

1877 03

Southampton County Chancery - Bevans, Milton G. vs Pittman-Thomas

Sale of Real Estate
(to settle debts)

Kello, Samuel
(admin.)

Kelly p. 8

Samuel Kelly adw to
Bevan } Rice
M }

Thomas Pitman

1873 February Rules

Co. of Smiths

To the Honorable ^{Jos. W. W. W. W.} ~~George B. Atkinson~~ ^{Southampton}
Judge of the County Court of ~~Southampton~~ ^{Southampton}
County, Virginia.

Complaining respectfully representeth and sheweth unto your Honor, your complainant, Samuel Kello, administrator of Melton G. Beran, deceased, who sues for himself as said administrator, and all other judgment creditors of ~~John B. Jenkins~~ ^{John B. Jenkins} and Thomas Pittman, who may make themselves parties hereto on the usual terms, — That at the November term of the Circuit Court of Southampton County, in the year 1869, the said Samuel Kello, as administrator aforesaid, obtained a judgment against one ~~John B. Jenkins~~ and ~~one~~ Thomas Pittman together, for the sum of one hundred and thirty three dollars, principal, with interest thereon, at the legal rate, from the 25th day of December 1855 till paid, and for six dollars and ninety cents costs, by him, about his suit, in this behalf expended; that the said judgment was, on the 13 day of November 1869 regularly and duly docketed in the Clerk's office of the County Court of Southampton County; and that execution for the amount of said judgment was duly issued and by the Sheriff of Southampton County, returned

Bureau Ann^d
" Z Lusa
F. Lusa

Dorchester County Court, May Term 1873.

Samuel Wells Adm of Milton E. Buran Ad. Jff
against
Thomas Strum

Subpoena
Jff

This Cause came on this day to be heard on the bill of the
Complainant taken for confessed as to the Defendants in whom
process had been duly executed and he still failing
to appear and make defence, and on Exhibits filed with said
Bill, and was argued by Counsel; In Consideration whereof
the Court doth adjudge, Order and decree, That a
Commissioner of this Court proceed to take and state
the following accounts—

1st An account of the Plaintiffs demand, and
all other Judgments Creditors of said Defendant and
other priorities—

2^d An account of the real Estate of said Defendant,
Subject to said Judgments and its full simple and
annual value, and make report to Court with any
Matters specially stated deemed pertinent by
himself or that either of the parties may
require to be so stated—

A. Jff
Jury James R. Tyler, D. C.

An account showing the judgment liens docketed against Thomas Pitman with their priorities.

Cause.					
Kelly.	Sam'l Wells, Adm'r. M. G. Bevan.				
	Judgment for -	\$133			
1 st Lien	Int. from Decr 25. 1855 to May 25. 1873	138	98		
	Costs	6	90		
	Docketed Jan'y 5. 1870.			\$278	88
Wilson	Alexander Faison				
	Judgment for -	144	96		
	Int. from Apr 28. 1870 to May 25. 1873.	26	81		
	Costs	15	01		
2 nd Lien	Docketed Feb'y 3. 1872.			186	78
Griffin.	Benj. A. Spires.				
	Judgment for -	174	98		
	Int. from July 2. 1868 to May 15. 1869.	9	13		
		184	11		
	Paid May 15. 1869.	15	00		
		169	11		
	Int. from May 15. 1869 to May 25. 1873.	40	86		
	Costs -	7	37		
3 rd Lien	Docketed Decbr. 13. 1872.			216	34
				<u>\$682</u>	<u>00</u>

Respectfully Submitted

James R. Tyler -

Commissary

I certify that he has taken possession of the estate of Thomas Pitman and found the amount of liens to be \$882.00, the absolute value of the real estate to be \$877.00 and the amount due to be \$800.00. Your Commissioner after the completion of said duties has the honor to submit the above account to the Court.

Bevan's Answer

us 4 Commis. Tylen
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Rapot. B
Pitman

June 11. 1873

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An account, showing the annual & absolute value of the real estate of which Thomas Pitman is seized.

		Absolute	Annual
One tract of land containing 198 $\frac{1}{4}$ acres		\$793 00	75 00
" " " " 20 "		60 00	5 00
" " " " 12 "		24 00	—
		<u>\$877 00</u>	<u>\$80 00</u>

Commissioner's Office
June 12, 1873.

Respectfully Submitted

J. R. Tyler,
Commissioner.

Commissioner's Office -

June 12, 1873.

To the Judge of the County Court of Southampton.

Pursuant to a decree of the County Court of Southampton County, entered at May Term 1873, in a chancery suit therein depending between Bevan Adams, plaintiff & Thos. Pitman defendants the undersigned, one of the Commissioners of the said Court, to whom was referred for settlement by said decree, an account of the outstanding liens against Thos. Pitman & an account of the annual & absolute value of his real estate, reports to Court, that he has taken said accts. and finds the amount of liens to be \$682.00-, the absolute value of the real estate to be \$877.00- and the annual value to be \$80.00-. Your Commission further states that after the completion of said accts, he returned them with the decree to the Clerk's Office.

Respectfully Submitted, J. R. Tyler - Commissioner

1874 Dec 22 Rec^d of W.W. Briggs Sh. Fifty
seven dollars & twenty four cents amount of
within named Bond & Interest

John R. Kelly atty

In Obedience to the ^{within} Decree of Court
the bond of J. P. Pittman due 15th day
of December 1874, amounting Principal
& Interest to \$57.24, and paid that amount
to John R. Kelly attorney for Plaintiff as per
receipt herewith returned.

To Hon Geo Blount
Judge

W W Briggs Com^r
Feb 15th 1875

Bevans dm

to } Copy Done

as at 1874

Pitman

Briggs Report
of

pt payment.

filed Feb. Term
1875

Paid on Bond

\$57.24

Punishment Circuit Court Oct Term 1874.

Samuel Wells adm^r of Milton G. Berard Jeff
against
Jesse R. Taylor

Subscribers

West

This Cause came on this day, to be again heard on the papers
formerly read, and the report of W. W. Briggs made under decree
of June Term of this Court 1874, to which report there is no
exception and was argued by Counsel; the consideration of which
the Court doth confirm the said Report and doth adjudge,
Order and decree, that Wm. W. Briggs Commissioner who
sold the said report to in this Cause receive of the
Clerk of this Court, (who will deliver the same to
him on his leaving @ receipt thereof,) the Sum of
\$50.00 of Fifty four dollars due 15th of December
1874, and Collect the same with any interest due thereon,
and pay the same to Samuel Wells adm^r of Milton G.
Berard dec^d or to his attorney, on account of his judgment
in favor of the Plaintiff, the same being the first
lien on the same, as appears by Commissioner Taylor's
Report, made under the decree May Term 1873, and
make Report to Court.

A Copy

Jesse James R. Taylor D.C.

Constitutional Circuit Court, June Term 1874.

Same Matter ^{admitted} of William G. Beran dec'd. ~~Shiff~~ In Chancery
against
Thomas Shuman ~~Shiff~~

This Cause came on this day to be again heard
on the papers formerly read, and was argued by Counsel.
On consideration whereof the Court doth adjudge,
order and decree, that Wm. W. Briggs Commissioner,
out of the fund of Two hundred & fifty dollars,
which appears to be in his hands by his Report
of Sale, filed in the Cause, pay the Costs of
this Suit including a fee of Thirty dollars to
the Plaintiffs attorney, and the residue thereof
and all interest on the same pay to John A. Kelly
Attorney for the Plaintiff in full payment
of his the Plaintiffs claim as Adminr of Wm. G.
Beran dec'd - of Two hundred & Seventy Eight dollars
and eighty eight cents as reported by Commissioner
Tyler in his Report of 12th June 1873, and
make Report to Court.

Attest
Jest James R. Tyler J. 6

Colks.	\$12.65
Shiff	1.00
Comm Tyler	10.00
Saw &c	31.00
	<u>\$54.65</u>

1874 Aug 17 Recd of W. W. Briggs Com. Thirty one
dollars, less within

John R. Kelly atty.

1874 Aug 17 Recd of W. W. Briggs Com. One
hundred seventy three dollars & 61^c on acct. of pmts.
demanded.

John R. Kelly atty

In obedience to the ^{out of the \$3.50.00 in my hands} within decree, I paid costs
of suit & sale, amounting to \$36.39 - and paid
the balance \$133.61 to John R. Kelly Esq attorney
as per his receipt, herewith returned

W. W. Briggs Comr

Bevans adm

Copy deemed

Johnman

and

Report of sale of
W. W. Briggs Comr
under decree of June
Term 1874

Berani adnw

M

Pitman

This cause came on this day to be again heard on the papers formerly read on the Report of Jas. R. Tyler, Commissioner made pursuant to the decree of the May Term 1873 of this Court, in this cause - to which report there is no exception, (and was argued by Counsel. On consideration whereof the Court doth confirm the said Report, (and ~~it~~ appearing to the Court by said Report that ^{Rest. of the} said Mrs. Pitman's Land will not pay the Judgments Liens on said Pitman's Land in five years, doth adjudge, order & decree that W. W. Briggs, Sheriff of Southampton County, proceed to sell at auction before the Court house door of said County on some Court day the Land owned by said Thomas Pitman, described as, a tract of Land in said County, containing ~~Two~~ ^{thirty eight & 1/4} hundred and ~~and~~ ^{and} acres, more or less situated at Round Hill in said County & on which said Mrs. Pitman resides, after having given at least twenty days previous notice of such sale by advertisement at the Court House door of said County, & at Her and Berlin in said County & once a week for three successive weeks in the Suffolk Herald a newspaper published in Suffolk Virginia,

which said sale, shall be on a credit
of one, two & three years in equal payments
with interest from date (except the costs
of suits & charges of sale which will be
cash), the purchaser to give Bond & good
security for the deferred payments, & the title
to the land to be retained till ordered by the Court,
and make report to Court.

Benary, admr
v

Pitman

1873

Gene Co. Ct.

Decree for sale

To be entered

Wm. J. Smith
Judge

Kelly and Ben

v

Pitman

1874

for M. Spive

to be entered

Geo. T. Brown.

I consent to this lease
John R. Kelly
attly.

Keller and Beran

v

Pitman

This cause came on this
day to be again heard on the papers formerly
read on the Report ^{of sale} of W. W. Briggs
Court, made pursuant to the decree
of the June Term 1873 of the County
Court of Southampton County ^{made in this cause} - to
which report there is no exception, and
was argued by Counsel. On consid-
eration whereof the Court doth confirm
the said Report, & the cause is continued.

Bwan, adw
N

Pitman

1875

May Term

Deer

To be entered,

Geo. Blow,

Berans adw

(r

Pitman

This cause came on this day to be again heard on the papers formerly read & on the Report of payment made by W. W. Briggs under decree of October term 1874, to which report there is no exception, and was argued by counsel,

On consideration whereof the Court doth confirm the said Report & doth adjudge, orders & decrees that the said W. W. Briggs, receiver of the Clerk of this Court (also vice & trustee the same & him, on his leaving a Receipt therefor), the Bond of J. J. Pitman for \$54, due the 15th December 1875, & collect the same & pay any costs that remain unpaid & then pay the Residue to Edmund Kelly, attorney for the plaintiff in further part of the Judgment & first lien on the said Fund, as appears by Court Tyler's Report filed in the cause in favor of the said plaintiff against said Thomas Pitman & make report to Court.

Bewans adms

v

Pittman

1896

Nov. 11.

Deceit

To be entered

Geo. B. Low

Berans' admt

21

Pittman

This cause came on this day to be again heard on the papers formerly read & was agreed by counsel, on consideration whereof the Court doth adjudge, order & decree that W. W. Briggs, Shff. & Clk., receive of the clerk of this Court (who will deliver the same to him on his leaving a receipt therefor) the Bond of J. J. Pittman of \$54. due 15 Dec 7876 / filed in this cause & collect the same with acc. Interest due thereon (and make & raid J. J. Pittman, a deed with special warranty, in the usual form, for the same sold under proceedings had herin & purchased by said J. J. Pittman, and ^{out of} the proceeds of said Bond pay any cots that may remain unpaid and then pay the residue to John R. Kelly attorney for the Plaintiff in further part payment of the Judgment & first Lien, on said land as reported by Cmsr. Tyler in his report of 12th June 1873, and make report to Court.

Berani adm

h

Pitman.

1877
May cont
Final decr

To be entered

Geo. B. Co. D.

Bevan; adm^t

27

Pitman

This cause came on this day to be again heard
on the paper formerly read & on the final report of W. W.
Briggs, Com. made under were made in this cause at
the November term, ¹⁸⁷⁶ of this Court; and was argued by
Counsel. On consideration whereof, the Court con-
firming the said report, doth adjudge order & decree
that the proceedings has herein be confirmed &
made final and binding between the parties,
and nothing more remaining to be done in this
cause & ordered to be removed from the docket.

Bureau adm
n

Titman

1874

Act. Cir. Ct.

Decree to collect
fr.

To be entered

Geo. V. Blows.

Bevan's adm

v.

Pitman

This cause came on this day to be again heard on the paper, ^{and on the report of} formerly read ~~and the report~~ ^{made under Decree of June Term of this Court 1874.} ~~of~~ ^{to which report there is no exception} and was argued by Counsel:

On consideration whereof the Court ^{confirm the said report & doth} doth, adjudge and award Decree that Wm. Briggs, Comr, who sold the Lands referred to in this cause, receive of the clerk of this Court (who will deliver the same to him, on his leaving a Receipt therefor) the Bond of J. J. Pitman of \$54, due 15 Dec 1874, & collect the same with any interest due thereon, & pay the same to Saml. Kellys admr of Milton G. Bevan dec'd or to his attorney, on account of his judgment Lien against the ~~defendant~~ ^{defendant}, the same being the first Lien on the same, as appears by Comr Tyler's report made under the Decree of May Term 1873 herein — and make report to Court.

Bevan adw

v.

Pitman 1

1874

June Cir. 1

Desire to pay out to

to be entered

Geo. B. Blount

Bewans adms

v

Pittman

This cause came on this day to be again heard on the papers formerly read & was argued by Counsel. On consideration whereof, the Court doth advise, order & decree that Wm. Briggs, Comr. pay to the sum of \$250: which appears to be in his hands by his ^{of sale} Report filed in the cause, for the costs of this suit, including a fee of \$30, to the plaintiffs' Attorney & the Residue thereof & all interest on the same pay to John R. Kelly, attorney for the plaintiffs, in part payment of his ^(the plaintiffs) claim as adms of M. G. Bewan decd. of \$278.88 as reported by Comr. Tyler in his report of 12 June 1873, and make report to Court.

Keller ad Beran

or

Pillman

1873

May Co. et

Deane

To be entered

J. W. Myer
Judge

Kello adm of Beran &

n.

Pittman

This cause came on this day & was heard on the Bill of the Complainant, taken for confessed as to the Defendant, on whom process had been duly executed, and he still failing to appear & make defense, & on exhibits filed with said Bill, and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that a decree of this Court proceed to take & state the following accounts,

- 1st an account of the plaintiffs demand & all other judgments creditors of said Defendant and their priorities
- 2^d. an account of the real estate of said Defendant, subject to said judgments & its fee simple and annual value, and make report to Court with any matters specially stated, deemed pertinent by himself or that either of the parties require to be so stated.

Southampton County Court, June Term 1873.

Samuel Wells Sheriff and adm of Milton G. Buran, Esq
against
Thomas Pitman
Deft

This Cause came on this day to be heard on the papers
formerly read and on the Report of Commissioner Tyler, made
pursuant to the decree of the May Term 1873, of this Court
in this Cause to which Report there is no exception and was
argued by Counsel; on consideration whereof the Court
doth confirm the said Report, and it appearing to the Court
by said Report that the rent of the said Thos Pitman's
Land will not pay the Judgment being on said Pitman's
Land in five years, doth adjudge, order and decree,
that W. W. Briggs Sheriff of Southampton County
proceed to sell at auction before the Court house
door of said County, on some Court day the Land
owned by said Thos Pitman, described as a tract
of Land in said County containing two hundred and
thirty eight and 1/4 acres, more or less, situated at
Ragmont Hill in said County and on which said
Thomas Pitman resides, after having given at least
twenty days previous notice of such sale by
advertisement at the Court house door of said
County, and at New and Berlin in said County and
once a week for three successive weeks in the Suffolk
Gazette a Newspaper published in Suffolk
Virginia, which said sale shall be on a

Credit of law, two and three years, in equal payments with
 interest from date, (except the costs of suits and charges
 of sale which shall be cash,) the purchaser to
 give Bond and good security for the deferred pay-
 =ments, and the title to the Land to be retained
 till ordered by the Court, and make reports
 to Court.

Olks Costs \$ 7.57

Shff " 50

Corn T. 10.00

Law W (for SAK.) 16.00 \$34.07

Attest

Teste

James R. Tyler D.C.

Brown

2d

J. J. Mann

3 J. J. Mann

2781/25 Sept. 25/1873

Dr. Sir.

I am writing to you to
tell you that I am
of my return from home —
Please for the matter to do the
best you can with it —
I would not have been ready to write
any to make any reasonable com-
pensation or deduction that the
company might demand — but the
Picture took care to offer none,
as for us keep the matter plain
if necessary, present the debt to the
company of Bankruptcy — you very truly
J. F. F. F.

Mr. John R. Kelby
D. Sir.

Viaker Villa Jan'y 2/1873.

I rec^d. your letter in relation to
a parcel of land, belonging to Butts' estate; &
expressed admiration, until I could see you.
The land belongs jointly to Butts' estate, & Mr.
Archibald Stirling's estate of Isle of Wight, & I will
be advised with you as our next Court of session of
the land is cleared, mostly old fens, & I fear
will bring but little. As Butts' & Stirling's own
part at public auction 57 1/2 p. acre.

Mr. Pitman came, to see me on con-
servation in relation to the judgment on the re-
mains he thought it had played out, &
also said he did not wish to be run to any
further cost. I remarked to him I & you also
might have had the matter in hand, which it
seemed, he gave me no satisfaction as to
how or when, but inferred he would see
you - If he has not seen you & given you
satisfaction of its speedy settlement, please pro-
ceed to obtain same.

Yours Very Respectfully.

J. Kelby

Bevans adm't
against } Final
 } Report of
 ✓ Genl Briggs
Thomas Pittman

1847 May 1st)

Beran, adm., v. Pittman

3^d Last bond of J. J. Pittman

Purchase of land \$54.00

Int from 15 Dec 1873 to

15 Dec 1876 3 yrs } 9.72

\$63.72

Retained for adv. int by Sh. 5.00

\$58.72

1876 Dec. 19 Recd of W. W. Briggs Sh.

Money fifty eight dollars, & seventy two
cents in full of above

John R. Kelly Jr.

In Obeyance to a decree of the Circuit
Court of Southampton County in the Chancery
Suit of Beran, adm., against Pittman rendered
at November Term 1876. I collected the
3^d and last bond due by J. J. Pittman amounting
to \$58.72, and paid said amount to John R.
Kelly, Attorney for Plaintiff as per his receipt
herewith returned. I also executed to
John J. Pittman the purchase of the tract
of land in the proceeding, mentioned a
Deed with Special Warranty.

To Hon Geo D How

Respectfully Submitted

W W Driggs Comd

May 1st 1877

Recd Nov. 13th 1894 a bond due by J. F. Pellman
for \$54.00 filed in this suit

W. A. Driggs Comy

Recd Decr 18th 1896 a bond due by J. F. Pellman
for \$54.00 filed in this suit

W. A. Driggs Comy

Recd accts of ~~Pellman~~

against {
Pellman
of
Pellman

1894 Feb. 24

In obedience to a Decree of the County of Southampton rendered at June Term 1873, in the Chancery suit of Kello and of Devan against Pittman, I advertised according to the directions of said decree, the Tract of Land belonging to Thomas Pittman containing about $238\frac{1}{4}$ Acres, and sold the same to the highest bidder in the Town of Scituate on the 15th day of December 1873; and at the sale so made J. G. Pittman became the Purchaser by bidding therefor the sum of Four Hundred & Twelve dollars; ~~and~~ is forty dollars less than three fourths the appraised value; and the said J. G. Pittman paid two Hundred & fifty dollars in cash, and executed his three bonds for \$54.00 each, payable one, two & three years after date, which bonds are herewith returned as a part of this Report;

Respectfully Submitted
W. L. Driggs Comr

Recd

Thomas Pittman Land Sold for \$412.00

p. Anchor \$3.00

Advertising — 1.50

Com —

19.24
y 21.54
12.65

1.00

10.00

Cent —

31.00

\$76.39

250

76.39

\$173.61

250.00

30

220.00

Emerson July 3 1873

copy coll'd by

for W. W. Briggs

Bevans ad
to } Sum. Chy

Pitman

1873 February Rules

The Commonwealth of Virginia

To the Sheriff of Southampton County, Greeting:

WE COMMAND YOU to summon

Thomas Pittman

if *he* be found within your bailiwick, to appear at the Clerk's Office of our *County*
Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in
February next to answer a bill in Chancery exhibited against him by Samuel
Kello Admor. of Milton G Swan dec

And have then there this writ. Witness, *L. R. Edwards*
~~OSWIN WHITE~~, Clerk of our said Court, at the Court-
house, this *22* day of *January* A., D., 187*8* in the *94* year of
the Commonwealth.

L. R. Edwards

Kello &
n S Co. Inc &

Pittman

"A." and "B."

\$133.00

On Demand the 25th day of December next we promised to pay Saml Kelle
admr. of Milton S. Deane dec'd the sum of One Hundred and Thirty Three Dollars
and ——— cents for the hire of Negro man Hardy said negro to have usual clothing
hats, blanket good shoes & socks. For the time payments we have ourselves cut him 7th.
Witness our hands and seals this 25th day of December 1854.

Witness

Andrew S. Kelle

John B. Jenkins (Seal)

Thomas Pittman (Seal)

Southampton Circuit Court November term 1869.

Samuel Kelle administrator of Milton S. Deane

Plff

against

John B. Jenkins & Thomas Pittman

Def

In Debt

The judgments obtained at the Rules against the Defendants Pittman not being
set aside and the Plaintiff being not entitled to a final judgment it is therefore
considered that the Plaintiff recover against the said Defendants Pittman One hundred
& thirty three dollars, the debt in the declaration mentioned, with legal interest thereon
from the 25th day of December 1855 till paid and his costs by him at each his suit
in this behalf expended.

Plaintiffs Costs \$6.90

The following is a copy of the Executions which issued upon the foregoing judgments

The Commonwealth of Virginia,

To the Sheriff of Southampton County - Greeting:

We command you that of the Goods and chattels of Thomas Pittman late of your
County, you cause to be made One hundred & thirty three dollars with legal interest
from 25th December 1855 till paid which Samuel Kelle admr. Milton S. Deane
lately in an Circuit Court of Southampton County hath recovered against him as well

for a certain debt as for interest due, also the sum of Seven dollars and
cents, which to the said Kelle at 8th in the same Court were adjudged for his costs
in that suit awarded, whereof the said Pittman is comit as appears to us of record;
and here you shall have executed this writ make known at the Clerk's Office of our said
Court, at the said to be holden for said Court on the first Monday in February
next, and have them done this writ. Witness Our said Clerk, Clerk of our said Court,
at the Court-house, this 9th day of December 1869, in the 44th year of the Commonwealth.

W. H. White Clk

"Sheriff's Undertakings and Returns"

"Came to hand December 11th 1869 at 5 O'clock P. M.

G. H. Vick Dy

Shff.

"No property out of which the writ of Seizure can be made or any part of it."

G. H. Vick Dy

for D. I. Deas. Shff."

Copies

Teste L. R. Edwards Clk

Kello &c

7

Pitman

Ex. A. & B.

In Southampton County Court
Samuel Kello adm: Milton G. Bevan

Thomas Pitman ^{against}

1873 Jan. 22 Summons issued

Feb. R Sum. Ret. Executed - Bill filed. D Nisi to Dft.

Mar. Bill taken for Confessed. Cause set for hearing

May 5 Decree for debt of

June 11 Rep.

Oct. Decree for sale

1874 Feb. 24 Report

June Report Confirmed Cause continued

June Decree of

Oct. Decree to Collect

1875 May - decree to collect

1877 May Removed from the Docket

~~622~~ 57-

Deans adm $\frac{1}{2}$

$\frac{1}{2}$ } Stat. Rules

Pitman

Received by Clerk Circuit

Court Aug. 13th 1873.

1877 May - Dismissed