To Commissions fee for this a/c		3	00		
	" bal to be distributed		55	00		
			58	00	58	00
	By Bal brot down to be distributed				55	00
	Debts as mentioned		amt Debt		Appd	
	Julia Hargrave		20	77		77
✓	Jas Sadler		18	43	✓	68
	R A. Blythe		2	28		08
✓	John H. Brittle	(2 debts (60))	16	42	✓	60
	P. J Holmes		12	42		45
✓	J. N. Bain		2	33	✓	08
	H A. Pretlow		15	79		57
✓	H. A Morris & son		128	58	✓	4 78
	Robt J Bailey	(3 debts)	32	07		1 17
✓	B. C. Drew	2 debts	327	16	✓	12 17
	J A. Pully		41	33		1 52
✓	Bain & Drew (Wakefield)		142	95	✓	5 30
✓	Bain & Drew (Jno)		125	93	✓	4 75
✓	L H. Bain		35	78	✓	1 33
✓	M. D. Butler		68	85		2 59
	Dr S B Kello		42	70		1 56
	Juliette C Freeman		351	50		13 10
	Frank Vicks		21	10		80
✓	Geo W. Vicks		71	63		2 68 ✓
			1477	82	54	98

pay 3¾ many)

Rec'd of Joseph B. Brinck. Commissioner &c of James H. Freeman dec'd. the amt ~~in full~~ due me. as per decree rendered, in full this 21 day of July 1879

John W. Boville
M. D. Burton
G. W. Viets
J. B. Brinck atty for
Julia Hargrave
R. H. Blythe
P. J. Holmes
W. H. Burton
Robt J. Bailey
J. H. Pulley
S. B. Kello
J. C. Freeman
Frank Vicha

Rec'd Oct 20th 1879 of J. B. Price
Com'r in Butler for Pa. on Freeman's
Adm'r & others four 78/100 dollars
same being our pro rata of
funds distributed by Com'r Price.
W. H. Morris & Sons

Rec'd May 17. 1879
of W Prince Comr
Sixty Eight cents
in full of this order
E. C. H. Davis

Mr Prince

Mr Sir please send the
amt due me by Bro Davis and
oblige
Yours Truly 1880 Jas Stadler

Received July 15. 1879 of J. B. Price Commissioner in Chancery suit Butler for &c. vs Freeman &c. Twenty five 15/100 dollars - Same being in full of amounts due J. N. Bain. B. C. Dees. Bain & Dees (Wakefield) Bain & Dees (Dover) & L. F. Bain - from distribution in said suit -.

L. F. Bain

Butler for Pr.
vs
Truman Adams

Report of Comm
Pruen

1880 May 1.

Butler for &c.
vs
Freeman Admr.

Report of Comr Price.

In this cause your Comr respectfully submit the following report. That pursuant to decree entered in this cause at the May Term 1879. he has withdrawn & collected the bonds of L. F. Bacon & B. C. Dieu.

Three bonds & Int. $328.05

To pd Judgmt. a. Blackhart. 120.42
" " J.D. & H.B Burton - 112.13
" " costs. 37.50 270.05

Amt for distribution ratably - $58.00

My acct will show how this balance has been distributed. The two judgments paid by me were rendered in the lifetime of J.W. Freeman & hence had to be paid in full. Statement X will show the calculations. I have made a deed for the land to Julia A. Freeman, at the request of the purchaser, which paper is filed as part of this report marked B. There is nothing further to be done in this cause. all of which is respectfully submitted.

To Judge Circuit Court.
Southampton
July 15. 1879.

J. W. Price
Comr.

Wakefield May 26th 79

Mr Poinca

Dear Sir

I send you two hundred Dollars, which with what may be mine & Capt Drew proportion I think will be about the amt of those note, You will please make the deed to Julius A. Freeman & send it to me, please let me know how we will stand, You will please say to Mr Debnell, that J. N. Bain says his apt No J W Freeman was about $18,00 or $20,00 also say to him that it seame to me that mine & the Dist up to the time is more than he have it, but this he can see for him self Your attention to the above & you will much oblige

Yours Truly

A. H. Bain

Judgmt. A.B. Leyenhaar &c.		112.52
Int on 52.70 from Jany 1. 77 to July 1. 79		7.90
		$120.42

Judgmt D.D. & L.B. Proctor - $105.36		
Int on $48.50 from Jany 1. 77 to July 1. 79	6.77	112.13
		232.55

Costs to be paid

atty's fee	$25.00	
Clk.	5.00	
Printer.	2.50	
Deed.	5.00	37.50
		270.05

Edwards

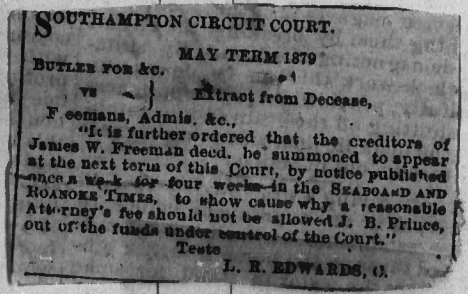
Butler for Pl.
vs
Nolee
Freeman et al Defts

1879 Aug 19th

Littleton R Edwards C & C.

1879. To Times Office Dr

Jus 22.	For Adv Court notice Franklin vs. Butler for &c vs Freeman, Admr.	2 00	4 00
Aug 19/79.	Rec/pt Theo N Ramsay		



SOUTHAMPTON CIRCUIT COURT.

MAY TERM 1879

BUTLER FOR &c. }
vs } Extract from Decease,
Freemans, Admis. &c.,

"It is further ordered that the creditors of James W. Freeman decd. be summoned to appear at the next term of this Court, by notice published once a week for four weeks in the SEABOARD AND ROANOKE TIMES, to show cause why a reasonable Attorney's fee should not be allowed J. B. Prince, out of the funds under control of the Court."

Teste

L. R. EDWARDS, C.

I certify that the annexed notice was published 4 weeks in succession

Theo N Ramsay

Butler for Pl.
vs
Freeman et al. Def.ts

Report of Comr
J. B. Prince

May 5. 1879

Recvd July 9. 1879 of Clerk Circt Court, the three bonds of L. H. Bain & B. C. Drew, each for one hundred & six 67/100 dollars.

J. B. Prince
Comr

Butler
vs
Freemans Admr &c.

Report of Comr J.B. Purdie.

In this cause the following report is respectfully submitted. That pursuant to decree of Nov: Term 1878, I have sold the real estate in the proceedings mentioned - and at the sale L.F. Bain became the purchaser - by bidding therefor the sum of $400. The sale included the land not subject to dower & the reversion in the dower. I regard the sale as a good one and recommend its confirmation. The purchase paid in cash - $80.

Charges.

To Commissions	$17.00		
pd Auctioneer	5.00	paid. Eli	$2.00
" Hand Bills	2.50		
" Costs of Suit	55.37		79.87
Bal in hands of Comr.			.13c

I have taken from the purchaser three bonds for the balance of the purchase money, due in 1. 2. & 3 years which are herewith returned. all of which is respectfully submitted.

Jany 29. 1879.

J.B. Purdie
Comr.

To Judge of the Circuit Ct. of Southampton.

To The Hon. Judge
Of The Circuit Court.
Southampton Co
Virginia

We the undersigned being well acquainted with the Lands belonging to the late James A Freeman: and Sold by a decree of the Circuit Court of Southampton County. Hereby give it as our opinions that the said land under the circumstances sold for its full value.

Robt. J. Bailey
James L. Bailey
James H. Bailey
William A Bailey
James F. Bayklin
Thomas E. Brittle
V. E. White
E. N. Bailey
George W. Jay
A. W. Atkinson
R W Tynol
H C Atkison
B F. Williams
R Williams

Southampton Circuit Court: 2nd January 1879
This Bond was acknowledged by J.B. Prince
& J.H. Prince by his attorney in fact the
obligors therein and admitted to record

A. R. Edwards Clk

Butler
vs
Com Bond
Trenwith & Co

Recorded
Page 62

Know all Men by these Presents, That we Joseph B. Prince and Joseph A. Prince

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Fifteen Hundred Dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our Homestead Exemption as to this obligation.

Sealed with our seals, and dated this 2 day of Jany A. D. 1879

The condition of the above obligation is such, that if the above bound Joseph B Prince who was appointed by a decree of the Circuit Court of Southampton County rendered on the 7th day of November 1878 in the Chancery suit in said Court depending wherein Milton D Butler who sues &c is Plaintiff and W. W. Briggs Sheriff & adm'r of Jas. W. Freeman (& others) Defendants, Commissioner for certain purposes in said decree mentioned, Now if the said

shall faithfully discharge the duties of said office or trust according and under said decree and any further decree in the said Cause to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered in presence of ~~the Court~~.

J B. Prince [SEAL.]

J. A Prince By [SEAL.]

W. W Briggs his atty in fact [SEAL.]

[SEAL.]

Butler

vs ⅓ Decree.

Freeman Admr &c.

This day this cause came on to be further heard on the Bill of the Complainants taken for confessed as to the said defendant, the answer of the infant defendants by L.R. Edwards their Guardian ad litem, with general replication thereto, Exhibits filed and were argued by Counsel. On Consideration whereof, the Court doth adjudge order & decree that a Comr of this Court take the following accounts towit. An account of the transactions of one Bugg, an Admr of James Freeman died, taking any accts heretofore returned as prima facie Correct, liable to be surcharged & falsified. An account of the Complainants demand and all other outstanding debts against the estate of James Freeman. distinguishing their priorities. An account of the absolute and annual Value of the real estate of which the said Freeman died seized. all of which accounts the Comr will audit & report to Court, together with

any other matter specially stated deemed pertinent by himself, or so required to be stated by any interested party.

Butler
et al
Trustees
Assignment &c.

May Term 1878
To be Endorsed.
Geo. Tibbals.

enter into bond in the penalty of $1500, 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 Commrs will report their proceedings to Court.

Butler
vs
Jones.
American Advocate.

Nov Term 1878
To be Sealed.

Geo Bloss.

Butler
vs
Decree.
Freeman Admr &c.

This day this cause came on to be further heard on the papers formerly read, the report of Comr Sebrell filed Oct 31. 1878, to which no exceptions have been filed and was argued by Counsel. On consideration whereof, the said report is hereby confirmed. And it appearing to the Court from said report, that the rents & profits of the real Estate of which James Freeman died seized will not pay his debts in five years, the Court doth adjudge order and decree that J B Pinner & J Sebrell be & they are hereby appointed Commissioners to sell the said land. That they sell the same subject to the dower interest of the widow of the said Freeman together with the reversion in the same, after twenty days public notice of time & place of sale, upon the following terms to wit: One fifth Cash. the balance on a credit of one, two & three years, Equal annual instalments, the purchaser to give bonds with approved security carrying interest from day of sale, and the title to be retained for the deferred payments. But this order is to be suspended, until the said Commissioners or one of them shall

Butler &c
vs
Freeman's Adm'r &c

Decree

This day this cause came on again to be heard on the papers formerly read, and the report of Com'r J. B. Prince, reporting sale of land in the proceedings mentioned and was argued by counsel, on consideration whereof no exceptions being filed to said report the Court doth adjudge, order and decree that the said report be confirmed and the sale therein reported be held firm & binding between the parties

The Court doth further decree that the said Prince Com'r. draw from the papers in this cause the bonds of L. T. Bain and B. F. Dew after receipting therefor to the Clerk, collect the same as they become due, and pay same to the creditors according to their priorities, and it is further ordered that the creditors in this cause be summoned to appear at the next term of this Court, by notice published once a week for four weeks, in the Sea board & Roanoke Times, to show cause

why a reasonable Attorney's fee, should not be allowed J. B. Prince out of the funds under control of the Court & the said Prince shall make report to Court —

And the said Comm is authorized to accept payment of bonds before they come due & execute Deed to purchaser for said Real Est:

Butler for Pet
vs
Freeman's Admrs

May Term 1879

To be entered

Jus. Reed.

Southampton Circuit Court: Nov: Term: 1878

Butler Pltff

vs 33 Decree

Freeman's Admr &c Dfdt

This day this cause came on to be further heard on the papers formerly read, the report of Comr Sebrell filed Oct: 31st 1878 to which no exceptions have been filed and was argued by counsel. On consideration whereof the said report is hereby confirmed. and it appearing to the court from said report that the rents & profits of the real Estate of which James Freeman died siezed will not pay his debts in five years. the court doth adjudge & order & decree that J.B Pinner & J.N Sebrell be & they are hereby appointed commissioners to sell the said land. That they sell the same subject to the dower interest of the widow of the said Freeman. together with the reversion in the same, after twenty days public notice of time & place of sale, upon the following terms to wit: one fifth cash - the balance on a credit of one, two & three years. Equal annual instalments the purchaser to give bond with approved security carrying interest from day of sale and the title to be retained for the deferred payments. But this order is to be suspended until the said Commissioners or one of them shall enter into bond in the penalty of $1500. with security to be approved by the Clerk of this Court. conditioned to

faithfully execute this and any further duties in this cause, And the said Commrs will report this proceedings to Court

A. Copy:
Teste:

Clks Costs $9.87 paid L.R.C. R. Edwards clerk
Stffs " 4.00 pd W.W.B
paid Com Sclrck 2.50 J.M.Schell
Law: pd 2.25 16.50 $55.37

Butler Decree
vs
Freeman, Adms &c

(Copy)

Butler
vs. Deere.
Freeman

Nov. Term 1864.

To be entered—

Geo Beck

Entered

82

Burke
vs. } Decree.
Freeman

This day this cause came on to be heard upon the papers formerly read; the report of Comr. J. B. Prince showing disbursement of funds & filed May 1/80, to which report there are no exceptions and was argued by Counsel -

On consideration whereof, the Court, confirming the said report, and nothing further remaining to be done in this cause, doth adjudge, order and decree that the ~~same~~ be removed from the docket -