

1842-034 SOUTHAMPTON COUNTY
CHANCERY PAPERS

SCARBOROUGH VS. JAMES et al

4/1842

other SURNAMES: Barker,
TURNER, Scarborough,
Nicholson

Clk's Costs \$ 4.26
 Shff. 1.50
 L fa 78 17.41
 // 23.17

Scarbrough
 D. { Papers.

James Ye

1841 Dec. Sp^a Ex^a on James W. Barker.
 Bill filed.

1842 Jan. Vico Sp^a v. Turner.

" Feb. Set for hearing as to James &
 Barker

" Apr. Set for hearing as to Turner.

" " Decree for peff.

Scarborough. Bill
v.s in
James et. al. Cham.

Nov. rules

Prob.

Filio December Rules 1848

To the honourable Richard H. Barker Judge of the
Circ. Sup. Court of Law & Chan: for the County of
Southampton

Your complainant-Elizabeth Scarborough by Margaret
& Nicholson her next friend and guardian at law
humbly shews, that-sometime previous to the appoint-
ment and qualification of the said Nicholson guar-
dian to your Complainant, Samuel T James of the
County of Southampton was appointed and quali-
fied guardian at law to your Complainant-and
as such, reduced her property into his possession
Your complainant-further shews that-sometime since
after the guardianship of the said James had closed, the
said James rendered an account of his guardianship
transactions before Commissioner Cobb, which is here-
with filed and which your Complainant prays
may be taken as a part of this bill, by which account
the said James is indebted to his former ward, your
Complainant, in the sum of one hundred and sixty
eight-dollars and ninety nine cents, of which amount
the sum of fifty eight-dollars and sixty one cents, as ap-
pears from the Commissioners said report, was expen-
ded by the said James over and above the interest-
and profits of your Complainants estate, which last-
sum your complainant-avrs that-the said James
had no right-to expend without an order of Court-
first-had and obtained, and your complainant
avrs that-the said James did not obtain an order
of Court for this purpose. Your complainant-submits
to your Honor whether or not-the said James and his
securities in the guardians bond, Priver Barber
and John C Turner are not responsible for the first-
named sum of \$168.99 as above claimed. Your Complain-
ant prays that Samuel T James, Priver Barber and
John C Turner may be made defendants to this
bill, and that the said defendants be made to render
unto your complainant the sum of \$168.99. with

interest from the 31st day of December 1840 until paid
and for such other and general relief as your com-
-plainant may be entitled to from the facts and
circumstances of her case and she will ever pray &c.
Priddy & Goodwyn

Scarborough
as } Deere
James

Enter this

R. H. Baker

Dea Loraugh &c.

vs

In Ch.

Decree

James &c

This cause, this day came on to be heard on the bill & exhibits, and was argued by counsel, and it appearing, that two months have elapsed since the filing of the bill and the service of the Subpo. on the defendants, an motion of the plaintiff the bill is taken for confessed; but it appearing to the Court, from circumstances admitted by the parties counsel, that the plaintiff ought not to recover ~~the~~ from the defendants the exp. over the principle and interest of the worts estate expended by the defendant James - doth. therefore ^{by consent} we adjudge and decree that the defendants. Samuel T James. John C Turner and Priner Barter pay unto Margaret G Nicholson as guardian at law to Elizabeth Dea Loraugh, the sum of one hundred and ten dollars and 38/100, with legal interest from the 1st December 1840 until paid, together with the costs expended in the prosecution of this suit

G. S. B.

Scarborough

Sp^a in Chy

James G.

1841 December Rules

Excused on Samuel
James & River Bank
Wm. L. Brill Deputy of
Thomas Entwistle

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

*Samuel T James, River Barker
and John L Turner*

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 *December* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

*Elizabeth Pearbrough by Margaret G. Nicholson her next friend
and guardian at law*

And unless *they* shall answer the said Bill within ^{*two*} ~~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 *10* day of *November* 18*41*, in the *66* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

C.S.G.

ν } 5/8 in. lch.

1842 February Rules.

Executed by delivering a
true copy to me 27/1/842
Super. Drury inf. of
D. S. P. Brown 31/1

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting :

We command you that you summon

John B Turner

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 a Bill in Chancery exhibited against ^{and others} ~~him~~ in the said Court by *Elizabeth Scarborough by Margaret Scarborough her next friend and guardian at law*

And unless ~~he~~ ^{two} shall answer the said Bill within ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this ~~he~~ 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 *3^d* day of *January* 1842, in the *16th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Scarborough

n { Exh. with bill

James Gads

Know all men by these presents that we Samuel J James River Barker and John C Turner are held and firmly bound unto Jere Cobb Clements Rochelle Thomas Pailow William L Everett and Samuel B Wines, Gentlemen Justices of the peace for Southampton County now sitting in the sum of five hundred dollars to the payment whereof well and truly to be made unto the said Justices and their Successors, we bind ourselves and each of us our and each of our heirs executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 15th day of August 1836

The Condition of the above obligation is that if the above bound Samuel J James his Executors and administrators shall well and truly pay and deliver unto Elizabeth Scarborough Orphan of Britton Scarborough deceased all such estate or estates as now is or are or hereafter shall appear to be due to the said Orphan when and as soon as she shall attain to lawful age, or when thereto required by the said Justices of the said Court; and also keep harmless the above named Justices and their and every of their heirs executors and administrators from all trouble and damages which shall or may arise about the said Estate; Then ^{above} the obligation to be void or else to remain in full force and Virtue.

Signed Sealed and delivered in
The presence of The Court }

Samuel J James *Seal*
River Barker *Seal*
John C Turner *Seal*

Elizabeth Scarborough Orphan of Howell Scarborough decd
In account with Samuel J James her Guardian

			Dr		Cr	
1836						
Oct	27	By cash recd of the Com ^r who sold Gully Scarborough negot, under a decree of the Court for partition To Commissions off	}	"	"	177 88
				"	"	8 89
Dec	31	By balance due the Estate	}	"	"	168 99
1837		To paid W D Taylor for poor board		20	00	
"	"	" " J Northrop for tuition		10	00	
"	"	" " M S Scarborough acct.		"	89	
		By negot here this year		"	"	19 89
		To Commissions on ditto		"	99	
				51	88	188 88
		By Interest on the balance of 1836		10	13	41 55
Dec	31	By balance due the ward	}	"	"	147 33
1836		To paid M S Scarborough for board 11 mos		27	50	

Deer 31 1837	To my acct for sundries returned	39	79		
	By negro hire this year	"	"	33	10
1838	To Commissions on sale	1	45		
		68	94	160	43
Deer 31 1839	By Interest on the bal of 1837	8	83	40	01
	By balance due the ward	of	"	120	32
1839	To paid W Mallory for board	50	00		
	By hire of negro this year	"	"	42	52
Deer 31 1840	To Commissions on sale	2	12		
		52	12	163	94
Deer 31 1840	By Interest on the balance of 1838	7	21	44	92
	By balance due the ward	of	"	117	93
1840	To paid W Mallory acct	52	42		
	By hire of negro	"	"	40	00
Deer 31 1841	To Commissions on sale	2	00		
		54	42	157	93
Deer 31 1841	By Interest on the balance of 1839	7	07	47	55
	By balance due the ward	of	"	110	38

with Interest thereon from this date till paid -

Margaret S. Nicholson who is the present Guardian was present when the guardian made his exhibit and contended that the guardian was not authorized to disburse more than the interest and profits of the ward's estate and directed the Commissioner to make up such an account agreeable to Law the Commissioner in the above statement has allowed all the disbursements of the guardian leaving a balance due the ward of \$110.38. but if the Court should decide that his disbursements were not agreeable to Law in as much as they exceed the interest and profits of her estate then the balance due should be \$168.99. the amount of the principal received as the first item in the account stated with interest from the 31st day of Deer. 1840 till paid

Comd. fee to hours of 3. charged }
to M S Nicholson Guardian }

Respectfully Submitted
Jere Cobb Comr.

At a Court held for the County of Southampton on the 20th day of September 1841
This account of Samuel S. James' Guardianship of Elizabeth Hurlough was
returned and ordered to be Recorded

Teste S R Edwards C. C.
Attest
Teste S R Edwards C. C.

No acknowledgment legal service
of the within notice

1842

August 15 - Saml. James

Sept - 15/ - J. W. Russ

Oct - 1st - 112

Job Turner

acknowledged

to by notice

S. J. James

J. L. Turner

J. W. Russ

22

147

acknowledged legal service of
the within notice

ME^{SSRS.}

Samuel T. James. John C. Turner and John W. Russell

TAKE NOTICE, That I shall, by my Attorney, move the Judge
of the Circuit Superior _____ Court of Law and Chancery
for Southampton County on the 22^d day of October term
next _____ for a judgment and award of execution on your forfeited forthcoming or

delivery bond, executed by you to me on the 14th day of June 1842,

\$302.56 in the penalty of ~~three hundred and two~~ dollars and
fifty six Cents

conditioned as the law directs, with which condition you, and each of you, have failed to comply.

Yours, &c.

*Margaret G. Nicholson as guardian
at law to Elizabeth Scarborough*

Ans: 8/1842

Wet den Rev. 1/1840

Put till June 1/1842

110.38

9.93

Cost 23.17

143.48

4.17

63

151.28

Shells Corn

1/2 C. bag

✓ C147

656

Scarboroughs for

v. } Fr. Fr. (Chy)

James Jr

1842 July Rules.

R. 49

Came to hand April 28/1842

Serviced on three horses,
J.C. and Totem, infants
and new work re-
turned

Will. M. Escentle and
Will. L. Escentle

2nd

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU, That of the goods and chattels of *Samuel & James. River Barker*
and John C. Turner

late in your bailiwick, you cause to be made the sum of *One hundred and ten dollars & thirty*
eight Cents with legal interest thereon from the 1st day of December 1840 till paid
which Margaret G. Nicholson as guardian at law to Elizabeth Scarborough

lately in our Circuit Superior Court of Law and Chancery for Southampton County, hath recovered
against the said *James. Barker & Turner* by a decree of the said Court — ~~for debt~~; also
Twenty three dollars and *seventeen* cents, which to
the said *Nicholson guardian as aforesaid* in the same Court were
adjudged for *her* costs by *her* about *her* suit in that behalf expended: whereof the
said *James. Barker & Turner* are convict as appears to us of
record. And how you shall have executed this Writ, make known at the Clerk's Office of our said Cir-
cuit Superior Court of Law and Chancery, at the Rules to be holden for the said Court on the first Monday
in *July* next. And have then there this Writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this
25th day of *April* 1842, in the *66th* year of the Commonwealth.

L R Edwards Clk

Received May 16/1862 of River Barker
the sum of Twenty five Dollars and
eighteen cents. This portionable part of
therewiths Debt & Cost -

W J Selrice atty of
Mr & Everett atty

194
1.50
2.50
5.94

22
22
10/1

15128

302.58

Know all Men by these Presents, That we, Samuel

James John C Turner and John W Reese

are held and firmly bound unto Margaret E Nicholson as guardian
at law to Elizabeth Searbroughin the just and full sum of ~~three hundred and~~
~~fifty~~ two dollars and ~~fifty six cents~~
to the payment whereof, well and truly to be made to the said Margaret E Nicholson
as guardian at law to Elizabeth Searbrough
his certain attorney, his executors, administrators or assigns; we bind ourselves, our heirs, ex-
ecutors and administrators, jointly and severally, firmly by these presents. Sealed with our
seals, and dated this 7th day of June one thousand eight hun-
dred and ~~forty two~~THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That
whereas, Margaret E Nicholson as guardian at law to Elizabeth
Searbrough
hath sued out of the Circuit Superior Court of law and chancery
for Southampton County -a writ of fieri facias, against the good and chattels of the above bound Samuel & James
River Barber and John C Turner upon a judgment
obtained in the said Court, which writ, with the legal costs attending the same, amounts to the
sum of ~~one thousand and fifty one dollars and~~
~~twenty eight cents~~And whereas, William McEventt deputy for William L Everette -
Sheriff of the County of Southampton, by virtue of the said writ, to the said Sheriff directed,
hath taken the following property belonging to John C Turner

three horses

to satisfy the same, to wit:

and the said John C Turner
being desirous of keeping the said property in his possession, until the day of sale of the same,
hath tendered the above bound John W Reeseas security for the
forthcoming and delivery thereof, on the day and at the place of sale, agreeably to an act of
Assembly, in that case made and provided. Now, if the above bound Samuel & JamesJohn C Turner and John W Reese
or either of them, do, and shall deliver the aforesaid property to the said William L
Everette Sheriff or either of his deputies, at the Court House of the said County, on the
18th day in July next, that being Court day, and the time and place
appointed for the sale, then and there to be sold to satisfy the said Margaret E
Nicholson as guardian at law to Elizabeth Searbrough
his execution aforesaid; then the above obligation to be void, or else to remain in full force.Signed, Sealed and delivered }
in presence of }

John W Reese [SEAL.]

J C Turner [SEAL.]