

1870-03

Southampton County "Chancery"

Stephenson, Murdock

vs

Juddins, James H.
Adm.

"
1. State a debt"

Catherine Lains Estate

~~112~~ ~~103~~ 97 90.

Stephenson

v. { Papers.

Judkins

Stephenson

Bill

Judkins

1868 March Rules

To the Hon. Richard H Baker Judge of the Circuit
Court for the County of Southampton

In Chancery

Humbly complaining sheweth unto your Honor
your Grace Mordaunt Stephenson that about the
year 1845 his maternal aunt Catharine Laine died
unmarried & without ^{intestate} leaving as her distributees
her brother Stephen Laine her sister Mary H Wellons
Emma who intermarried with Eli W Davis Sarah
who intermarried with Wm Branch Martha who intermar-
ried with James H Ludkins and your Grace the only
child of Lucy - a deceased sister of the said Catharine
who intermarried with Allen Stephenson your Grace
father - That at the time of the County Court of
Southampton in the year 1845 James H Ludkins
qualified as the administrator of the said Catharine
Laine and settled an ex parte account of his trans-
actions as administrator as aforesaid which was
returned to & confirmed at the May term 1846
of the said Court copies of which said account
and certificate of administration are herewith
filed marked (Pl 2 B3) and prayed to be taken as
parts of this bill - That your Grace has reason
to believe that the said account of the said James
H Ludkins is correct except in one particular
to wit, that the said account is credited with \$93.00
in November 1845 paid to Allen Stephenson the
father of your Grace as one of the distributees of
the said Catharine Laine when in fact the said
amount belonged to your Grace - That the said
James H Ludkins has now paid the said sum
of \$93.00 to your Grace & is now indebted to him
for that sum with interest In the premises
petitioner prays that all which and as much as your Grace is

without remedy in the premises except in a Court
of equity where matters of this kind are peculiarly
cognizable to the end therefore that justice may
be done he prays that the said Geo H Luttons may be
made Defendant to this bill & may answer the
allegations therein, that he may be directed to pay
to your orator the said sum of \$95.00 with interest
thereon from Dec. 1st 1848, that all accounts
necessary & proper may be directed to be taken
and that your Honor will grant such other relief
which in the premises as equity may dictate
and as in duty bound he will ever pray &c
may it please the court &c

Account Current of
Caroline Saint's Est.
(Exhibit "A.")

Copy
Stephenson
to { Ex: with Bill
Jenkins

, B,

The Estate of Catharine Sain

In account with James H. Sudking, Administrator

1845.		Dolls. cts.	
Nov. 1.	By amt. of debt. interest & costs received of Shugars Sain Comtee. of C. Sain. -	631	19
	To 5 per. Ct. Commission on \$631.19	\$ 31.55	
	" paid cost of Suit agt. Sain	23.58	
	" paid Col. Will C. Parker for	15.00	
	" paid Clerk administration fee	1.00	
	" paid Clerk for Order to Settle Est.	44	
	" paid Clerk for recording this report	75	
	" paid Commr. fee for this report	1.00	
" 4.	" paid Shugars Sain his proportion of Est.	93.00	
	" paid Mary R. Welling her do. do.	93.00	
" 10.	" paid Eli W. Davis his do. do.	93.00	
	" paid Allen Stephenson his do. do.	93.00	
	" paid William W. Branch his do.	93.00	
	" retained by James H. Sudking in right of his wife	93.00	32
Balanced due the administrator,			13

Thirteen Cents.

Respectfully Submitted.

Edw. D. Butts, Secy

At a Court held for the County of Southampton on the 18th day of May, 1846. (This Account of James St. Judkins administration on the Estate of Catharine Sain, was returned and Ordered to lie on the Table for exceptions. And at a Court held for the County aforesaid on the 15th day of June 1846. The said account having lain on the Table and no exceptions being filed, was confirmed and Ordered to be Recorded. -

Teste: S R Edwards. cly

Attest: S R Edwards. cly

Stephenson

co. 3rd Sum.

Jenkins

1868 March Term

Executed Feb. 26. 1868
by delivering him a copy.

E. L. Story dep.
for S. Kille off

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton—GREETING:

We command you to summon

James A. Jenkins

if *he* be found within your bailiwick, to appear at the Clerk's office of our court of Southampton County, at the Rules to be holden for the said court, on the first Monday in *March next to answer a bill in*
Chancery exhibited against him in our said Court by Murdock Stephens on

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the courthouse, this *25* day of
February A. D., 186*8*, in the *92* year of the Commonwealth.

L. R. Edwards

(Exhibit "B.")

Stephenson

→ } Ex. with bill

Judkins

Alcorn

At a Court of Monthly Sessions held for the County of Southampton
at the County house of said County, on the 18th day of December, 1843.
On Motion of James H. Judkins, who Made Oath and together
with Allen Stephenson and Alfred T. Stephenson, his Sureties,
entered into and acknowledged their bond in the penalty,
Fifteen hundred dollars, Conditions as the Law directs,
Certificate is granted him for obtaining letters of admin-
-istration on the Estate of Catharine Sam^r de^d. in due form.

Atty:

Teste: S^r Edwards, C^l

"

Thompson
vs 3
Inolkins

Answer of W. H. Inolkins

1868. May Term

The answer of James H. Jenkins to a bill
in chancery in the circuit Court of Southampton
by Murrell ^{Stephenson} ~~Stephenson~~ or him

This defendant for answer to the said
bill or as much thereof as it is material for
him to answer, answering say, that it is true
that he qualified as administrator of Catherine
Lain and settled his administration ^{account} as appears
by a copy of the same filed with the plaintiffs
bill, and the court will see by reference to that
account that it was settled in November 1845 and
confirmed at the Term Term 1846 of the county
court of Southampton ~~it was confirmed~~ and
recorded, and this defendant submits whether
the plaintiffs can now bring suit to recover
from an administrator a distribution share
twenty two years after the right of action has
accrued relying in this answer as fully on the
statute of limitations as if it had been specially
pleaded; And for further answer to the said
bill this defendant says that he paid the said
sum of ninety three dollars (\$93) to Allen
Stephenson who claimed it in right of his wife
and that the said Allen Stephenson died in the
year 1859 possessed of considerable real and
personal estate leaving about five children of
which Murrell Stephenson the plaintiff was
one and that he has received his portion of
his fathers estate, and that a payment now
to him would simply put this defendant to
the trouble and expense of recovering this money
back from Allen Stephenson's estate, and leaving

fully answered this defendant's prayer, to be
dismissed with his costs etc. James H. Jenkins
Attorney for Plaintiff

Southampton County Court

This day James H. Jenkins
^{agent of the plaintiff}
personally appeared before me and made oath
that the facts set forth in the above answer
are true to the best of his knowledge and
belief given under my hand the 17th of April 1868
Wm. B. Jenkins S.P.

Stephenson

to } Stat: Rules

Jackson

In Southampton Circuit Court.

Murdock Stephenson
against
James A. Buddkins

1868 February 25 Summons issued
" Mar. R. Summons ret^d Executed D. Bill filed. D. Nisi & Off.
" Apr. Bill taken for Confessed
" May Cause set for hearing &c.
" J. Ans. of Dep. Rep.

1870 May Dismissed