

1893 - 87

Southampton County Chancery Young, J. L. H. assignee vs Kella, S. B, Jr. same

"Creditors Suit"
To sell property
to pay debts"

Young, R. E

Kella, S. B. Jr is
Est.

129
Young, assignee &c.,
m. $\frac{3}{4}$ Bill &c.
Kills &c

Primer & Seville,
p. 4.

To the Hon. Geo. Hill, Judge of the District
Court of Southampton - In Chancery -

Humbly complaining sheweth unto
your Honor, your complainant J. L. H.
Young, assignee of R. E. Young, who
sues for himself and all other
creditors of S. B. Kells Jr., dead,
who will come in & bear their part
of the costs of this suit. That during
the year 1884, S. B. Kells Jr. departed
this life intestate, leaving his father,
S. B. Kells Sr., as his sole heir-at-
law and distributee; that at the
time of his death the said S. B.
Kells Jr. was seized & possessed of
some personal estate and a tract
of land lying in said County, and
containing 300 acres more or less;
that ^{at} a County Court held in and for
said County on the day of
188 , S. B. Kells Sr. qualified as
admin. of said S. B. Kells Jr., a copy of
his qualification being herewith filed
as an Exhibit, marked "A" & prayed
to be read as a part of this bill;
that the said S. B. Kells Sr., admin., by virtue
of his office, has possessed himself
of all the personal estate; that, at

the time of his death, the said S.B. Kells Jr., was indebted to your Complainant for \$74.⁰⁰, by note dated May 1st 1884, as will more fully appear from the said note herewith filed as an Exhibit, marked "B" & prays to be read as a part of this bill. That your Complainant is advised that the only way he can collect his debt is to have a full settlement of the estate, and subject the land, if necessary, to the payment of the debts of the deceased; that the rents & profits of said land will not in five years pay the debts - In consideration whereof, & inasmuch as your Complainant is without remedy save in a Court of Equity where matters of this sort are properly cognizable, to the end, therefore, that justice may be done, he prays that S.B. Kells Sr., in his own right and as admr. of S.B. Kells Jr. decd., be made a party defendant to this bill & compelled to answer its allegations; that all necessary & proper accounts be ordered, and, if it should appear necessary, that the lands of S.B. Kells Jr. be sold & the proceeds applied to the payment of his debts;

that your complainant's debt be
paid to him, and that your Honor
will grant such other further
general & special relief as in the
premises is just & right -

And your Complainant will ever pray &c.

May it please the Court &c.

Prince & Sobell p.q.

14
San. Pa, May 1st 1884

Twelve months after date I promise to pay
R. E. Young, the sum of Twenty four dollars
for Rent for Mr. Beels' house lot in San. Pa. for
twelve months. From 1st of May 1884. to 1st of May
1885. Waiving Homestead and other exemptions as to this
debt.

D. B. Beels, Jr.

\$74.00

Young Cobb

Sum

Kello's Adm'r.

1887. Oct: Rules

Cir: Ct:

Executed by delivering a copy
of this summons to the wife
of St Kello & and explain
the time & manner of his presence only
ing to the purpose to her the
said St Kello & not being
found at his place of
residence Sept 22nd 1887
J. F. Cobb Supr for

J. Williams Shff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *S. B. Kells Sr. in his own right*
and as Administrator of S. B. Kells Jr. dec'd. -

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 *him* in our said Court by *J. L. H. Young, Assignee*
of R. E. Young, who sues for himself and such other
creditors of S. B. Kells Jr. dec'd, as shall come in and
contribute to the costs of this suit

And this *he* shall in no wise omit; and have then there this writ.

Witness, *B. F. M. Lemmon*
J. B. Parson, Clerk of our said Court, this *17th* day of *Sept*
188*7*, in the *112th* year of the Commonwealth.

Desto: B. F. M. Lemmon C. C.

Southampton County Court July Term 1884

On the motion of J. B. Kello Sr. who made oath according to law, and together with K. M. Urquhart as his security - who justified on oath as to his sufficiency, entered into and acknowledges a bond in the penalty of Fifteen hundred dollars, conditioned as the law directs. which bond is ordered to be recorded. Certificate is granted the said J. B. Kello Sr. for obtaining letters of administration on the Estate of J. B. Kello Jr. in due form.

Attest

Teste B. F. McLenore J.C.

¹²⁹
Young. Apigneo

3
2 Stat. Rules

Kello &c

2
D.L.A. Young, Assignee of R.E. Young.
who sues for himself and such other
creditors of S.B. Kells jr. - dec? as shall
come in and contribute to the costs of this suit. *Plffs*
14

S.B. Kells Sr. in his own right and
as Admin of S.B. Kells jr. - dec? - *Defts.*

1887. Sept 17. Process if? to Oct: Rules

" Oct: Rules - Process ret? Executed - Bill & Ex
filed. Dever nisi to Defk

" Nov: Rules: Bill taken for confessed &
Cause set for hearing

Southampton Circuit Court May Term 1888

Young, assignee &c,
vs,
Kello's admr. } Decree

This day this cause came on to be heard upon complainant's bill, taken for confessed, and exhibits therewith filed and was argued by counsel on consideration whereof the court took adjournment and decree that it be referred to one of the commissioners of this court to ascertain & report to this court

- 1st An account of the transactions of S. B. Kello Sr. as administrator of S. B. Kello Jr deceased
- 2nd An account of the outstanding debts against the Estate of said S. B. Kello Jr with their priorities & dignities.
- 3rd An account of the annual & absolute value of the Real Estate of which said S. B. Kello Jr died seized & possessed & whether or not in his opinion

the rents & profits thereof
will in five years pay the
outstanding debts proved
against the said estate all
which the Commissioner is
directed to report together
with any matters specially
stated ~~and~~ deemed pertinent
by himself or which he may
be required to so state by
any interested party.

A copy. Reto: B. A. M. Leonard &c.

Young, Apigner
3
3 Copy of memo-
3
Kellogg's Admin

Young, assignee to

Mr. $\frac{3}{2}$ Decm. 95

Keller's Adm's.

Nov. term 1887

To be entered

C. White

Entered, 277

Price & Subcell
p. 9.

Young, assignee &c.
vs. } Decree
Kello's Adm'r.

This day this cause came on to be heard upon complainant's bill, taken for confessed, and exhibits therewith filed and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to ascertain & report to this Court
1st An account of the ^{transactions} ~~Administration~~ of
S. B. Kello Sr. as Administrator of S. B.

Kello Jr., deceased.

2nd An account of the outstanding
debts against the Estate of said
S. B. Kello Jr., with their priorities & equities.

3rd An account of the annual & absolute
value of the Real Estate of which said S. B.
Kello Jr., did seize & possessed & whether
or not in his opinion the rents &
profits thereof will in five years
pay the outstanding debts proved against
the said Estate — All which the

Commissioner is directed to report together
with any matters specially stated deemed
pertinent by himself or which he may be
required to so state by any interested party.