

1841-006

SOUTHAMPTON COUNTY
CHANCERY PAPERS

SIMMONS and Wife vs. COBB et al
Simons & ux vs Cobb's exor & al

4/1841

other surnames: Drewry,
Denegree, Moore

\$ X & 5.

Immense Helio

in { Paper

Cobb & Co.

Jan. Will file

March. Answer filed GR & Co.

Aug. Set for hearing & Co.

Oct. Leave to amend bill.

1837 Jan. Amended bill filed & Co.

" Feb. Sp. Ex. on Cobb. Denegre
dead

June. Set for hearing as to Cobb

" July. Set for sp. in Denegre's name

" Aug. Set for Ex. Bill revived & Co.

" Dec. Set for hearing as to Denegre

1838 Apl. Order for account

" Aug. 18. Report.

" Dec. Court.

1839 Apl. Court.

1840 Feb. 28. Set for. to revive against
Jere. Cobb adme. of John Denegre ad

1841 Apl. Decree for plff.

Pepp. Coal Hunt

Relk \$ 15.71

Sluff 330

Lams. 7.00

S fee 16 66

W Tax. 75

\$ 43.42

Simons + wife { Bice
Jr
J. Cobb. and J. D. Coney

(Reply for Comptroller)
Sup Ct -

To the Hon Richard H Baker, Judge of the
Superior Court of Law & Chancery for
the first Judicial District, first Circuit.

Thunbly complaining, shew, unto your
honour. your orator & oratrix Benjamin
Simmons & Louisa his wife, formerly Louisa
Drumy. That a certain Benjamin Cobb qualifi-
ed as the Guardian of your oratrix, sometime
about the year 1823. and took upon himself
the management of the estate of the s^d Louisa

That the estate was more than sufficient
for the support & maintenance of the s^d Louisa

That a large balance remained in the hands
of s^d Cobb after defraying all necessary expenses
of s^d ward. notwithstanding this the s^d B. Cobb
deceased this life about the year , with-
out having rendered, a full, fair & perfect
account of his transactions aforesaid, that
after the death of s^d B. Cobb, a certain Jerre-
miah Cobb qualified as the representative
of s^d B. Cobb. wherefore your orator & oratrix
pray that he may be made a party deft to this
bill & be compelled to answer the same. That
after the death of s^d B. Cobb a certain John
Denegee, sometime about the year 1827
qualified as guardian for s^d Louisa & took
upon himself the settlement & controul
of her estate, wherefore your Complainers
pray that he may be made a party to this
bill & be compelled to answer the same

your Complainants more especially pray
your Honour, to decree an account, first
by Jeremiah Cobb as the Representative of
Benj Cobb, of the estate that came into the hands of B. Cobb
during the period of his adminis-
tration as Son of Louise Breury & 2^d an
account by John Derueze of the estate that
came to his hands after his qualification
as such, Praying the Commonwealth
writ of Sp. directed & - Commanding & -
They ask such other general & special
relief as may may be consistent with equity
under the rules of this Court -

Ridley for Comptts.

Simons et al
vs
Coll & Senegren

} Amended
Bice

Decr. 19/1836.

The Amended Bill of Benjamin Semions & Louisa his wife - Humbly complaining shew unto your honour your Orator & Oratrix Benjamin Semions & Louisa his wife formerly Drury - That a certain Benjamin Cobb qualified as the guardian of your Oratrix, some time about the year 1814 and took upon himself the management of the estate of the said Louisa, that the estate was more than sufficient for the support and maintenance of the said Louisa. that the sd B. Cobb did not render an account until sometime about the year 1823. that upon an examination of said account as reported, it seems to have been improperly stated. the disbursements having been deducted or paid out of the principal instead of the interest of the estate, the disbursements also exceeding the interest on said estate which is contrary to Law & no order of Court having, so far as your Complainants are advised, been obtained authorising the Guardian to enter upon the principal of sd estate. therefore your Complainants pray that said report be recommitted with instructions, 1st to ~~settle~~ deduct the expenditures from the interest instead of the principal of the estate 2^d. that in case the interest be insufficient to pay all disbursements, that the Exor be compelled to lose the same - the sd Benj Cobb being dead they further pray that Eliza Cobb his Extr be compelled to render such account. They also pray that Moses Egner, who qualified as Exor at the death of the said Benj Cobb. be compelled to render an account

of his transactions as Guardian of the said Louisa
with instructions to disallow all claim for Commissions
he having failed to render an account in the time
prescribed by Law. They further pray the Common Council,
with of Spa. directed to Commanding & — and
such other general & special relief as may be
consistent with equity and the rules of this Court.

Prudly for Bonpeltts.

Summers Hair

25

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Ans. -

Coll & others

1836 February 15th

The separate answer of Jeremiah Cobb Esq. of Benjamin Cobb deceased to a bill of complaint exhibited against him and others in this honorable Court by Benjamin Vennum and Louise his wife.

This respondent reserving to himself all benefit of exception to the errors and insufficiencies in the said bill contained, for answer thereto, or to such parts thereof as he is advised it is material to answer unto, says that it is true that his testator Benja. Cobb decd. did qualify as the Guardian of the plaintiff Louise, and that he returned an account of his transactions, as ordered to the County Court of Southampton, at the October term 1823, which was examined, approved, audited, and ordered to be established and allowed by the said Court; that this account showed a balance of \$61.53 due the ward, which was discharged by advances made by the said Guardian during his life, and by payments made by this defendant as his executor, to John Denegre who succeeded the said Benjamin Cobb, as Guardian of the said Louise; all of which will more fully appear by an authenticated copy of the said account and by the original receipts in full, of the said John Denegre, contained on the back thereof, which is herewith exhibited, and prayed to be taken as a part of this answer.

This defendant is advised that the account so returned audited, approved and allowed by the Court is positive evidence, and will not be reopened or examined unless the plaintiffs succeed in shewing some ^{error} in the calculation of the same, which they have not attempted in their bill, & which this defendant ^{believes} cannot be done; he therefore hopes that he will be dismissed herefrom with his reasonable costs; and he will ever pray &c

Parker p. q.

This day personally appeared before me a justice for the County of Southampton Jeremiah Cobb

who made oath that such of the allegations ^{contained} in the
foregoing answer, as are within his own knowledge
are true, and that such as are not, he believes to
be true. Given under my hand and seal this
15th day of February 1836

N. C. Libbey J. J.

Sumner & Co
vs
Sealed the Letters

1836. July 15th

The separate answer of John Demingre to a bill of complaint
intented against him and others in this honorable Court by
Benjamin Simmons and Louise his wife

This defendant reserving to himself all benefit of exception
to the errors and insufficiencies in the said bill contained, for
answer thereto, or to such parts thereof he is advised it is mate-
rial to answer unto says, that it is true, that he qualified as
Guardⁿ to the Plaintiff Louise about the ^{year} 1827 and shortly
thereafter this defendant called on Benjamin Cobb esq^r of
Beyers Cobb (who this defendant was informed had acted as the
former Guardⁿ) for a settlement of his said testators transactions,
and it appeared from an authenticated copy of an account
and report made to the County Court of Southampton in
October 1823 of the said Ben^r Cobb's transactions as Guardⁿ
aforesaid, and which have been approved, and ordered to be
established and allowed by the said Court, that the sum of
\$61.53 was due the said plaintiff; in the settlement made
this defendant allowed sundry vouchers for advancements
made after the settlement in 1823 up to the death of
the said Ben^r Cobb amounting to \$36.93, and the balance
say \$28.10 this defendant received of Ben Cobb as to a
aforesaid, as my receipt and statement in his
possession dated Apr^l 23rd 1827 will fully shew. This
defendant has repeatedly called on the plaintiff Simmons
for a settlement, as the said plaintiff is consider-
ably ^{my} in debt, as will appear by the the account
within filed, but he has been unable to ^{get him} liquidate
his accounts; he therefore hopes that he will be
dismissed herefrom with his reasonable costs, and
he will ever pray, he

Parker p. 9

This day John Demingre appeared before the subscriber as
a justice of the peace for the county of Southampton and made
oath that the allegations contained in the above answer, so
far as they depend upon his own knowledge are true, & so far as they
depend upon the knowledge of others he believes are true
Given under my hand & seal this day February 1836
Sam^l B. Henshaw

11
Simmons & wife
vs
A. M. & others } same

Simmons & wife }
vs }
Cott & others } In Chancery.

This day this cause came on to be heard on the bill and answers and was argued by Council, On consideration whereof the Court doth order, a do judge and decree, that Littleton R. Edwards be appointed special Commissioner that he audit and ~~settle~~ an account of Benjamin Cott's transactions as Guardian of the female plaintiffs also an account of the transactions of John Senegren as Guardian of ^{or} female Plaintiff. that he also state any matters that he may be required by the parties to report to the Court.

Simmons & wife
or
Cott & others } Secre

To be continued

R. 17. 13.

Simmons & wife
vs
Cobb & others } Decree.

This day this cause came on to be heard on the bill, answer and the report of the Commissioner On Consideration whereof the Court doth order & adjudge and decree. That Lure C. M. Administrator of Benjamin Cobb decd. who was the guardian at Law of Louisa Brey. (the female plaintiff) do pay to the complainants Simmons & wife, the sum of \$572. 02. with interest on \$458. 35- part thereof from the 23^d day of November 1827 till paid. and that Benegree, administrator of John Benegree decd. who was also Guardian of Louisa Brey. now Simmons. do pay to the complainants the sum of \$68- 91. with interest on \$47. 18 part thereof from November 23^d 1827 till paid. and that the complainants recover of the Defdts their costs &c-

June 2^d the plff Benj Simmons attended and the proceedings were continued till the 23rd day June Inst.
J.R. Edwards Comr.

June 23^d the plaintiff Benj Simmons his counsel Rob Ridley Esq and the Deft. Cobb attended - and the Court proceeded to make up the accounts directed.

J.R. Edwards Comr

Southampton County to wit

This day personally appeared before me Jas H Selwell & made oath that ~~Benj Cobb~~ Mary B. Denegre, co knowledge, service of the within notice the 19th Benj Simmons & Louisa his wife acknowledged on the 23rd day of May 1838.
Given under my hand this 24th of May 1838.
M. M. Selwell J. J.

Simmons v. Cobb
Copy. Deceit &c
Cobb Esq &c

We acknowledge service of the within
the 19th day of May 1838
Mary B. Denegre
Benjamin Simmons
Louisa Simmons
the 23rd day of May 1838

At a Circuit Superior Court of Law & Chancery held for the County of Southampton
on the fourth day of April 1888.

Benjamin Simmons and Louisa his wife formerly Drury. *Plffs.* } In Chancery
against

Jeremiah Cobb executor of Benjamin Cobb dec^d. and Mary B
Demegre administratrix &c. of John Demegre dec^d. *Dfts.*

This cause (in which the Subpoena has been executed on the Defendants and
the amended bill filed more than four months and they failing to appear and answer
the said amended bill is taken for confessed) came on this day to be heard on the
original and amended bills the answer of the Defendant Jeremiah Cobb executor
of Benjamin Cobb dec^d to the original bill, the replication thereto and exhibits filed
and was argued by counsel. On consideration whereof the Court doth adjudge
order and decree that Littleton R Edwards be appointed Special Commissioner.
That he audit State and settle an account of the transactions of Benjamin
Cobb as guardian of the female Plaintiff, also an account of the transactions
of John Demegre as guardian of the said female Plaintiff, and report the
same to the Court with any matters specially stated deemed pertinent by himself
or which he may be required to state by either of the parties -

Attest Teste L R Edwards Sp. Com.

The parties to the above decree will please to take notice that I have appointed the
2nd day of June next at the Clerk's Office of Southampton County Va
to examine the accounts therein directed, at which place they are requested to attend
at Ten O'clock A.M. with their vouchers and evidence to enable me to carry the
said decree into effect -

L R Edwards Sp. Com.

Summers
v
Cobb tal.

decree to be
entered
RHB.

Simons & wife /
vs
Coffin. } Deceit.

This cause, this day came on to be further heard
on the papers formerly read and the report of the
Commissioner made pursuant to an order of this Court
made on the day of April 1834. to which exceptions
were filed, and was argued by Counsel, On consideration
whereof the Court approving & confirming the report of
the Commissioner ^{so far as respects the second and third accounts in the said}
~~the Commissioner returned on October 1834 of Benjamin Coffin's~~
~~Report & stated and mentioned~~
~~unquestioned of the female plaintiff.~~ and sustaining the ~~first~~
~~is related to the first account in the said Report stated~~
~~exception to the report of the said Commissioner~~
~~returned to this Court and overruling the second~~
~~exception thereto.~~ With adjudge order and decree
that Jeremiah Coffin Adm^r of Benjamin Coffin ^{out of the goods of} dec'd, do
pay to the Complainants the sum of \$68. ²⁷/₁₀₀
with interest on \$47.16 from the 23^d November 1827th ^{all paid} and
that J^r Coffin Adm^r of Rob^t Denegree ^{out of the goods of} dec'd, pay
to the Complainants the sum ^{all paid} of \$26.70. with
interest from the 18th May 1827th ^{and it is further}
ordered that J^r Coffin Adm^r of Benjⁿ Coffin ^{out of the goods of} pay to the
Plffs two thirds of the costs incurred in the prosecution
of this suit. and W^m Coffin Adm^r of Geo Denegree ^{out of the goods of} to
pay the remaining one third; and liberty is reserved
to the plff to apply hereafter if needful for further relief
touching the premises.

Simmons & Co
 or Esq. in City

Cobb & Co

1836 January Rules

Executed on Jeremiah
 Cobb. Dec? 9/1835 by delivery
 to him a true copy and
 on John Devens, the
 28th of Dec? 1835 - by delivery
 to him a true copy -
 W. M. Belvidere Dy of
 Beng^d. Devens W. M.

The Commonwealth of Virginia:

To the SHERIFF of *Southampton*

County.—GREETING:

You are hereby commanded to summon *Jeremiah Cobb executor of Benjamin Cobb dec'd and John Denege*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, on the first Monday of *January* next, that being rule day, to answer a _____ Bill exhibited against *them* —

in the said Court by *Benjamin Simmons and Louisa his wife formerly Louisa Denege* —

And unless the said defendants shall answer the said bill, within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100%. And have then there this writ.

Witness—*Littleton R Edwards*
~~JAMES ROCHELLE~~, Clerk of our said Court at the Court House, the *28th* day of *November* 183*5*, and in the *60⁵* year of the Commonwealth.

L. R. Edwards

c

656

Simmons relief

in 2nd in lch

Cobb &

To February Rules 1837

Executed as here
Cobb. by delivering to
him a true copy -
John Donaghy Sec &
Wm L. Schell Sec &
Benjamin Griffin Sec

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Jeremiah Cobb Executor of Benjamin Cobb dec^d & John Benigro*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *February* next, to answer ^{*an amended*} Bill in Chancery exhibited against *him* in the said Court by

Benjamin Simmons & Louisa his wife formerly Drucey

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *12th* day of *January* 183*7*, in the *61st* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

Southampton to wit

Personally appeared before Henry Cobb
who made oath that he did on the 29th day of
July 1839 deliver to Benja^r Simmons a true copy
of the within notice. Given under my hand the
3rd day of August 1839

Thos Pretlow

The taking of the depositions in the above case
are continued to Wednesday next, at the house
of Mrs. Griza Bell; and the parties all being
present; and between the hours as specified in
~~the~~ within notice

Hen Cobb. Depts &c
August 3rd 1839

To Mr Benjamin Hinmors & Louisa his wife

You will take notice that I shall, on Saturday next
that being the 3rd day of August, at Vickville, in the
old Tavern, ^{in the County of Southampton} between the hours of eight o'clock in
in the morning and six o'clock in the evening, pro-
ceed to take ^{the} deposition of Fanny Drewry and others
to be read ~~as~~ evidence in ^{the} suit now depending and
undetermined in the Circuit Superior Court of Law
and Chancery for the County of Southampton, in
which you are plaintiffs; and myself as executor
of Benjamin Cobb ~~is~~ defendant; where you may
attend if you think proper

I am Cobb. Exr of
Benjⁿ Cobb dec^d
July 29th 1839

Simmons & wife

v: } Com^r

Colb Co^r: &c

The Commonwealth of Virginia: To Thomas Prutton

To a Justice of the Peace for Southampton County: - Greeting:

Know ye that we trusting in your fidelity and provident circumspection
in diligently examining whatsoever witnesses as well on behalf of Benjamin
Simmons and Louisa his wife late ~~Drumys~~ plaintiffs as of Jeremiah Cobb
Exor. of Benjamin Cobb dec^d and Mary Demegre adme^d of John Demegre dec^d
Defendants in a suit in Chancery depending in the Circuit Superior Court of
Law & Chancery for the County of Southampton

command you, or any ~~two~~^{one} or more of you, that at such day and place as you
shall appoint, you assemble yourself~~en~~ and the witness es aforesaid before you,
you call and cause to come, and diligently examine on the Holy Evangelist
of Almighty God, and their examination into our said Court dis-
tinctly and plainly without delay you send and certify enclosed returning also
this writ: Witness, ^{Edw. Edwards} James Rochelle, Clerk of our said Court, at the
Courthouse this 1st. day of August 1839
in the 64th year of the Commonwealth.

L. R. Edwards Clk

Shannon & wife
~ & Ex: with ans.
Dpt. Dingus

Feb 6 N

I hereby Certify that sometime in the year 1829. John
Denise paid me two dollars for Louisa Drewry —
for an account justly due me. Southampton
Feb'y 15th 1836. —

Joseph Drewry

The Clerk of the Circuit-Superior
Court of Law & Chancery

Remmons & wife
vs
Sen Cobb et al
Depositions

Southampton

Southampton
Aug 8/1839

Robts Co. &

2
of

James
York

St

The following depositions, to wit Fanny Drewry and Joseph Drewry, taken at the house of Grizzel J. Bell agreeably to the annexed Commission and Notice this 7th day of August 1839, between the hours of eight o'clock in the morning and 6 o'clock in the evening, to be read as evidence in a suit of Chancery, in the Circuit Superior Court of Law and Chancery for the County of Southampton, as well on the behalf of Benj. Simmons and Louise his wife late Drewry, plaintiffs as of Ben. Cobb late of Benj. Cobb decd. and Mary Demegre adm^r of Jas Demegre decd, who being of lawful age and sworn on the holy evangelist of Almighty God depose and testify.

Joseph Drewry Smith

Qu^{est}n by the Defendants. Can you state what was the age of the plaintiff Louise Simmons at the time of her fathers death, and was she generally a healthy girl?

Ans^r. I cant say exactly what her ^{age} was at her fathers death, but think I can come in one year of it. I think she was one or two years old. She was a healthy child so far as I know.

Qu^{est}n by the same Do you recollect a conversation which took place between Benj. Cobb Guardⁿ of the said Louise, and Sam^l Drewry your father, in relation to the amount of her portion of her fathers estate; and about your said fathers taking care of some of the said orphans of Jos Drewry; and whether in the said conversation the said Guardian did not say that unless some of their connections would take the said children he must try and bind them out as the interest & profits of their estates would not support them.

Ans^r. I never heard Benj. Cobb & my father upon ^{this}

subject together; but I heard my father Sam^d Drewy say that Benjⁿ Cobb Guardⁿ as aforesaid had his conversations with him; similar to those stated in the interrogatory; and that he my father replied that he had enough to do to take care of his own children -

Questⁿ Do you believe it would have been possible for Benjⁿ Cobb the Guardⁿ to have bound out this ward of his, I mean the pl^{ff} Louisa, on any ground, believe any girls of his standing and respectability could have been bound ^{out} at that time or at the present time, agreeably to Law.

Ans^r I never knew it done, and I don't believe it could be done

Questⁿ by the same, who were the nearest relations to the plaintiff Louisa, and who could render her acts of friendship at the time of her father's death.

Ans^r Sam^d Drewy my father & Humphrey Drewy were her uncles, and Mr Charles Simmons wife was her Aunt -

Questⁿ What was the number and description of the children of the relations at that time

Ans^r My father Sam^d Drewy had about fifteen. Humphrey Tim, and Charles Simmons five or six -

Questⁿ Do you believe that Benjⁿ Cobb could have more than he did do to guard the interest of his said wards, so far as comes in your own knowledge.

Ans^r So far as I know, he boarded the pl^{ff} one year with me at thirty dollars, and he appeared to wish to get board on the best terms

forw^d

The above questions & answers has been examined by me
Joseph Drewy

Fanny Drewy Saith
Questⁿ by Defendant - will you state was the age of the plaintiff Louisa Simmons at her father's death, and whether she was considered a healthy girl

Ans^r She was very small, and I think Jo^d Drewy has stated her age nearer, than I can

Questⁿ Do you believe that the Guardⁿ could have got homes for these children, with her relations, or any where else, without paying board & furnishing clothing

Ans^r I do not believe he could with any of her relations, that I am particularly acquainted ^{with}, & I know all who were able to have done so

Questⁿ Do you recollect of any proposition made by Benjⁿ Cobb the Guardⁿ to Sam^d Drewy, wishing him Drewy to take these wards and that if some of their relatives did not do so, he the Guardⁿ must bind them out if he could

Ans^r I do not recollect this circumstance but no ^{have} doubt it was so
The above questions and answers has been examined by me

Fanny Drewy
The above deposition subscribed and sworn to before me this 7th day August 1839

Thos Proctor V P

Summons Help

Dep.

Colb. Enr. of

Came to hand Sept. Aug.⁵
8/1839. P.R.C.

The Clerk of the Court

The deposition of John Moore, taken at Vicksburg
Tavern the 3^d day of August 1839 in pursuance
of a Commission and notice to me directed; and taken
between the hours of ~~Eight~~ ^{Eight} O'clock in the morning
and six O'clock in the evening, to be read as
evidence in a Suit in Chancery, in the Circuit
Superior Court of Law and Chancery for the County
of Southampton, as well on the behalf of Benjamin
Simmons & Son-in-law his wife late Decedent plaintiffs
against Jeremiah Cobb Esq. of Benjamin Cobb dec.
and Mary Denegre adm^r. of John Denegre
dec., who being of lawful age, and duly
sworn on the holy evangelist of Almighty God
saith

Question by the deft Ben Cobb Esq. &c. Are you
not at this time one of the Overseers of the
poor for the County of Southampton. and have
you not acted in that capacity just and last
for a number of years; if yes, will you
state whether ~~much~~ there is, or not, great
difficulty in finding out orphans of
poor parents.

Answer, I have been one of the overseers of
the poor for nine years. and I have found

great difficulty in binding out the poor children particularly girls, and with one exception there has been no instance where the overseers of the poor could bind out girls within my recollection.

Q. Are you not conversant with the rules which are generally adopted by Guardians towards their wards, and have you ever known a case where Guardians have bound out their wards, when the interest and profits of their estates were not sufficient for their support? I mean girls.

Ans. I am well acquainted with the rules generally ~~between~~ Guardians and wards; and to the best of my recollection I have never known a girl bound out by the Guardians.

Q. Is it by the same? Do you believe that a Guardian, if disposed to do so, could bind out girls of standing and respectability at this time, or at any time within your recollection - who were both fatherless & motherless?

Answer. I do not believe that they could or ought to be bound out.

Q. Is it by the same, what proportion

of Orphan Children, so far as your information goes, whose interest & profits of their proportions of their testator or intestate ^{estate} are sufficient for their support.

Answer. I don't think there would be more than one fourth whose interest & profits are sufficient for their support.

Q. Is it by the same; when the interest & profits of wards estates, particularly of standing and respectability, are not found sufficient for their support; do they not, ^{Guardians,} invariably use so much of the principal, as is sufficient for their comfortable support.

Ans. I have known it done, and further this deponent saith not.

The above questions and answers were written by Jeremiah Cobb but they have been read and examined by me.

John Moore sen.

Subscribed & sworn to before me this 3rd day of August 1839 }
Thos. Preston (JP)

Simmons & W. L. G.

" } Report

Cobb's Exor. &c.

Aug. 18. 1838.

1822	Jan'y	1	By Balance brought forward			156 00.
			Int. thereon one year			9 16
			To disbursements this year	90 90		
	Dec	31	Balance due the ward	74 26		
				165 16	165 16	
1823	Jan'y	1	By Balance brought down			74 26
			Int. thereon one year	4.45		
			To disbursements this year	36.93		
				<u>32.48</u>		
	Dec	31	By Balance due the ward			74 26
			Int. thereon to the 23 ^d day of November 1827			21 75
1827	Nov	23	By Balance due the ward			96 01
"	"		To paid John Demgre Gov.			28 10
"	"		By balance due the ~~guardian~~ ward			\$ 68 91
			with interest on \$47.16. Cents paid thereof from November 23 ^d . 1827.			

The Transactions of the guardian for the year 1823 were ^{not} embraced in the account returned to and established by the County Court. I have therefore, as will be seen, not allowed the guardian to disburse more than the interest of the wards estate in that year

L.R. Edwards Comr

Louisa Drewry Orphan of Joseph Drewry dec^d
 An Account with John Demgre her Guardian

1827	Nov	23	By this sum received of the Exor. of Benj Cobb late Gov			28 10
			To Commissions thereon			1 40
	"		By Balance due the ward			\$ 26 70
1828	July	19	To paid Harry Herman	\$ 1.50		
1829	Jan'y	20	" " Mary Copeland	7.50		
	Feb'y	15	" " Joseph Drewry	2.00		
	May	19	" " Theo. Freybank	15.42		
				26.42		
			By Int. on \$26.70 from Nov. 23 ^d . 1827 to May 19 th 1829	2.36		
				\$24.06		

Should the Court be of opinion that the Guardian should not be allowed to disburse more than the interest of the wards estate, the balance due from the guardian will be \$26.70 with interest thereon from the 19th May 1827.

Comm. for 7 hours at \$1- \$7.00 }
 charged to the Plaintiffs

Respectfully Submitted

L.R. Edwards Spl. Comr.

Summers vs. Robb

Robb Exor. &c

In Chancery

The parties were notified by the Commissioner that he would on the 2^d day of June 1838 at the Clerk's Office of Southampton County, commence the accounts directed to be taken in this case, on which day the plaintiff Benjamin Summers by his counsel Robert Roddy Esq. alone attended, and the Commissioner adjourned his proceeding till the 23^d June, on which day the plaintiff Ben^r Summers and his counsel and the Defendant Jeremiah Robb attended. The defendant Robb relied upon the account (a copy of which he has made an exhibit in the cause) returned to the County Court of Southampton, and insisted that as it has been established and allowed by the said Court, it was not now subject to be disturbed. The plaintiffs did not pretend to surcharge or falsify any of the items in the account, but insisted that the guardian should not be credited for any disbursements that would consume more than the interest and profits of the estate of the ward. The Commissioner has made up an account in accordance with the views of each party - varying a little the principles upon which the account returned to the County Court was made up.

Louisa Drowry Orphan of Joseph Drowry dec^d

In Account with Benjamin Robb her Guardian

1814			Dr	Cr
Nov	By your proportion of the balance due upon the account Current of your father's estate <i>of Com^r Rept.</i>	3		96 69
Dec 30	" " proportion of the Sales of negroes by Com ^r To Commissions on \$512.06 1/2		25 60	415 37 1/2
" 31	By Rent of Land this year	\$6.00		
	To Commissions thereon	30		
	" Disbursements this year	5.70		
		<u>27.19</u>		
	" Balance of principal due the Ward	\$24.49	486 46	
1815			512 06	512 06
Jan 1	By Balance brought down			486 46
Dec 31	" Rent of Land this year	2 61		
	To Commissions thereon	13		
		<u>2 48</u>		
	By Int. on \$486.46 Six months	14.59		
	To disbursements this year	<u>17.07</u>		
		29.10		
	" Balance of principal due the Ward	\$12.03	486 46	
			486 46	486 46

1816	Jan 1	By Balance due the Ward brought forward			486 46	
Dec 31		Rent of land this year	4.00			
		To Commissions on the same	20			
		By Int. on \$486.46 One year	29.18			
		To disbursements this year	32.98			
			66.84			
			33.86			
		Balance of Principal due the Ward		486 46		
				486 46	486 46	
1817	Jan 1	By Balance due the Ward			486 46	
Dec 31		Rent of land this year	4.19			
		To Commissions on the same	06			
		By Int. on \$486.46 One year	1.13			
			29.18			
		To Disbursements this year	30.31			
			58.72			
			25.141			
		To Balance of Principal due the Ward		486 46		
				486 46	486 46	
1818	Jan 1	By Balance due the Ward brought down			486 46	
Dec 31		Rent of land this year	4.56			
		To Commissions thereon	22			
		By Int. on \$486.46 One year	4.34			
			29.18			
		To Disbursements this year	33.52			
			68.60			
			35.08			
		To Balance of Principal due the Ward this year		486 46		
				486 46	486 46	
1819	Jan 1	By Balance due the Ward brought down			486 46	
		Int. thereon One year	29.18			
		To disbursements this year	90.36			
			61.18			
Dec 31		To Balance of Principal due the Ward		486 46		
				486 46	486 46	
1820	Jan 1	By Balance due the Ward brought down			486 46	
Dec 31		Rent of land this year	4.56			
		To Commissions thereon	22			
		By Int. on \$486.46 One year	4.34			
			29.18			
		To Disbursements this year	33.52			
			68.91			
			35.37			
		To Balance of Principal due the Ward		486 46		
				486 46	486 46	
1821	Jan 1	By Balance due the Ward brot. down			486 46	
		Int. thereon one year	29.18			
		To disbursements this year	109.94			
			71.76			
Dec 31		To Balance of Principal due the Ward		486 46		
				486 46	486 46	

1822	By Balance due the Ward brought forward			486 46	
	Int. thereon for One year	29.18			
	To disbursements this year	90.90			
		61.72			
Dec 31	To Balance of Principal due the Ward		486 46		
			486 46	486 46	
1823	Jan 1	By Balance brought down			486 46
	Int. thereon one year	29.18			
	To disbursements this year	36.93			
		7.75			
Dec 31	To balance of Principal due the Ward		486 46		
			486 46	486 46	
	Balance due the Ward brought down				486 46
	Int. thereon to November 23 ^d 1827				113 66
1827					600 12
Nov 23	To paid John Donaghy Gov. by Jm Cobb Esq. Benj Cobb ac ^t				28 10

Balance due the Ward \$ 572.02
 with Interest on \$458.35 Cents paid thereof from the 23^d day of November 1827.
 The foregoing Statement is made up according to the views of the plaintiffs and altho' the disbursements greatly exceed the interest & profits of the Estate, no part of them are deducted from the principal -
 J.R. Edwards Com^r

Louisa Drevoy Orphan of Joseph Drevoy dec^d
 In Account with Benjamin Cobb Esq

			Dr.	Cr.
1814	Nov.	By your proportion of the balance due upon the settlement of your fathers Est. as Jd Com ^r Report		96 69
Dec 30	"	" Sales negroes made by Court.		415 37 1/2
	"	Rent of land this year		6 00
	"	To Commissions on receipts	25 90	
	"	Disbursements this year	27 19	
" 31	"	Balance due the Ward	464 97	
			518 06	518 06
1815	Jan 1	By Balance brought down		464 97
Dec 31	"	Rent of land this year		2 61
	"	To Commissions thereon	13	
	"	Disbursements this year	29 10	
Dec 31	"	Balance due the Ward	438 35	
			467 58	467 58

1816		By Balance due the Ward brought forward		438 35	
		Interest thereon 6 Months		12 15	
Dec	31	" Rent of land this year		4 00	
		To Commissions thereon	20		
		" Disbursements this year	66 84		
		Balance due the Ward	387 46		
			454 50	454 50	
1817					
Jan	1	By Balance brought down		387 46	
		Int. thereon One year		23 24	
		By Rent of land this year		1 19	
		To Commissions thereon	06		
		" Disbursements this year	58 72		
Dec	31	Balance due the Ward	353 11		
			411 89	411 89	
1818					
Jan	1	By Balance brought down		353 11	
		Int. thereon One year		19 18	
Dec	31	" Rent of land this year		4 56	
		To Commissions thereon	22		
		" Disbursements this year	68 60		
		Balance due the Ward	308 03		
			376 85	376 85	
1819					
Jan	1	By Balance brought down		308 03	
		Int. thereon One year		18 48	
		To disbursements this year	90 36		
Dec	31	Balance due the Ward	226 15		
			326 51	326 51	
1820					
Jan	1	By Balance brought down		226 15	
		Int. thereon One year		15 16	
		By Rent of land this year		4 56	
		To Commissions thereon	22		
		" Disbursements this year	68 91		
Dec	31	Balance due the Ward	186 74		
			255 87	255 87	
1821					
Jan	1	By Balance brought down		186 74	
		Int. thereon One year		10 20	
		To disbursements this year	40 94		
Dec	31	Balance due the Ward	156 00		
			196 94	196 94	

Simmons & wife

against

Leah Exor

} The following exceptions are
} filed by the defendant
} to wit.

The Com^r. has reported two accounts in this case, the first allows the annual interest and profits of the estate only for the support of ward - to the whole of this statement the defendant excepts. The second account is made up on the principles which generally govern and are established. and the only difference between this account and the one reported by a former Com^r. is the application of interest - and I must ~~now~~ submit it that subject to the Court, when the application of interest in Guardian's acct differs from those of Exor & adm^r. if it does not the interest was properly applied in the account reported by the Guardian. The defendant contends that the Guardian having presented his acct to the Court, and it having received the sanction of the Court ~~and~~ for good & sufficient reasons, as the record shews, that there fore it cannot be disturbed. The law which denotes the manner and effect of settling Guardian's acct, says "if any article of such account shall, at any time thereafter be excepted to by the ward or his representative, it shall be incumbent on him, to prove or shew the falsity or injustice thereof, unless notice on his behalf shall have been given at the time of passing the accounts, that such article would be excepted to, and a memorandum of that notice shall have been entered on record or desired to be entered" in 1 Vol. N. C. 407. The same law page 410 authorizes the Guardian with the approbation of the Court, to use from the principal such sums as are necessary for the immediate support of the orphan. This, by the record, is shewn, the Court did sanction & approve. The defendant files the account which shews the settlement made

between him^{self} and John Donegre the late Guard.ⁿ and
for which Vouchers for nearly or quite all the items were
before us on the settlement. - This Acct shows that from
July 1823 to Jan'y 1826 the amount disbursed was only \$36.93
and she at that time being grown to womanhood - The
Court has given no credit for these disbursements,
which the defendant thinks upon every principle of
equity he is entitled to.

Wm. D. Foster atty

Relieving under the circumstances of this
case and especially the entry on the
acct by the county court complying
strictly with the genl. Dir. of the Guardians

I think the only question to be de-
cided by the court is how the
balance of \$67 shall be paid by
Cobb and Donegre and
how much shall
be paid by each
Donegre must pay
at least the amt
and the balance
Cobb may perhaps
be responsible for

Wm. D. Foster

Joseph C. Cobb

Wm. D. Foster

Amos Stead

October Court 1823

Benj^m Cobb Guardian to the orphans of Joseph Drury having
presented his Guardian accounts to the Court. The interest & profits
of his said ward's estate not being sufficient for their support &
for reasons appearing to the Court it is ordered that the accounts
of said Cobb's Guardianship as reported by the M^{rs} of this
Court be established & allowed by the Court & ORD

Teste James Rockwell

Wm. Drury
Benj^m Cobb Guardian
James Drury
The Clerk for Cash
\$25.00
a copy
Nov 23/1823

deposited for settlement
of the Cobb Guardianship
account to the
treasury of the
Court for the
purpose of settling
the same
no fee 293.00

Louisa Drury Orphan of Joseph Drury decd
Int account with Benjⁿ Cobb Guardian

			D.	C.	Int
1816					
Oct:		To shoes &c. paid Tax on land 1.94.8 ² y ² cloth a &c.	7 19		
		" paid Henry Daugh by your board	20 00		
Nov:	17	By your proportion of your father Estate facet: Current returned to Court }	" "	96 69	
Dec:	30	" ditto sale of negroes under a decree of the County Commissioners }	" "	418 37 ¹ / ₂	
		" Rent of land of our part	" "	6 00	
		To Commissions on \$518.06	31 08		
		By balance due the ward	439 79		
			518 06	518 06 ¹ / ₂	
Dec:	31	By balance brought down	" "	459 79	
1815		* To paid Tax on land 1.00 calico dress 18 ¹ / ₂	4 02		
		" shoes &c by a cloth a &c 2 ¹ / ₂ do a 2 ¹ / ₃ p ¹ / ₂ do	6 93		
		" paid Rebecca Simmons for board	20 00		
		By rent of land (your part)	" "	2 61	
		To Commissions on \$2.61	" 15		
		By balance due the ward	433 80		
			462 40	462 40	
Dec:	31	By balance brought down	" "	433 80	
		" Int. on \$433.30 for 1815	" "	" "	25.99
1816		To 7 y ¹ / ₂ cloth a &c p ¹ / ₂ for make & cloth &c shoes &c	5 50		
		" 6 y ¹ / ₂ cloth a &c p ¹ / ₂ do a &c 2 ¹ / ₂ do a &c p ¹ / ₂ do shiff. 68 ¹ / ₂	9 43		
		* p ¹ / ₂ Collector & Tax surveyor for your part 4.02	4 81		
		" Clarke tickets 2/10 shoes 7/6 by 10 cloth a &c	7 40		
		" for shoes 7/6 Cambric &c trimmings 1/3	1 95		
		" 2 pr. stockings a 4/6 comb &c	1 25		
		" Goodrich Mues for board	36 50		
		By rent of land this year	" "	6 00	
		To Com. on \$400	" 24		
		By balance due the ward	370 22		
			437 30	437 30	
Dec:	31	By balance due brought down & carried forward	" "	370 22	25.99

1816	By mts. brought forward	"	"	370	22	25.99		
	" Interest on \$370.22 for 1816	"	"	"	"	22.21		
1817	To 4 stockings at 6p. 94 ds cloth a 2p	7	37					
	" paid collector & Tax 1.63 fshoes 6p.	2	63					
	* Shff tax 60. 12mm 24p. 4yds bonf. 2 4/6	7	60					
	" H K sell 9p. fshoes 6p.	1	125					
	" paid Goodrich Mills Board	40	00					
	By rent land y our part.	"	"	1	19			
	To commissions on \$1.19	"	07					
	By balance due the ward	312	62					
		371	41	371	41			
Decr 31	By balance brought down	"	"	312	62			
	" Int on \$312.62 for 1817	"	"	"	"	18.75		
1818	To 8 yds fine cloth a 3p. p. for making 2 dresses 4/6	4	75					
	" paid G Mills for sundries furnished	3	50					
	" " John Deming for tuition	10	00					
	* " " Tax on land, 2 stockings 4/6	4	10					
	" " fshoes 7/6	1	25					
	" " Goodrich Mills for board this year	65	00					
	By rent of land this year	"	"	4	56			
	To commissions on \$4.56	"	27					
	By balance due the ward	248	31					
		317	18	317	18			
Decr 31	By balance brought down	"	"	248	31			
	" Int on \$248.31 for 1818	"	"	"	"	14.89		
1819	To 8 yds cloth a 3p. fshoes 6p.	5	00					
	* p. 1/2 Mr. Drury 1.47. 1/2 Regent 4p. part for 1.75	3	65					
	* 1/2 proportion of a debt due from Spencer							
	Pieces which is credited in my acct. amount	13	21					
	which is insolvent & cost							
	" 5 yds cloth a 3p. do 10 2 2p. Taxes 1.20	10	65					
	" Board to G Mills 45.00 H Davis tuition \$10	55	00					
	" Clarke Tickets 6p. G Mills for sundries 13/6	3	35					
	Mts. Carried forward	90	36	248	31	81.84		

1819	Mts. brought forward	90	36	248	31	81.84		
	By balance due the ward	157	95					
		248	31	248	31			
Decr 31	By balance due the ward brought down	"	"	157	95			
	" Int on \$157.95 for 1819	"	"	"	"	7.47		
1820	To paid Mrs Deming for sundries	6	50					
	" " 2 pshoes a 7/6 Tax on land. 16	2	61					
	" " Mrs Deming for Board & Tuition	60	00					
	By rent of land this year	"	"	4	56			
	To commissions on \$4.56	"	27					
	By balance due the ward	93	33					
		162	57	162	57			
Decr 31	By balance brought down	"	"	93	33			
	" Interest on \$93.33 for 1820	"	"	"	"	3.59		
1821	To p. Mrs Deming for sundries in 1820	4	12					
	Robt Goodenough his account	2	57					
	" " 1 p. shoes 7/6 do 10/6 do 7/6	4	25					
	" paid John Drury for board	30	00					
	By balance due the ward	52	39					
		93	33	93	33			
Decr 31	By balance due brought down	"	"	52	39			
	" Int on \$52.39 for 1821	"	"	"	"	3.14		
	Interest account brought down	"	"	100	04			
	By Balance due the ward	"	"	152	63			
	Interest on \$152.63 part thereof from this date till paid							
	Comm. for 6 hours a 75cts = \$4.50							
	Charged to the Guardian							
1822	To 3 p. shoes 24p. p. Mr. Collier for board 35.00	39	00					
Janry	* paid Tax on 15p. 2 pshoes a 7/6	2	65					
Novr	" " James Peters his store account	7	25					
	" " 2 pshoes 7/6 p. Mr. Mason for board 35.00	37	50					
	" " McComm. for	4	50					
	Balance due the ward	61	53					
		152	63	152	63			
1823	July 31 By due the ward brought down	"	"	61	53			

1827
 July, By balance brought forward \$61.53
 To sundries & acct noted to July 31, 1827 36.93
24.50
 Put on this balance from that time
 to Dec. 10th 1827 3.50
 By balance due Louisa Drury \$28.10

Nov. 23^d 1827 Rec^d of Sam Cobb ext^d the
 above sum of twenty Eight dollars ¹⁰/₁₀₀
 in full — John Senegre, as guardian
 of Louisa Drury.

Wm Brown.

Louisa Drewry's
account

Buys. Coll. In acct with Louisa Drury
1823

July 1 st	To Balance due of Comm. report	\$61.53
1820 Jan 1 st	" 1 pair shoes 9/6 paid J. Peters 7.25	8.75
	" 1 tooth comb 1/6	.25
Apr. 1 st	" 5 yds best Calico bot of Polard 3/6	3.12 1/2
"	" 5 do Common 2/6	1.25
"	" 5 do Northern Lingham 2/6	1.25
"	" 1 pair shoes 7/6	1.25
"	" 1 Straco Bonnet	5.37
"	" 1 thimble	37 1/2
"	" 1 pair fine shoes	2.00
"	" 1 ditto do 9/9	1.60 1/2
"	" 1 ditto of John Williams	1.50
"	" " making one pair do	60 1/2
		<u>27.40</u>

1826 Jan 1 st	To paid Strong 200	9.32
"	" " Mt. Pines on land	21
		<u>\$36.93</u>
1	Pat. due Louisa Drury	\$24.50
	Interest on ditto from July 31/1824	

Simmons H. H. H.

in 3 Ex: with bill

Cobb H.

At a court held for Southampton on the 25th day of December 1813 -
The Court doth appear Benjamin Cobb guardian to Hannah Drewry, Benjamin
Drewry, Sally Drewry, Mary Drewry, and Louisa Drewry orphans of Joseph
Drewry dec^d. and thereupon the said Benjamin Cobb together with George Blodgett
and James Rochelle his securities entered into and acknowledged a bond in the penalty
of four thousand dollars conditioned according to Law -

Teste J. R. Edwards Clerk

Simmons & Co

23 E. 4th St. N.Y.

1866

A Court held for the County of Southampton the 26th day of November 1826.
The ^{last} ^{and} Testament of Benjamin Cobb and
The Will and Codicil was presented in Court by Son Cobb, the Executor therein
named, and it appearing to the satisfaction of the Court, that as well the
body of the said writing as the signature thereto is in the proper hand
writing of the said Benjamin Cobb, Therefore it is ordered that the same
be established as and for the last Will and Testament of said Benjamin
Cobb and ordered to be recorded. And on the motion of the said Exor. who
made oath according to Law, Certificate is granted him for obtaining a
probate thereof in due form, on his giving bond and security whereupon
the said Son Cobb, with Henry Briggs & William Briggs his Secured
entered into and ack.^d a bond in the penalty of Thirty thousand dollars
conditioned as the Law directs.

Teste James Rochelle Clk.
Attest
Teste L. R. Edwards Clk.

At a Court held for Southampton County on the 20th day of October 1827—
Lorisa Denny orphan of Joseph Denny deceased, with the approbation of the Court
made choice of John Denegre for her Guardian and thereupon the said John Denegre
together with Thomas R Gray and John Nicholson his securities entered into and
acknowledged a bond on the penalty of One thousand dollars conditioned according
to Law—

Teste L. R. Edwards Secy

Mr Senape

8/25

Simon, these

3 Ext with one
of Senape

Cobb Jr

Mr John Denager
1828 ————— To Henry Hummer Dr
July 19th For 1 pair of Shoes — — \$1.50

Immunus wife

~ { Ex. with ans. of
Dfr. Deneque

Robt L.

J. Deneque

act

77 51

Louisa Deneque

Mr John Denegree

1828

To Mary Cape land

To 1 Bivert for Miss Denegree \$ 7 50

1929. January 20th recd. payment in full of the above
account through the hands of John Denegree

Mary Cofelane
By L. H. Cofelane

Simon Hill of

" 3 Ex^{ts} with annex
Dunbar

Leath H

1828. Miss Louisa Drewry, in account with John Denegre her Guardian

		D.	Cr.
	Rec ^d . of Jeremiah Cobb (as exor of Bing) -		
	Cobb Sec ^y , her former guardian) the sum of - - -	" "	28 10
	paid Mary Copeland her acct - - - -	7 50	
	paid Henry Harman for one pair shoes -	1 50	
	paid Theodore Frequent his account	15 42	
acknowledged by J. Denegre	paid Joseph Drewry his account J. L. Drewry	2 00	
acknowledged by Mrs. Drewry	paid for one bonnet at Jerusalem -	3 50	

Miss Lucia
Dunwoody

Simmons Mass.

3 Ex. with one of
Sgt. Deming
Cobb &c

0003
85578
3751

Mr. John Denigre, Guardian for Miss Anna Denigre
1828 To T. Fryant, agent D.

Nov 22 Upshaws each $7\frac{1}{2}$ 10/6 1 shawl 15/1 comb 3/ $\frac{1}{2}$ 11. 00
2 side combs each 1/6 3/ 1 yd muslin $7\frac{1}{2}$ 100 4/6 bottg 3. 13
6 colls 10/6 Th. h. 1. 5/6

March 6. 1 Bunch Bees 6/ 1 yd shawl 9/ 100 10/6 hand 8/3/4 $\frac{73}{13.42}$

Payment this 6 May 1829

T. Fryant, agent

Denegre }
or } Execution &c
Simmons }

A Copy
Simmons & Co
in Ex. with order of Dft
Denegre
Cott & Co

Southampton County to wit.

I command you that of the Goods and Chattels of Benj. Simmons
you cause to be made the sum of Nine dollars Eighty nine cents with interest from the
day of — 18 —, till paid and 30 cost. which John Denegree recovered before me
Silas Summerell as Justice of the peace for the County aforesaid; and that you render to the said
John Denegree the debt aforesaid and then make due return thereof within sixty days. Given un-
der my hand this 28th day of October 1835

J. J. Gray J.P.

To Shugars Laine Constables of Southampton County

No effects within my bailiwick to satisfy the within execution.

Nov. 17th 1835.

Shugars Laine Const

Attest
J. R. Edwards Clk

Simmons & Wells
" & Notes by Puffs
Cammell
Cobb &

Simons & wife
vs
Cott & Senegren

The only question in this case
as to Cott. is wheather the
receipt filed, from Senegren
discharges Cott from the payment of the \$61.53
reported due by the Com Rpt filed, if it does not.
Then I ask an account by Cott - If it does
I can only ask an account by Senegren
who admits in his answer that he has
never rendered an account; with this
short statement of my object I submit
the case to your honour, with this inquiry
only. wheather Senegren or Cott is to be held to
account for the remainder of the \$61.53. not
paid by Cott to Senegren as endorsements on
the back of the Rpt will shew, or rather the
disbursements made by Cott subsequent to
the Rpt - (as endorsed on Rpt) are to allowed
to stand, as they ~~do~~ not inter into the act.

£216. 5s

On demand I promise to pay or Cause to be

Thos M^r Jones

The county court's sanction and approval of the
guardian accounts returned in Oct. 1823 must be
considered final as to all matters thereby settled:
the exception therefore to the first account reported
is sustained, but the exception to the second is
overruled - a decree may be entered against
the estate of Benj^r. Cobb for the sum of
\$68. $\frac{91}{100}$ with interest on \$47. 16 from the
23^d Nov. 1827, and against the estate of
Dinegro for the sum of \$26.70 with interest
from the 19. May '27 - costs to be paid $\frac{2}{3}$ by
the estate of Cobb & $\frac{1}{3}$ by the estate of
Dinegro.

R. H. B.

Cobb vs. Linn County & wife

In this case the Geo expended a large portion of the principal of the bonds estate the plaintiffs require him to be limited to the profits only

When a Geo act is passed by the court our statute says it is to be taken as correct and binding unless the ward can show the falsity or injustice thereof, or notice given thereof

And by the 9th section the Geo is permitted to take from the principal with the allowance of the court, which clearly refers to the actions of the court at the time of passing the account. Our reference to the order passing the act at October court 1823 it since appears that the court had the expenditures beyond the profit distinctly in view. The court is particularly requested to examine the language of this order allowing and establishing the account. It cannot be proper to disturb this deliberate act of the county court who had satisfactory reasons for passing the act. The points seem to have been distinctly before the court and distinctly decided in favour of the expenditure. Our law has gradually extended the power of guardians and increased their discretion. Will the court in this case act up to the utmost rigour of the law, when from the evidence in the case it was impossible to bind out the ward, and the expenditures were as low as they could be made.

In any event the report is wrong in charging interest from 23 to 27 and omitting taxes tickets &c which must be allowed

W. H. H. H.

3d note in peruse by the judge gives a decree for one year's interest - does he intend to give the interest?

from A

a 16.56

Summersville

is { Sea far

1866. Aug 8.

1837. August Rules

Execution

Mr. Schell as per

Ben Griffin Staff

The Commonwealth of Virginia: To the Sheriff of Southampton County Greeting
Whereas Benjamin Simmons and Louisa his wife formerly Dorey her self
exhibited to our Circuit Superior Court of Law and Chancery for Southampton
County, their original and amended bills of complaint against Jeremiah Cobb
executor of Benjamin Cobb dec^d and John Denegre whereupon sundry proceedings
have been had as appears from the records and files of the said Court but before
a final decree could be pronounced in the said cause the said John Denegre
departed this life having first made and published his last will and Testament
in writing and thereof appointed John M Denegre executor who proved the
same and took upon himself the burthen of the execution thereof and the said
John M Denegre hath departed this life intestate as it is said and administration
pro de bonis non with the will annexed in the said John Denegres estate hath
been granted unto Mary B Denegre in due form and the said Benjamin
Simmons and Louisa his wife having supplicated us for a proper remedy in this
behalf and we being willing that what is right and just should be done -
Therefore we command you that you make known to the said Mary B Denegre
that she be at the Clerks Office of our Circuit Superior Court of Law & Chancery
aforesaid at the Rules to be holden for said Court on the first Monday in August
next, to show if any thing for herself she have or know to say why the said suit
should not be proceeded in to a final decree against her in her character
aforesaid, and be in all things in the same plight and condition as it was
at the time of the decease of the said John Denegre dec^d and further to do and
receive what our said Court shall in that part consider and have then there
this writ - Witness Lilliston R Edwards Clerk of our said Court at the Courthouse
the 12th day of July 1837 in the 62^d year of the Commonwealth

L. R. Edwards Clk

O

C.S.B

Simmons Judge

v. } Sci. Pa.

Cobb et al vs

1840 a West Town

Executed

J. J. Lutterick Deputy

J. P. Makinburg

Shff

The Commonwealth of Virginia - To the Sheriff of Southampton
County. Greeting - Whereas in a suit in Chancery lately depending in
our Circuit Superior Court of Law and Chancery for the County of Southampton
between Benjamin Simmons and Louisa his wife formerly Drury plaintiffs
against Jeremiah Cobb executor of Benjamin Cobb dec^d and Mary B Denegre
administratrix de bonis non with the will annexed of John Denegre dec^d. De-
fendants, sundry proceedings were had as appears from the records and files
of the said Court, but before a final decree could be rendered therein the said
Benjamin Simmons hath departed this life, and the said Mary B Denegre
has also departed this life and administration de bonis non with the will
annexed on John Denegres estate has been granted unto Jeremiah Cobb in
due form, and we being supplicated for a proper remedy in this behalf and
being willing that what is right and just should be done - Therefore we
command you that you make known to the said Jeremiah Cobb adm^r de
bonis non &c as aforesaid that he be before the Judge of our said Circuit
Superior Court of Law and Chancery for the County of Southampton at
the Courthouse thereof on the first day of the next Term, to shew if any thing
for himself he have or know to say why the said suit should not be proceeded
in to a final decree against him in his character aforesaid and be in all
things in the same plight and condition as it was at the time of the decease
of the said Mary B Denegre and further to do and receive what our said
Court shall in that part consider. And have thereto this writ.

Witness Littleton R Edwards Clerk of our said Court at the Courthouse
the 28th day of March 1840 in the 64th year of the Commonwealth

L. R. Edwards Clk