

1909-87

Southampton County Chancery

Prillair, Thomas L. vs Britt, Maria's Est.
et al

"Creditor's Suit"

Real Estate to be sold
for payment of debts

Jurors, Edwin

Sykes, Virginia

Sykes, John

Harrison, Rosa E.

Britt, Benjamin F.

Follow for the
Bills

as 3
3

Extinct

Turn 15 ab

1894 2nd Aug Rules filed
D. M. K. Co.

To the Honorable C. W. Blair Judge of
The Circuit Court of Southampton County
in chancery sitting

Humbly complaining your Orator
Thomas S. Pillow who acts for himself
and all other-creditors of Maria Baile
she who will come in and bear their
share of the cost of this suit she with
into your Honor that on the 2nd
day of Oct. in 1893 Maria Baile was
before marriage was Maria Turner
depa. to this life leaving considerable
estate real and personal and leaving
her husband John R. Baile and Edwin
Turner as brother Virginia a sister
Marianne to John Sykes and Rose
E. Harmon a niece daughter of Francis
Harmon a sister in infant of her
grand and Benjamin F. Baile and
infant son of Caroline R. Baile a
sister her twin at law and that
simultaneous since her estate was com-
mitted to the hands of J. W. Williams
Shrout of Southampton for adminis-
tration as will more fully appear by
the order of the Court herewith filed
marked exhibit A and prayed to be taken
as a part of this bill Your Orator

sheweth further unto your Honor that
Maria Britt who was ^{former} before marriage
was induced to sign by a bond for some
p^{ys} on April 2nd 1888 - executed by her to him
before her marriage and signed by her
maiden name Maria Turner all of which
will more fully appear by the said bond
herewith filed marked B and prayed to be
taken as a part of this bill.

Your Orator sheweth further unto your
Honor that Maria Britt has no personal
estate that she knows of and she has
filed this bill in chancery against
her personal representative and all
her heirs at law to subject her real
estate lying in this county to ^{her} ~~her~~ ^{claim} ~~claim~~
He states that she has a tract containing
50 acres and an undivided fourth
interest in another tract of land
containing 150 acres.

In Tender consideration of her age and
infirmities as your Orator is without
adequate relief at law and only entitled
to free relief in a court of equity where
such matters are peculiarly cognizable
he prays that Edwin Turner
and Virginia Sykes and her husband
John Sykes and the two infants, Rosa

A. J. W. Williams Adm^r of Maria B. Britt
John R. Britt

E. Garrison and Benjamin F. Britt
by some fit and proper persons. This
guardian ad litem appointed for that
purpose may be made parties defendant
to this bill and that the court would
compel them as free and perfect owners
under obligation therein contained as if
they had been themselves more fully and
specifically interrogated that the court would
order all proper accounts to be taken
and if it should appear from the said
reports that the said Maria Britt
did not have enough personal estate
to pay her debts then that her lands
may be ordered out to pay them if the
rents will pay the debts in five years
if not sold for that purpose and
that the court would grant such other
and general orders the provisions considered
as equity may dictate and the nature of
this case may require and as in duty
bound Your Obedt. will ever pray be
Shant to her p. 5.

Maria Inner

Note

\$ 40.27
Rd 14 8-2

Paid \$28.00 54.79

Int 21-2 23.52

Paid 23.52 \$31.27

Mar 1899, bal due

Aug 13-1899

To cash paid to
J. J. Butler \$10

B

Mich 8/95

bal due \$28.69



Jerusalem, Va. *Apr. 1st*

1885-

One day after date, with interest at the rate of *5* per cent. *I*

promise to pay to the order of **T. J. PRETLOW**, the sum of
Forty - - - - - Dollars,

and *Twenty* - ~~seven~~ cents, for value received without offset. The Maker
and Endorser each hereby waive the benefit of the Homestead Exemption as to the
debt evidenced by this note.

Witness my hand and seal this *1st* day of *April* 1885-

Maria Turner

[SEAL.]

[SEAL.]

[SEAL.]

Southampton Circuit Court, Nov. Term 1894.
Petition for
Or^r } Decree.
Turner et al

This day this cause came on to be heard on the plaintiff's bill taken as for confessed as to the adult defendants in this cause and on the answers of the infant defendants Rosa E. Harrison and Benjamin F. Britt by W. J. Sebrall their Guardian ad litem this day filed by leave of Court and general replication thereto and on the exhibits filed with said bill and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court proceed to take the following accounts.

1st. An account of J. W. Williams' transactions as administrator of Maria Britt dec'd.

2nd. An account of the actual and annual value of the real estate whereof the said Maria Britt died seized and possessed.

3rd. An account of all debts outstanding against the said estate, stating their dignities and priorities

and report the said accounts together
with any matters specially stated
deemed pertinent by himself or which
he may be required so to state by
any of the parties interested, And
by consent of adult parties to this
suit given in open court by their
counsel the court consenting for
the infant defendants ordered that
this cause may be further heard in
vacation.

A Copy

Teste: T. W. Howard. S. C.

Britton for etc

or } Devere

Turner et al

A Copy

736.26

Fuller, for \$
Notice

Britt's Adm & als.

1895 Febr 28.

Executed Feb 27th
1895 by delivering
a copy of this Notice
to each of the within
named parties

J. M. Williams
Sheriff.

Commissioner's Office,

Jerusalem, Pa., Feb 15th 1885

To J. H. Williams, Sheriff & Adm^r of Maria Pitt, dec^d.
John K. Pitt, Virginia Sykes & John Sykes her husband,
Edwin Turner. By Rosa E. Harrison & B. F. Pitt. last
two infants by W. J. Sebrult their Adm^r ad litem.

You are hereby notified that I have fixed upon the ~~Feb 16~~ 16 day of ~~February~~ March
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office,
the following accounts, to wit:

An account of the transactions of J. H. Williams.
Adm^r of Maria Pitt, dec^d.

An account of the actual and annual value of
the real estate wherof Maria Pitt dies seized.

An account of debts against the estate of said decedent.
their dignities and priorities.

required to be taken by a decree of Southampton Circuit Court, rendered at the November
term, 1884, 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 said Court, the day and year first
aforesaid.

B. F. McLeane

Commissioner.

To the Sheriff of Southampton County to execute.

COMMISSIONER'S OFFICE,

Courtland St
JERUSALEM,

Jan'y 21 1895

To the Creditors of the Estate of
Maria Britt.
deceased, and all others concerned.

You are hereby notified, that at the request of *pursuant to a decree of the Circuit Court of Southampton County - entered at Nov: Term 1894*
~~Administrator of the estate of the said~~ *deceased,*
I have appointed the *23* day of *February* next, at my Office, for receiving proof of 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 a Commissioner of the County Court of Southampton County, the day and year first aforesaid.

B. F. McLennan Commissioner.

Thellow
v. ^{James} Report.

Britt's Admr + als:

1895 Mch 14 filed
J.M.B. G.L.

An Account of the debts outstanding against the estate of Maria Britt, their dignities and priorities - stated by B. F. McLemore, Comr in Chancery of the Circuit Court for Southampton County, in obedience to a decree of said Court, entered at the November Term 1894 in the case of Pettow vs Britt et al. - March 11th 1895

First Class

1st Fee bill due Clerk of County Ct. 2.36

it the leaf.

1. Amount due Dr J. J. Pettow	31.27	
Int. from Mich 1/91 to Augt. 13/94	6.42	
By Cash	37.69	
	10.00	
	27.69	
Int. from Augt 13/94 to Mich 13/95	.97	
Balance due	28.66	28.66
To error in interest	.69	.69
	29.35	29.35
2 nd Am Acct due Dr J. Emmett Sebrult	31.00	
Int. from June 1/93 to Mich 1/95	3.38	34.38
3 rd Am Acct due Dr J. F. Bryant	10.00	
Int. from Jan'y 1/94 to March 1/95	.75	10.75
Total -		\$ 76.10

Respectfully Submitted.

B. F. McLemore

An Account of the Annual and fee-simple value of the
real Estate whereof Maria Britt died seized and possessed,
reported by B. F. McLemore, Comr in Chancery. March 11th 1895.

A tract of land, containing $81\frac{1}{4}$ Acres

the fee simple value of which is \$ 3000.00

Annual value

\$ 40.00

Respectfully Submitted.

B. F. McLemore

Comr in Chancery.

Commissioner's Office.
Courtland, Va.

March 11th 1895.

To the Circuit Court of Southampton County.

Pursuant to a decree of the Circuit Court for the County aforesaid, entered at the November Term 1894, in the Chancery suit of Feltow v Britt's Admin^r & al^s: the undersigned, one of the Commissioners of said Court, to whom the aforesaid decree has been referred, reports to Court: That on the 15th day of February 1895, he issued Notice against the parties to the above described cause, requiring them to appear before him, at his Office, in Courtland, on the 11th day of March 1895, to attend the taking of the accounts directed by the aforesaid decree. At the same time he posted Notice at the front door of the Court-house, requiring all parties holding claims against the estate of the ^{said} Maria Britt, to present the same to him, on or before the 23rd day of Febr^y 1895. That the Notice above mentioned, was duly executed, and is herewith filed, and the parties having appeared in obedience thereto. Your Commissioner proceeded to enquire into, take and state the following accounts:

- 1st An account of the transactions of J. W. Williams Shff^r & Admin^r of Maria Britt, dec^d.
- 2nd An account of the fee simple and annual value of the real estate whereof Maria Britt died seized.
- 3rd An account of the debts outstanding against the estate of the said Maria Britt, dec^d. Their dignities and priorities; And thereupon submit the following report:

1st That J. N. Williams, Sheriff and Administrator of Maria Britt, dec^d. has neither received or disbursed anything; nothing having come into his hands.

2^d That Maria Britt, at the time of her death, was seized and possessed of a small tract of land. Containing $8\frac{1}{4}$ acres. Situated in what is known as the "Indian Woods" in Poylins District. the fee simple value of which is set down at \$300.⁰⁰, and the annual value at \$40.⁰⁰.

3^d The Commissioner has taken an account of the debts outstanding against the Estate of Maria Britt. and reports debts against the said Estate, amounting to \$76.⁰⁰ inclusive of interest. which he has arranged according to their dignities and priorities.

The accounts above referred to, together with the Notices of the time and place of taking the same, are herewith filed, to which the attention of the Court is directed.

The Commissioner, deeming it pertinent, reports specially: That the Annual value of the real Estate herein mentioned, was estimated by the parties interested, to wit, the sum of \$40.⁰⁰ but that said estimate is, in the opinion of the Commissioner, too high. that \$30.⁰⁰ would be a big rent for this land.

Respectfully Submitted,

B. F. McLeod.

Cour in Chancery

Com^r fee \$5.⁰⁰ 3
cl^k \$1.⁰⁰ 3

Pullout for +
vs. 3 Comms Report
Turner et al

filed March 29th 1887
L. A. Gay L. G.

Pullman for re
v.s. 33 Cross Report

In re ab.

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

Your Commissioner in
the above cause begs leave to state that in
pursuance of the decree of this Court he
rented the land in question for the
year 1896 to Joseph Dykes for the sum
of Fifty dollars. For the year 1897 he
has rented it to the same party Joseph
Dykes at the same price \$50.00.

March 29th 1897

Respectfully Submitted,
J. W. McKinnon
Clerk of Court

Prison for 12.

vs. } Statement of costs

Incurs at all.

Prothon for & C.

vs } Statement of costs

Tanner & al

Serv. 25, 6 copies 78. receipt 18. atty. 15. dock 18. = 1.49

Rule 50. entering return 35. fil. bill 15. Dr. Jan. 15. = 1.15

Statement Rule 50. fil. report of Comv. 15. answer 15. rep. 15. = .95

Made to 2 Decrees & copy \$1.44, Tax costs & copy 40, = 1.84

include acc. Four continuances \$1.00 filing papers 25 = 1.25

Costs to Moh. Future Costs about \$2.50 = 2.50

Term 1897 & Paid 4/2/98. L. A. Gay Clerk \$9.18

probable future Shff. 6.00

Costs, Law re. 6.50

\$21.68

George B. F. McLemore fee 5.00

Amount account attorney as per last decree 20.00

\$46.68

Test: L. A. Gay J. J.

Howard \$4.31

Gay 2.87

\$9.18

Southampton County Court: May Term 1894

On motion of Dr J. J. Pritlow, a creditor, it is ordered that the Estate of Maria Britt, wife of John St Britt, be committed to the hands of J. W. Williams, Sheriff of this County, to be by him Administered according to law.

A copy

Teste:

B. F. McLenore
C. C.

Bank will copy order making J. W.
Hillions address of Maria Bull died
& make same exhibit A

June 11th

Vol 3

Phillips for me

Account of the
defendants

The union of Benjamin F. Britt and
Rosa E. Harrison the two infant
dependants by W. J. Stone their guardian
ad litem appointed for that purpose as he
is attorney in the circuit court of
Southern Illinois as shown and shown

This defendant for answer to the said
Bill or as much thereof as he is advised
it is unadvisable for him to answer answering
says he knows nothing of the facts stated
in the plaintiffs bill but submits the
intents of his words to the care of this
court ~~and~~ further mention it is to protect
the rights of infants and having fully
assured juries hence to be dispensed with
his costs

Signed by

W. J. DeBrill

Quadrans ad literas

Porter for vs.

vs 3

Turner & als

Decree

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner B. F. McLenore made pursuant to a decree of this court entered at the November term 1854 and to which report no exceptions have been filed and was argued by counsel. On consideration whereof the court doth adjudge order and decree that the said report be confirmed and it appearing from the said report that the rents and profits of the tract of land whereof the said Maria Britt died seign. do and her heirs will pay all the debts reported in by them for years and also that the intestate left no personal estate the court doth further adjudge and decree that unless the defendants or some one of them pay the debts reported in the annexed report amounting to the sum of \$76.13^{cts} and interest and costs of this suit including a fee of twenty dollars to be paid to the plaintiffs attorney Wm W B Chas and some one or before the next term of this court then the Sheriff of Southampton county who is hereby

appointed special commissioners for that purpose shall take possession of the said tract of land and rent it out from year to year until the aforesaid debts and costs are paid and the said sheriff is hereby directed to report his proceedings from year to year ^{to the court} until the said debts and costs are paid

Return for me

to the Justice

Tanner is also

To be sent

We consent to this decree

W. J. Deane

att'y for J. S. Deane & Ed. Turner

Shall also be sent
for plaintiffs

Enter Mar. 23, 1895-

Robert J. Deane

Page 2

Follow for me
on 3 Duena
Kitt's adms to ob

Portlow for-12c

m 3

Decm

Turner 11 ch

This day this cause came on again to be heard on the papers formerly made and the report of J. W. Williams Sheriff and as such administrator of Maria Britt Dec^d made pursuant to a decree of this court entered at the March Term 1895- and to which report no exceptions have been filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that the said report be confirmed and that the said J. W. Williams after paying the costs of this suit out the money received from the sale for the year 1896 pay the balance of money in his hands pro rata among the creditors of Maria Britt who have proved their debts in the commission report files in this cause on the 14th of March 1895- and report his proceedings to court along with his receipts for a further order

Stowell &c

Dr" } Stat. Rules

Turner et al &c

2nd Aug Rules

✓

Thomas J. Brettow who
sued for himself and all
other creditors of Maria
Britt decd who will come
in and bear their share
of the costs of this suit.
R"

J. W. Williams Sheriff of
Cathampton and as such
Adm^r of Maria Britt
decd, John K. Britt
Virginia Sykes and John
Sykes her husband Edwin
Duermer and Rosa E. Harrison
+ Benjamin A. Britt the
last two infants by W. J.
Sebrell their Edm ad litem.

1894, Aug 14. Process filed to 2nd Aug Rules.
" 2 Aug Rules. Process to Executed Bill
+ & filed W. J. Sebrell appt Edm
ad litem, answer of Edm
ad litem filed gene exp. +
decree nisi.

1894 1st Sept Rules: Bill taken for confessed
as to Adult Defendants
+ Cause set for hearing.

Prillow for re
vs 3 Deane
Turner et als

This day This cause
came on to be heard on the plaintiff's bill
taken as for confessed as to the adult
defendants in this cause and on the
answers of the infant defendants Rosa
& Horison and Benjamin F. Brill by
W. J. Sebell This Guardian ad litem
this day filed by leave of court
and general replication thereto
and on the exhibits filed with
said bill and was argued by
counsel on consideration
whereof the court doth adjudge
order and decree that one of
the commissioners of this court
proceed to take the following ac-
counts

1st an account of J. H. Williams
transactions as administrator of
Monia Brill dec'd
2nd an account of the actual
and annual value of the
real estate whereof the said
Monia Brill died seized and
possessed.

3rd an account of all debts outstanding against the said estate. Stating their dignities and priorities and report the said accounts together with any matters specially stated deemed pertinent by himself or which he may be required so to state by any of the parties interested. and by consent of a due parties to this suit given in open court by their counsel the court consenting for the infant defendants ordered that this cause may be further heard in vacation

Prerogative - 1909 -

31st Dec 1909

Curran & Co

So he entered

4681 Nov 5 1894

AMC

Ent - 683

1104

Pretton

James } Sum
Britt et al

1894, 2 Aug Rules
Cir. let.

Executed August 18th
1894. By delivering
a copy of this Sum
to each of the within
named defendants.

R. J. Williams def
for Dr. Williams
Chff.

Shanterson L.V.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

J. W. Williams Sheriff of Southampton
and as such Admin of *Maria Britt decd John T. Britt*
Virginia Sykes & John Sykes her husband Edwin
Durmon & Asa E. Harrison & Benjamin T. Britt the
two last infants by W. F. Sebrall their guardian ad litem

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 *3rd* Monday in *August 1894* next, to answer a Bill in Chancery

exhibited against *them* in our said Court by *Thomas J. Pretlow* who

sues for himself and all other creditors
of Maria Britt decd who will answer
and bear their share of the costs of
this suit

And this *they* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *14th* day of

August, 189*4*, in the 11*9*th year of the Commonwealth.

TESTE:

T. M. Howard, C. C.