

1844-002 SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARROW'S ADMINISTRATOR et al VS. CLAUD'S EXECUTOR
et al

Petition of John Y. Moyler, admr of John T. Barrow

other SURNAMES: Griffin,
Musgrave, Harris, Persons,
Waller, Edwards, Lea,
Leigh, Lee, Odom, Barnes,
Wade, Woodard, Liles, Fly,
Martin, Powell, Flythe, Johnson

Barnes's
committee of

or

Barnes's admor
et al

Bill in chancery

1879 July 15

To the honorable Richard H Baker
judge of the circuit superior court
of law and chancery for the County
of Southampton in chancery
sitting.

Humbly complaining shew unto your
honor, your orator and oratrices
Benjamin Griffith to whom the estate
of Richard Burrow abcd was com-
mitted for administration as then
Sheriff of the County of Southampton
Peter Edwards and Narcissa his wife
who are formerly Burrow and sister
of the whole blood of the said Rich-
ard Burrow, Joseph T Eluid, and son
of Robert T Murgrove, to whom
Henry Burrow a brother of the
whole blood assigned all his inter-
est in the whole of the said Richard
Burrow, as well as ^{the next of kin} any interest in the
whole of his nephew Theophilus
son of the said Richard, Charlotte
Murgrove, Edwin Morris, and Maud

Harris, an infant under the age of twenty
one years, by Edwin Harris his next
friend, John A. Persons, attorney ^{& distributor} of Pettigrew
Will Harris, his late wife, brother and
sister of the said Hood, and Elizabeth
Harris, mother of the said Richard
Harris, ^{and Mary & Rose daughters & legatees of Wiley & Morrow, brother of the said Harris} Borrow, plaintiffs, that the
said Richard Borrow on the 22nd day
of January 1827, executed a deed of
gift, for the following slaves, to
his son, the said Philipus Turner Borrow
an infant of under years, to wit Pierre
Whom Mary George and Henry, the
said Richard and his son, being then
both inhabitants of the county of
Southampton, which said deed was
duly proved and recorded in the Clerk's
Office of the said county of Southampton
& State of Virginia, as appears by an
authenticated copy. filed herewith and
prayed to be taken as a part of this bill
that some months previous to October
1827, the said Richard Borrow, removed
from the county of Southampton and

Mole of her genius, into the state of North
Carolina, where he remained a short time
~~and~~ disappeared, and has never since
been heard of, as your complaints believe
that the said Theophilus remained in
the county of Southampton together with
the slaves, until the year 1830, when he
departed this life, ^{unmarried}, unmarried,
and without issue, leaving in addition
to your complaints his paternal kin-
dest, a ^{Sister & brother as sole distributors under whom they claim}
maternal grand mother Jane P. Blount, who
has since died, after making a nuncupative
will, which has been duly proved and estab-
lished in the county court of Southampton
and appointing Joseph P. Blount her executor as
well appear by an authenticated copy filed
with & prayed to be taken as a part of this
bill, Temperance Blount, who has since mar-
ried with & is now the wife of Benjamin
C. Walter, maternal aunt, that the said
Joseph P. Blount qualified as guardian of the
said Theophilus, & in that character is in
possession of the slaves given to him by the
said dec'd of gift - who ^{as such} ~~would be~~ ^{is} ~~characterized~~, and
as one of the said Jane P. Blount, together with
the said Benjamin C. Walter & Temperance
his wife are prayed to be made defendants
hereto, with apt & proper charges, ^{words to} ~~and that~~

they respectfully answer the allegations of the
bill upon oath - The complainants further
represent, that doubts have arisen, as to the
proper and legal distribution of the said shares,
if the father is to be presumed to have received
the son, as your complainants contend, ought
under the settled rules of law to be presumed un-
less the defendants can prove the contrary,
then they are entitled to distribution as heirs
and distributees of Richard Borrow, to the
exclusion of the maternal kindred of the said
Theophilus, but there contend that they are
entitled, under the idea that the son survived his father
also entitled, & hence a contentious business
which all parties are desirous of having
speedily settled by the decision of this honor-
able court, which has peculiar cognizance
thereof. To the end therefore that justice
may be done in the premises your com-
plainants pray that the ~~honorable~~
~~court of Chancery~~ ~~may~~ ~~be~~ ~~ordered~~
~~to~~ ~~your~~ ~~complaint~~ ~~will~~ ~~ever~~ ~~pay~~

Per the J^y
That an account may be rendered
by the owner of Theophilus
Borrow of his actions and doings
before a commissioner of this
court, so as to ascertain the

exact amount and value of the
said estate, in order to a proper
distribution, among the parties
respectively entitled, and upon the
supposition that this court may
decide, that Richard Borrow
was entitled, to the said estate as
survivor heir & distributee of
his son the said Theophilus,
that his widow may render
an account, ~~thereof~~ and that
~~the same~~ and grant such
further and general relief
touching the premises, as to
your honor may seem con-
sistent with the rules of equity and
good conscience, & that the
commonwealth, sort of subpoena
may issue, commanding &c
and your compliments will ever
pray &c
Per the J^y

Bartons acct

27

Calcutta &

Petition of

J. D. Mayne acct.

& of J. S. Manton.

To the Hon Rich^d. H. Baker judge of the Circuit
Super. Court of Law & Chancery for the
County of Southampton.
The petition of John G. Morgan ad^r de bonis
non with the will annexed of John T. Barrow
respectfully shews, that by a decree of this
court pronounced at the Oct Term 1844, ~~Isa.~~
~~T. Barrow~~ in the case Barrow ad^r
vs. Cland &c. Jos. T. Cland was appointed
comr. to sell the slaves of the Est of theophylus
T. Barrow decd. and was ordered to pay
to Robt. T. Mansgrave ad^r of John T.
Barrow one sixth of one moiety of the
amt. sales. Your petitioner shews that
the said Mansgrave was at the time
of said decree decd. and that your
petitioner is comr. de bonis non with
the will annexed of said John T.
Barrow. a copy authentic of his
qualification mailed (A) is filed as
a part of this petition. Your petitioner
therefore prays that he may be made a
defend^t. to the said suit, and that you
may well ^{make an order} or order the clerk to deliver
to your petitioner, the bond ~~taken~~ taken
by the comr. as one sixth of one moiety
the part belonging to the estate of J. T. Bar-
row - which bond was returned by the
s^d comr. with this report - and
your petitioner as in duty bound
will forever pray &c.

Barrows ad 40

v. { Ans.

Barrows 40

1839. Oct 21st

Griffen & others }
vs }
Blair & others }
Annam

368 words!

The Joint Answer of Joseph T. Blund admr
of Theophilus T Barrow and Executor of Jane
P. Blund. and Benjamin B. Waller and Temper-
ance his wife - To the bill of Complaint
exhibited against them by Benj Giffert & Others.

These Respondents saving and reserving to
themselves, all benefit of just-exception, that may
hereafter arise, to the many errors and uncertainties
in the Compls bill contained, for answer thereto or unto
so much thereof as they are advised it is at all material
for them to answer. Say, That ^{the} deed
of Gift referred to in the Compls bill was duly executed
and proven in manner & form as set forth in ^{the} bill; That
Richard Barrow to the best of their recollection, did not
leave the State of Virginia, until some time about
the first of the year 1829, that he remained in the
County of Northampton, State of N. Carolina, but a
short ^{time} when, as they are bound to believe from circum-
stances that will be introduced to the notice of the
Court hereafter in the progress of this cause, that said
Richard Barrow was murdered and concealed by some
unknown hand. but that his remains were afterwards
found, as they understood at the time; That ^{the} Theophilus
Barrow died about the 9th of September 1830, having
as they believe survived his father, that after the death
of ^{the} Theophilus. Joseph T. Blund qualified as Admr
upon his estate and as such possessed himself of the
estate of ^{the} T. Barrow, ^{the} Blund begs leave to
represent. that he has regularly settled his adminis-
tration account; and that in the course of his adminis-
tration ~~and~~ he sold one of the negroes for the payment
of debts, as will appear by reference to ^{the} account
~~herewith~~ filed and prayed to be taken as a part of
this answer. The other four slaves are still in the
possession of ^{the} Blund subject to the order of this Court.
^{the} Blund also qualified as Executor of Jane P. Blund as
is charged in ^{the} bill. Benja B. Waller also intermarried
with Temperance Blund in January 1828. Your Respects
over that there are all the material facts of the case. they
therefore pray to be hence dismissed, with their reasonable
costs by them in this behalf expended.

Joseph T. Blund
Benja B. Waller

J. Hampden County, N. Y. This day Jos. T. Blair and Ben. C. Waller
personally appeared before me a Justice of the Peace for the County of Hampden
and made oath that the facts stated in the foregoing answer so far as depends
upon their own knowledge ^{is true} & so far as depends upon the information of
others they believe them to be true. Given under my hand this 2nd
day of October 1839. Saml. Rogers J. P.

Baron's aunts

or

Clouds aunts } Deane

To be entered

RHB

Bauman's admstr

vs

Clauver admstr

} In ch:

This cause comes to this day to be heard on the Bill, ^{and replication of} answers, exhibits, and ^{examination of witnesses} ~~depositions~~ and was argued by Counsel; on Consideration whereof the Court without deciding the principles in the Cause, doth advise order & Decree that Joseph T. Clauver administrator of Thos. Bauman decd render before Commissioner Cobb an account of his transactions as admstr of said Bauman, showing the number and probable value of the slaves which account the said court is directed to examine state and settle and to the court report with any matter specially stated deemed pertinent by himself or required by the parties to be so stated.

Barrons adm 70

n. } copy done

Clouds En: 70

notice to ^{August} ~~11~~ 27th 1841
See 6th Corn
"

At a Circuit Superior Court of Law and Chancery held for the County of
Southampton on Thursday the 8th of April 1841

Benjamin Griffin to whom the estate of Richard Burrow dec^d was committed
as then Sheriff of the County of Southampton for administration Peter Edwards
and Narcissa his wife Joseph T. Blund administrators Robert T. Maygrave dec^d Charles
- Colles Maygrave Edwin Harris and David Harris ^{an infant} by Edwin Harris his next friend
John A. Person administrator of Polly Hill Harris his late wife Elizabeth Harris
and Mary T. Rose

Against

Joseph T. Blund Executor of the will of Jane T. Blund dec^d and as administrator of
Theophilus T. Burrow dec^d.

This cause came on this day to be heard on the bill answer and exhibits and examinations of
Witnesses and was argued by Counsel on consideration whereof the Court without deciding
the principal in the cause with adjudge order and decree that Joseph T. Blund admin-
-istrator of Theophilus T. Burrow dec^d render before Commissioners Cobb and account of his
transactions as administrator of said Burrow showing the number and probable value of
the slaves which account the said Commissioners is directed to examine state and settle
and to the Court report with any matters specially stated deemed pertinent by himself
or required by the parties to be stated -

Copy

Teste. L. R. Edwards cc

We acknowledge the service of the within notice
July 19/1841.

" " "

" " "

" " "

" " "

July 30/1841

" " "

Jos. H. Clark

Peter Edwards

Edwin Hannis

John A. Person

Bery Griffin

Narcissa Edward

Charlotte Leigh

formerly

Charlotte Musgrave

Barrows address

2 copy done

3rd notice

ms

Claver with ~~3rd notice~~

Aug 11th 1841

At Circuit Superior Court of Law and Chancery held for the County of
Southampton on Thursday the 8th day of April 1841

Benjamin Griffin to whom the estate of Richard Barrow deceased,
was committed as the then Sheriff of the County of Southampton for
administration, Peter Edwards and Narcissa his wife, Jos. T. Claud
adm^r. of Robt T. Musgrave dec^d, Charlotte Musgrave, Edwin
Harris, and Lewis Harris an infant by Edwin Harris his next
friend Jos A Person adm^r. of Polly Nell Harris his late wife
Elizabeth Harris and Mary T. Rose

Hffs

against
Joseph T. Claud int^r of Jane P. Claud dec^d and as adm^r.
of Theophilus T. Barrow dec^d

Defts

This came on this day to be heard on the bill answer and exhibits and
examination of witnesses, and was agreed by Counsel, on consideration
whereof the Court without deciding the principals in the cause
doth adjudge order and decree that Joseph T. Claud administrator
of Theophilus T. Barrow dec^d render before Com^r. Cobb an account
of his transaction as adm^r. of said Barrow, shewing the number and
probable value of the Slaves, which account the said Com^r. is directed
to examine state and settle and to the Court report, with any
matters specially stated deemed pertinent by himself or required
by the parties to be so stated

a copy

Teste

L. R. Edwards. Clk

Court Office June 22^d 1841

I have appointed Tuesday the ^{17th} ~~20th~~ day of August
to take up the accounts directed by the above order of the
Court; on which day the parties interested, are required to
attend at the Court house by Ten O'clock A.M. with their
vouchers & evidence for examination and settlement
Jno Cobb Clerk

Barrows adt
As
Blum adt } Order

Inter this

R. H. Baker

Barrow a 2th
vs
Blund a 2th } Decree

This day this cause came on to be heard on the papers formerly read and the report of the Commissioner made pursuant to an order of April Term 1841. to which report there is no exception and was argued by Council. On consideration whereof the Court ~~doth~~ ~~confirm said report. And the court~~ not being satisfied as to the fact. whether Richard Barrow survived his son Theophilus T. Barrow or not. doth order, that an issue be made up between the parties, to be tried by a jury at the bar of the Law side of this Court, to ascertain whether the said Richard Barrow did or did not survive his son the said Theophilus T. Barrow -

~~And the Court doth further order that the depositions which have been taken in this cause may be read as evidence upon the trial of said issue, and that either party be at liberty to introduce any other legal testimony~~

and liberty is allowed the parties to read upon the trial of said issue the depositions of such of the witnesses whose evidence has already been taken as may have died since or whose attendance cannot be obtained under the process of the court and any other ^{legal} evidence which the parties or either of them may think proper to introduce -

Barrow adm.

2 } Dec 22

Clanville adm.

Barrow, adm.

Claude, adm.

This day this cause ~~came~~ came on, by consent of parties, again to be heard on the papers formerly read, and the verdict of the jury imparuelled on the law side of this court to try the issue awarded by a decree of the full term 1841, to try the fact, whether Richard Barrow did or did not survive his son Theophilus Barrow and the report of the commissioners, returned to October term 1841, to which report there was no exception, and was argued by counsel; On consideration whereof, the court confirming the said report, and being satisfied with the verdict of the jury, finding that Richard Barrow did not survive his son Theophilus Barrow; and it appearing to the court that the said Theophilus Barrow left neither children, father, mother, brothers ^{nor} sisters, or any of their descendants, the court doth order, adjudge and decree, that his estate be divided into two parts; one to go to his paternal, and the other to his maternal kindred and that Joseph I. Claude, who is appointed a commissioner for that purpose, do, after giving reasonable notice of time and place of sale, sell at public auction, the slaves in the proceedings mentioned, on a credit of twelve months, taking bonds and good securities of the purchasers, and apportion one moiety of the proceeds of such sale to the paternal kindred, in the following manner; to wit - one sixth of the said moiety to Peter Edwards and Narcissa, his wife, one sixth to Joseph I. Claude, adm. of Robert I. Musgrave

who was apiece of Henry Burrow, one sixth to
Edwin Harris adm. with the will annexed of
Elizabeth Harris, one sixth to Prudent T Musgrave
adm. of Thomas Burrow decd.; the said Narcissa
Henry and Thomas being uncles and aunts of the
whole blood, and the said Elizabeth being grand
mother to the said Theophilus, one twelfth to
Joshua Lee and Charlotte his wife, one twelfth
to Edwin Harris, one twelfth to John A Persons
adm. of Polly Hill Persons, late Harris his wife, one
twelfth to Maria Harris; the said Charlotte, Edwin
Polly and Maria, being uncles and aunts of the
said Theophilus of the half blood; and apiece the
other moiety to the maternal grandmothers of the said
Theophilus Burrow, in the following manner; to
wit - one half of said moiety to Benjamin C
Waller and Temperance his wife, and the other half
of said moiety to Joseph T Blauvelt Exor. of Jane
P Blauvelt; the said Temperance being aunt of the
said Theophilus Burrow, and the said Jane P,
being grand mother of said Theophilus, on the
maternal side; and make report to the Court
and the Court with further order, adjudge and
decree, that Joseph T Blauvelt adm. of Theophilus
Burrow render before a commissioner of this
court, an account of the lines of the stone be-
longing to the estate of his intestate, since the last
account rendered by him; which the said Court
is directed to audit, state and settle, and make
report to court, with any matters specially sta-
ted claimed pertinent by himself, or which may
be required to be so stated by either party

Barrow Com

& } Co. Decm

Barras adm:

Barrow
& } Co. Decm
Barrow

notice issued June 12th
for acct auct 22nd 1849

48^{cts}

At a Circuit Superior Court of Law & Chancery
held for the County of Southampton the 3rd day
of November 1842.

Benjamin Gaffin to whom the Estate of Richard Barrow dec^d
was committed as then Sheriff of the County of Southampton for
administration, Peter Edwards and Marcia his wife Joseph
T. Cland administrators Robert T. Musgrave dec^d. Charlotte
Musgrave. Edwin Harris and Newt Harris an infant by
Edwin Harris his next friend. John A. Penson administrators of
Polly Hill Harris his late wife Elizabeth Harris and Mary T. Rose } Plffs
against
Joseph T. Cland exor. &c of Jane T. Cland dec^d. and as administrators
of Theophilus T. Barrow deceased } Defts

This day this cause came on by consent of parties, again to be heard on
the papers formerly read, and the verdict of the jury unpurged on the law
side of this Court, to try the issue awarded by a decree of the full term 1841
to try the fact, whether Richard Barrow did or did not survive his son
Theophilus Barrow and the report of the Commissioner, returned to October
term 1841, to which report there was no exception, and was argued by coun-
sel. On consideration whereof the Court confirming the said report, and being
satisfied with the verdict of the jury finding that Richard Barrow did not
survive his son Theophilus Barrow, and it appearing to the Court that the
said Theophilus Barrow left neither children, father, mother, brothers nor
sisters or any of their descendants. The Court doth order adjudge and decree
that his estate be divided into two moieties, one to go to his paternal and the
other to his maternal kindred and that Joseph T. Cland, who is appoin-
-ted a Commissioner for that purpose do after giving reasonable notice of time
and place of sale, sell at public auction the slaves in the proceedings men-
-tioned on a credit of twelve months, taking bonds and good securities of
the purchasers, and apportion one moiety of the proceeds of such sale to the pater-
-nal kindred in the following manner to wit, one sixth of the said moiety
to Peter Edwards and Marcia his wife, one sixth to Joseph T. Cland admini-
-strator of Robert T. Musgrave who was assignee of Henry Barrow, one sixth to Edwin Harris
admini- with the will annexed of Elizabeth Harris, one sixth to Robert T.
Musgrave admini- of Thomas Barrow dec^d. the said Marcia Henry & Thomas
being uncles and aunts of the whole blood and the said Elizabeth being grand-
-mother to the said Theophilus, one twelfth to Joshua Lea and Charlotte
his wife, one twelfth to Edwin Harris, one twelfth to John A. Penson admini-
- of Polly Hill Penson late Harris his wife one twelfth to Newt Harris

the said Charlotte Edwin Polly and Navit being uncles & aunts of the said
Theophilus of the half blood and assign the other moiety to the maternal kindred
of the said Theophilus Barrow in the following manner to wit: One half of said
moiety to Benjamin C Waller and Temperance his wife. And the other half of
said moiety to Joseph T Cland Esq of June T Cland, the said Temperance
being ~~being~~ Aunt of the said Theophilus Barrow. And the said June T being
grandmother of said Theophilus on the maternal side and make report to
the Court. And the Court doth further order, adjudge and decree that Jos:
T Cland a moi of Theophilus Barrow under before a Commissioner of this
Court an account of the hire of the slaves belonging to the estate of his intestate
since the last account rendered by him; which the said Commissioner is
directed to audit, state and settle and make report to Court with any matters
specially stated deemed pertinent by himself or which may be required to be
so stated by either party.

Attest.

Teste.

J R Edwards Clk

Barrows adm. gal
v. { Copy Verdier
Cland's Eve. pe

At a Circuit Superior Court of Law & Chancery held
for the County of Southampton the 1st day of Novem-
ber 1842.

Benjamin Griffin to whom the Estate of Richard Barrow was committed,
as Clerk Sheriff of the County of Southampton for administration,
Peter Edwards & Marcipa his wife, Joseph P. Claud adm.
of Robert P. Musgrave dec'd. Charlotte Musgrave, Edwin
Harris & Henri Harris, an infant by Edwin Harris his next
friend John A. Persons adm. Polly Hill Harris his late wife
Elizabeth Harris. and Mary P. Rose. } upon an
Plffs } Issue out
of Chy.
against:

Joseph P. Claud Exor. &c of Jane Claud dec'd. and as adm.
of Theophilus P. Barrow dec'd. and Benjamin C. Waller and
Temperance his wife } Defts }

This day came the parties by their attorneys and thereupon came a
Jury to wit: William G. Clement, William Prince, Saml. Hollister, John
Parker, William Lawrence, Selah Ellsworth, Henry B. Vaughan, Joel
Vick, Orren Vaughan, Daniel W. Simmons, James Vincent, who
being elected tried and sworn the truth to speak upon issue joined
and upon their oaths returned a verdict in the following words to wit:
"We of the Jury find that Theophilus P. Barrow survived and out lived
his father Richard Barrow." which is ordered to be certified to the
Circuit Superior Court of Law and Chancery for Southampton County.

Copy Teste L. A. Edwards Secy

Barrows adm. Feb

v. } Capt. Dene

Blonds Cr. 1/2

Southampton Circuit Superior Court - November 3^d 1842

Benjamin Griffin to whom the estate of Richard Barron dec^d. was committed as then Sheriff of the County of Southampton for administration, Peter Edwards & Marcissa his wife Joseph T Claud admor. Robert T Musgrave dec^d. Charlotte Musgrave, Edwin Harris & Muriel Harris an infant by Edwin Harris his next friend, John A Person admor. of Polly Hill Harris his late wife, Elizabeth Harris and Mary T Rose Poffs.

against

Joseph T Claud Exor & of Jane P Claud dec^d & as admor. of Theophilus Barron dec^d &c

In Chancery

filed

This day this cause came on by consent of parties again to be heard on the papers formerly read and the verdict of the jury impanelled on the law side of this Court to try the issue awarded by a decree of the Fall Term 1841 to try the fact whether Richard Barron did or did not survive his son Theophilus Barron and the report of the Commissioner returned to October Term 1841 to which report there was no exception, and was argued by Counsel. On consideration whereof the Court confirming the said report and being satisfied with the verdict of the jury finding that Richard Barron did not survive his son Theophilus Barron. And it appearing to the Court that the said Theophilus Barron left neither children, father, mother, brother nor sister or any of their descendants the Court doth order, adjudge and decree that his estate be divided into two moieties, one to go to his paternal and the other to his maternal kindred and that Joseph T Claud who is appointed a Commissioner for that purpose do after giving reasonable notice of time & place of sale sell at public auction the slaves in the proceedings mentioned, on credit of twelve months taking bonds and good securities of the purchasers, and assign one moiety of the proceeds of such sale to the paternal kindred in the following manner to wit One sixth of the said moiety to Peter Edwards & Marcissa his wife, one sixth to Joseph T Claud admor. of Robert T Musgrave who was assignee of Henry Barron, one sixth to Edwin Harris admor. with the will annexed of Elizabeth Harris, one sixth to Robert T Musgrave admor. of Thomas Barron dec^d. the said Marcissa, Henry & Thomas being uncles and aunts of the whole blood and the said Elizabeth being grandmother to the said Theophilus, one Twelfth to Josiah Lea & Charlotte his wife, one Twelfth to Edwin Harris one twelfth to John A Person admor. Polly Hill Person late Harris his wife, one Twelfth to Muriel Harris; the said Charlotte Edwin, Polly & Muriel being uncles & aunts of the said Theophilus of the half blood - And assign the other moiety to the maternal kindred of the said Theophilus Barron in the following manner to wit. One half of said moiety to Benjamin C Waller and Temperance his wife and the other half

of said moiety to Joseph F. (land Exor: of Jane P. (land de^d), the said Temperance
being aunt of the said Theophilus Barron and the said Jane P. being grand
mother of said Theophilus on the maternal side, and make report to the Court.
And the Court doth further adjudge order and decree that Joseph F. (land
admon. of Theophilus Barron render before a Commissioner of this Court an
account of the sales of the Slaves belonging to the estate of his intestate
since the last account rendered by him, which the said Commissioner is directed
to audit state & settle and make report to Court with any matters specially
stated deemed pertinent by himself or which may be required to be so stated by
either party.

Attest
Teste L R Edwards Ck

we acknowledge ^{Legal} service of the within notice
June 19th 1843 - J. H. H. H. H.

July 12th 1843

Benjamin C. Waller

July 13th 1843

John Coleman

July 29th 1843

John A. Person

Edwin Hannes

Joshua Leigh

20.00
16.5
12.31

Barrow }
as }
Barrow } notice

At a Superior Court of Law & Chancery held for
for the County of Southampton the 3^d day of Nov^r 1842
Benjamin Griffin to whom the estate of Richard Barrow dec^d
was committed as then Sheriff of the County of Southampton for
administration, Peter Edwards, and Narcissa his wife Joseph
T. Claud adm^r. of Robt. T. Musgrave dec^d. Charlotte Musgrave
Edwin Harris, & Newit Harris, an infant by Edwin
Harris, his next friend, Jas^t A. Person adm^r. of Polly Hill
Harris his late wife, Elizabeth Harris and many } Plffs.
T. Rose

against
Joseph T. Claud Est^r of Jane P. Claud dec^d & as adm^r.
of Theophilus Barrow deceased } Defs.

This cause this day came on by consent of parties, again to be
heard on the papers formerly read, and the verdict of ^{the} jury impanel-
led on the said side of this Court, to try the issue awarded by a decree
of the fall term 1841 to try the fact whether Richard Barrow died or
did not survive his son Theophilus Barrow, and the report of the
commissioner returned to October Court term 1841 to which report
there was no exception and was argued by Counsel. On Consider-
-ation whereof the Court confirming the said report, and being satis-
fied with the verdict of the jury finding that Rich^d Barrow died
not survive his son Theophilus Barrow. And it appearing to the
Court that the said Theophilus Barrow left neither children, father,
mother brothers nor sisters or any of their descendants, the Court
doth order adjudge & decree that his estate be divided into two
moieties, one to go to the paternal, and the other to the maternal kin-
-dred, and that Joseph T. Claud who is appointed a commissioner
for that purpose do after giving reasonable notice of time & place
of sale, sell at public auction, the slaves in the proceedings
mentioned on a credit of twelve months, taking bonds and good
security of the purchasers, and assign one moiety of the proceeds
of such sale to the paternal kindred in the following manner to wit:
One sixth of the said moiety to Peter Edwards & Narcissa his wife
one sixth to Joseph T. Claud adm^r. of Robt. T. Musgrave who was a slave
of Henry Barrow. one sixth to Edwin Harris adm^r of Elizabeth
Harris his late wife, with the will annexed

Harris, one sixth to Robt T. Musgrave admr. of Thomas Barrow decd
The said Narcissa, Henry, & Thomas being uncles & aunts of the
whole blood, and the said Elizabeth being grandmother to the said Theopha-
lus. one twelfth to Joshua Lee & Charlotte his wife, one twelfth
to Edwin Harris, one twelfth to John A. Person admr. of Polly Hill
Person late Harris his wife, one twelfth to Newit Harris, the said
Charlotte, Edwin, Polly & Newit, being uncles & aunts of the said
Theophilus Barrow of the half blood, and assign the other moiety to
to the maternal kindred of the said Theophilus Barrow in the following
manner to wit. One half of said moiety to Benjamin C. Waller and
Temperance his wife, and the other half of said moiety to Joseph
T. Leland Est of Jane P. Leland, the said Temperance being aunt
of the said Theophilus Barrow, and the said Jane P. being grand-
mother to the said Theophilus on the maternal side, and make re-
port to the Court. And the Court doth further order adjudge and
decree that Joseph T. Leland admr. of Theophilus Barrow render before
a Commr. of this Court an account of the slaves of the slaves be-
longing to the estate of his intestate since the last account ren-
dered by him, which the said Commr. is directed to audit & settle &
settle, and make report to Court with any matters specially
stated deemed pertinent by himself, or which may be required to be
so stated by either party.

A Copy Test L. R. Edwards Clk

Court Office Jerusalem June 12th 1843

The parties interest in the settlement of the accounts
directed by the above order of the Court, are required to attend
at the Court house in the Town of Jerusalem on Tuesday
the 22nd of August next with their vouchers, accounts & testimony
for examination & settlement

Geo. Cobb Commr

Barrow

27 $\frac{4}{3}$

Barrow

Clair

To be entered.

R. H. B.

1822 October Term

Barrows adth sal
No
Blands & Co 1- } Decree,

This day this cause came on again to be heard on the papers formerly read, and the reports of the Commissioner ^{to be returned} dated September 25th 1841. to which there are no exceptions, and the reports of the Commissioner taken pursuant to the decree of November term 1842. to which ^{together with the statements made of said Barrows} reports there are no exceptions, and was argued by Counsel - On consideration whereof the court confirming said reports, doth order adjudge and decree, that Joseph T Bland administrator of Theophilus Barrow pay unto Benjamin & Waller & wife the sum of \$364-77 of principal and \$86-84 of interest, with interest on the principal sum from the 31st December 1842 till paid, Do Joseph T Bland Executor of Jane P Bland the sum of \$364-77 of principal and \$86-84 of interest, with interest on the principal sum from the 31st Decr 1842 till paid, Do Peter Edwards and wife \$121-58 of principal and \$28-94 $\frac{4}{5}$ of interest, with interest on the principal sum from 31st Decr 1842 till paid. Do Joseph T. Bland adth of Robert T. Musgrave \$121-58 of principal and \$28-94 $\frac{4}{5}$ of interest, with interest on the principal sum from 31st Decr 1842 till paid - Do Edwin Harris adth of Elizabeth Harris, \$121-58 of principal and \$28-94 $\frac{4}{5}$ of interest, with interest on the principal sum from the 31st of Decr 1842 till paid - Do John D Moyer adth of John T Barrow \$121-58 of principal and \$28-94 $\frac{4}{5}$ of interest, with interest on the principal sum from the 31st Decr 1842 till paid. Do Joshua Leigh & wife \$60-98 of principal and \$14-47 $\frac{2}{5}$ of interest with interest on the principal sum from the 31st Decr 1842 till paid - Do Edwin Harris \$60-98 of principal and \$14-47 $\frac{2}{5}$ of interest, with interest on the principal sum from the 31st Decr 1842 till paid. Do

Iok A Person adth of Polly Hill Persons \$60-78
of principal and \$14-47 $\frac{2}{5}$ of interest, with
interest on the principal sum from the 31st
of Decr 1842 till paid - Do Peter Edwards
Guardian to Hewitt Harris \$60-78 of principal
and \$14-47 $\frac{2}{5}$ of interest, with interest on
the principal sum from the 31st Decr 1842
till paid - And the court doth further order adjudge and
decree, that the Pff Burt Griffin sh^{ll} issue of Rich^d
Barrow, do out of the assets of his intestate in his hands
to be administered, pay to the defend^{ts} their costs in
this case expended. But the parties, in whose favor
the foregoing amounts are decreed, are not to have the
benefit of this decree, until they or some one for them
shall enter into the usual reformatory bond, conditioned
according to Law.

Bureau add }
2 }
claim & }
}

Recd

Barrow, adm. 3
vs
Bland; Exor & 3

On the petition of John
G. Myler adm. de bonis non of John
Barrow, and by consent of parties
he is made a defendant to this suit. and
thereupon this cause this day came on again
to be heard on the papers formerly read
and the report of Jos. T. Bland a com.
appointed by a decree of this court pro-
nounced on 3 Nov. 1842 to sell the share
of the Estate of Thos. T. Barrow dec'd
to which report there is no exception
and was argued by counsel. The court with
anation whereof the court with
confirm the report of Jos. T. Bland
com. and with order that the bond
for one sixth of one moiety directed
by the decree of 3 Nov. 1842 to be deli-
vered to R. T. Mansgrove adm. of John
T. Barrow dec'd be delivered by the Clerk
of this court to John G. Myler adm.
de bonis non with the will annexed
of John T. Barrow dec'd and as to
all other matters, this cause is con-
=cluded

Barrows com Y^d

n { Sp^a in let^{er}

Barrows com Y^d

1839 April Rules

Executed

D^r Dromgoole. Sps

L^d M^apsburg. Sps

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Joseph T. Claud admor. Theophilus*

Barrow dec^d. and as Exor. of James P. Claud dec^d. and
Benjamin Waller & Temperance his wife —

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 *April* next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Benjamin Griffins late Sheriff of Southampton To whom the estate of Richard Barrow dec^d. was committed for admor. Peter Edwards and Narcissa his wife, Elizabeth Harris. Joseph T. Claud admor. Robert T. Musgrave dec^d. Charlotte Musgrave, Edwin Harris, & Neust Harris* [an infant by the said Edwin Harris his next friend and John A. Person admor. of his late wife Polly Hill Harris.

And unless *they* 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 *19th* day of *February* 183*9*, in the *63rd* year of the Commonwealth.

L. R. Edwards Clk

[One Copy to be delivered each Defendant.]

1056

Barrons arms & Co

2 } 5th in Chy

Barrons arms & Co

1839 September Rules

Examiner on Benja. C.

Waller's wife

Joseph. T. Clandish

found

Wm. H. Davis, Deputy
of James D. Woburn

Sept

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Joseph T. Leland Executor of Jane S. Leland dec'd* and as administrator of *Theophilus T. Barron dec'd* and *Benjamin C. Waller & Temperance his wife*

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 *September* next, to answer a Bill in Chancery exhibited against *them* in the said Court by *Benjamin Griffin* to whom the estate of *Richard Barron dec'd* was committed as Clerk of the County of Southampton for administration. *Peter Edwards & Marcia his wife*. *Jos. T. Leland* admin: *Robert T. Musgrave dec'd* *Charlotte Musgrave*. *Edwin Harris & Veit Harris* an infant by *Edwin Harris* his next friend. *John A. Person* admin: of *Polly Still Harris* his late wife. *Elizabeth Harris* & *Mary T. Rose*

And unless *they* 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 *5th* day of *August* 1839, in the *64th* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

c

656

Barrows adm yd

v. } Sp. in Chy

Barrows adm yd

1839 October Rules

Exempt

Wm L. Schell & Co
of Hamburg & Co

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Joseph T. Claud Exor of Jans*
J. Claud dec^d and as administrator of *Theophilus T. Barron dec^d*

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 *October* next, to answer a Bill in Chancery exhibited against *himself* ^{of others.} in the said Court by

Benjamin Griffin to whom the estate of Richard Barron dec^d was committed as then Sheriff of the County of Southampton for administration, Peter Edwards &c. Executors his wife, Joseph T. Claud adm^r of Robert T. Musgrave dec^d, Charlotte Musgrave, Edwin Harris &c. next Harris an infant by Edwin Harris his next friend John A. Pison adm^r of Polly Fells Harris his late wife, Elizabeth Harris &c. Mary T. Rose

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 *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 *2^d* day of *September* 1839, in the *64th* year of the Commonwealth.

L. R. Edwards Clk

[One Copy to be delivered each Defendant.]

This day personally appeared before me Nathaniel A. Thomas
and made oath that he delivered a true copy of the within notice
to Messrs. Griffin Peter Edwards & wife, Mary J. Rose, Elizabeth Harris, and
Miss Charlotte Jackson Monday the 20th Janry 1840, and to John A Person
and Edwin Harris on Wednesday the 22nd Janry 1840: Given under my
hand this 24th Janry. 1840

William L. Ewitt J.P.

Barred as

to Notice

Barred as

Filed October 19th 1840.

To Rufa Griffin Shiff and Committee of The Est. of Rich^d. Warren dec^d.
Peter Edwards & Narcissa his wife Jos. J. Gladd adm^r of Robt. J. Maynard
dec^d. ~~Charlotte Maynard~~ Edwin Harris and Merit Harris an infant by
Edwin Harris his next friend, John A. Plenn adm^r of Polly Hill Harris his
late wife Elizabeth Harris and Mary J. Reed.

at 223 Joshua Leigh & his wife Charlotte Leigh formerly
~~Charlotte Maynard~~ who was formerly Charlotte Harris,
late wife, that on Thursday the 6th day of Feby in the year
1840, between the hours of nine o'clock A.M. and 4 o'clock P.M. at
Boylston's depot on the P. & R. Rail Road, in Edw^d. Beaton's Store-house
in the County of Southampton, we shall proceed to take the depori-
-tions of John B. Alden, Jas. S. Hythe Kinchen Powell and others,
to be used as evidence in a suit depending in the Circuit Superior
Court of Law and Chancery for the County of Southampton wherein
Rufa Griffin Shiff and Committee of The Est. of Rich^d. Warren dec^d.
and yourselves are plaintiffs, and Jos. J. Gladd, Est^r of Anne Gladd
dec^d. & Adm^r of Theophilus Warren dec^d. and Rufa C. Waller
and Temperance his wife are defendants.

If any thing should occur to prevent the taking or completing
of the said depositions on the day above mentioned, they
will be adjourned from day to day (except on Sundays) when
they will be adjourned to the following Monday) at and to
the same place, and within the same hours, until they are
completed.

Yes &c.

Rufa C. Waller and wife Temperance

S. Southampton County

Jos. J. Gladd Est^r of Anne Gladd dec^d.

January 4th in year 1840

Adm^r of Theophilus Warren dec^d.

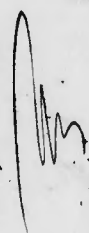
Isaac Bondall previously appeared
before me and made oath that he
did deliver to Mrs Mary T. Rose on the
eighteenth day of August 1840. a true
copy of the within Notice -
Given under my hand this 12 day of
Sept 1840 -

Thos, Ridley J.P.

Mrs Mary T. Rose

To

Notice



Notions not

to { notice

delivered to

filed Sept. 21/1840.

To Benja Griffin Shff. and committee of the Est of Richard Barrow decd, Peter Edwards & Narcissa his wife go: & T. Clawd admtr of Robert T. Musgrave decd, Joshua Leigh & Charlotte his wife formerly Charlotte Musgrave, who was formerly Charlotte Harris Edwin Harris and Newt Harris an infant by Edwin Harris his next friend John A. Persons admtr of Polly Hill Harris his late wife and Mary T. Rose -

= Take Notice that on the 28th day of August in the year 1840 between the hours of Nine Oclk A. M. and Six Oclk P. M. at Boykin Depot on the P. & N. Railrode in Edwin Beaton's store house in the county of Sampson, we shall procede to take the depositions of John B. Osam Kinchin Bowel and others, to be used as evidence in a suit depending in the circuit superior Court of law and chancery for the County of Sampson aforesaid. wherein Benja Griffin Shff. and committee of the Est of Richard Barrow decd and yourselves are plaintiffs, and go: & T. Clawd Est of Jane P. Clawd decd & admtr of Theophilus Barrow decd and Benja C. Waller & Temperance his wife are defendants.

= If any thing should occur to prevent the taking or completing of the said depositions on the day above mentioned they will be adjourned from day to day (Except on Sundays) when they will be adjourned to the following Monday, at and to the same place, and within the same hours, untill they are completed -

Yours H

Sampson county
August 11th in the
year 1840

Benja C. Waller & wife Temperance
go: & T. Clawd Est of Jane P. Clawd decd and
admtr of Theophilus Barrow decd

I hereby certify, that I have send Mary V. Ross with a
copy of the within notice. Given under my hand & seal
this 1st of Oct 1840

P. V. Ross
Thos

Barrows for
a notice
Islands and

1840 October 4th 1840.

To Benja. Griffin Sheriff, and Committee of the Est of Richard Barrow
decd. Peter Edwards and Marissa his wife Jos. J. Claud admtr of Robert.
J. Allensgrave decd. Joshua Leigh and Charlotte his wife formerly Charlot-
the Allensgrave who was formerly Charlotte Harris, Edwin Harris and Elvrit
Harris an infant by Edwin Harris his next friend, Jno. A. Persons
admtr. of Polly Hill Harris his late wife and Mary J. Rose.

Take notice that on the 2nd day of October
in the year 1840 between the hours of nine o'clock a. m. and six o'clock
P. m. at Boykins Depot on the P. and R. Rail Road in Edwin Blanton
Stone house in the County of S. ampton we shall proceed to take the
depositions of John B. Odum James J. Flythe and others to be read
as evidence in a suit depending in the Circuit Superior Court of
Law and Chancery for the County of S. ampton aforesaid. wherein
Benja. Griffin Sheriff and Committee of the Est of Richard Barrow
decd. and ourselves are plaintiffs. and Jos. J. Claud Exor of
Jane Claud decd. and admtr. of Theophilus Barrow decd. and Benja.
C. Waller and Temperance his wife are defendants.

If any thing should occur to prevent the taking or complet-
ing of the said depositions on the day above mentioned they will
be adjourned from time to time at and to the same place
and within the same hours untill they are completed.

Yrs. &c.

S. ampton County

September 15th in the year 1840

Benja. C. Waller and wife Temperance

Jos. J. Claud Exor of Jane Claud decd.

and admtr. of Theophilus Barrow decd.

Warren ad J^r

to { noted

Clarks ad J^r

Filed October 19th 1840.

Southampton County North

This day Joseph Jayner personally appeared before
me a Justice of the Peace for the County aforesaid and made oath that he delivered to
Benjamin Griffin on the 21st day of Sept. 1840 a true copy of the within notice that
on the 19th day of Sept. 1840 he delivered Peter Edwards ^{& Edwin Harris each} a true copy of the within notice
that on the same day ^{at the residence of Joshua Leach} he delivered to Mrs. Charlotte Leach wife of Joshua Leach
a true copy of the within notice and explained to her the contents thereof the said Joshua
being from home; and that on the 18th of the same month he delivered to John A. Person
a true copy of the within notice.

Given under my hand the 28th September 1840.

Alexr Myrick JP

To Ben^d Griffin Sheriff and committee of the Est of Rich^d Barrow dec^d.
John Edwards and Narcissa his wife Jos^s J. Claud adm^r. of Robert J. Musgrave
dec^d, Joshua Leigh and Charlotte his wife formerly Charlotte Musgrave who was
formerly Charlotte Harris, Edmund Harris and M^{rs} Harris an infant by Edmund
Harris his next friend, Jas. A. Person adm^r. of Polly Hill Harris his late wife and
Mary J. Rose

Take notice that on the 2^d day of October
in the year 1840. between the hours of nine o'clock A.M. and 6 o'clock P.M. at Boykin
Depot on the D. and R. Rail Road in Edmund Beaton's store house in the County of
So.ampton we shall proceed to take the depositions of John B. Odom James S. Hythe
and others to be read as evidence in a suit depending in the Circuit Superior Court
of Law and Chancery for the County of So.ampton aforesaid, wherein Ben^d Griffin
Sheriff and committee of the Est of Richard Barrow dec^d and yourselves are plaintiffs, and
Jos. J. Claud Ex^r. of Jane Claud dec^d and adm^r. of Theophilus Barrow dec^d. and Ben^d C.
Waller and Temperance his wife are defendants.

If any thing should occur to prevent the taking or completing of the said depositions
on the day abovementioned they will be adjourned from time to time at and to
the same place and within the same hours until they are completed.

So.ampton County

September 15th in the year 1840

Yrs. &c.
Benja. C. Waller and wife Temperance
Jos. J. Claud Ex^r. of Jane Claud dec^d
and adm^r. of Theophilus Barrow dec^d.

1840 Sept^r 21st Joseph Joyner appeared before me, &
made oath that he delivered the above notices

A. Millican J^r

This day personally appeared before me Wm^a G. Turner
and made oath that he deliver^d a true copy of the within
notice on the 7th Oct^r. 1840, to Jas^s. T. Cland Esq^r of Anne
Cland dec^d and Adm^r of Theophilus Warren dec^d and
to Wm^a. C. Walker and Inf^rance his wife on the same
day: Given under my hand this 17th Oct^r. 1840

Wm^a G. Turner

Warren Adm^r &c

& Notice

Cland as &c

Filed October 19th 1840.

To Joseph T. Claude Exr of Jane Claude dec^d and adm^r of Theophilus Barrow dec^d and Ben^d C. Waller and Temperance his wife,

Take notice that on the 17th day of October in the year 1840 between the hours of nine o'clock A.M. and 6 o'clock P.M. at the school house on Joseph T. Claude's land and ~~at the~~ where Anthony Woodward now keeps ^{school} in the County of St.ampton. we shall proceed to take the deposition of Anthony Woodward and Nancy his wife & others to be read as evidence in a suit depending in the Circuit Superior Court of Law and Chancery for the County of St.ampton aforesaid where in ~~the~~ Joseph T. Claude Exr of Jane Claude dec^d and adm^r of Theophilus Barrow dec^d and Ben^d C. Waller and Temperance his wife are defendants. and Beja Griffin Shff and committee of the est. of Richard Barrow dec^d, Peter Edwards and Narcissa his wife, Joseph T. Claude Sam^r of Robert T. Musgrave dec^d, Joshua Leigh and Charlotte his wife formerly Charlotte Musgrave who was formerly Charlotte Harris, Edwin Harris and Newt Harris and infant by Edwin Harris his next friend, John A. Person adm^r of Polly ~~Hill~~ Harris his late wife and Mary T. Rose plain tiffs.

If any thing should occur to prevent the taking or completing of the said depositions on the day above mentioned they will adjourn from time to time, at and to the same place and within the same hours until they are completed,

St.ampton County } Beja Griffin Shff and committee of the
Oct- 7th 1840 } Est of Richard Barrow dec^d, Peter Edwards and
Nancy his wife J. T. Claude Sam^r of Robert T. Musgrave dec^d, Joshua Lee and Charlotte his wife, formerly Charlotte Musgrave who was formerly Charlotte Harris, Edwin Harris and Newt Harris an infant, by Edwin Harris his next friend, John A. Person Sam^r of Polly ~~Hill~~ Harris his late wife & Mary Rose

54.

Barons adms

to } Departments

Claude Esq &

Came to hand sealed Sep 24/1840 -
L.R.E.

The depositions of Winching Martin, David
Johnson, John Flythe, William Bonle, & Winching
Bonle, taken to be used as evidence ^{for the deft.} in a Ch.
suit now pending in the Circuit Supr. Court of
Law & Ch. in Southampton County in which
Benjamin Griffin Shff. & committee of the estate of Richd.
Barrow decd. Peter Edwards and Narcissa his wife
Jos. P. Cland sons of Robert T. Musgrove decd.
Joshua Leigh & Charlotte his wife formerly Musgrove
who was formerly Charlotte Harris, Edwin Harris &
heretofore Harris an infant by Edwin Harris his next
friend John A. Parsons sons of Polly Hile Harris
his late wife and Mary T. Rose. are Plaintiffs
And

Benjamin C. Waller & wife Temperance Joseph
P. Cland executor of Jane P. Cland decd. and
administrator of Theopholis Barrow decd. are
Defendants-

Winching Martin having been first
duly sworn on the Holy Evangelist of Almighty
God deposed as follows-

That as well as he remem-
bers that the first time he saw Richard
Barrow was about the spring 1829 &
he further states that the last time
he Richard Barrow was seen was
about the 23 of October 1829

and the witness says that he Richard Barrow
~~has been~~ ^{was} seen by him the same day about 10
~~o'clock~~ in the bright ~~of the sun~~
at the camp meeting ground & the witness
says that he Richard Barrow has never
been seen or heard of since; Hinchell Martin
William Ponder having been first and sworn on the
Holy evangelist of Almighty God deposed as
follows

Mr William Ponder says that Richard
Barrow and Thomas Robinson came to
John Flythe & as soon as Richard Bar-
row arrived at Flythe's Thomas Robinson
saw that he could whip him & the said
Robinson commenced fight with the
said Richard Barrow & they were se-
parated & after being separated the same
Thomas Robinson ~~struck~~ ^{struck} him the said
Richard Barrow one ^{or} blow over the
head & after that ~~he~~ the said
Thomas Robinson gave him the said
Richard Barrow a second blow with
a barrel Stave & the witness says that
he considered the wound dangerous as he
thinks the wound was about three inches
long & to the bone

Gaerlean by the plaintiff
what year months & day did this fight
take place? the witness says he thinks
it was in the date 1828 & months of
October the day not recollected
questioned by the same, Law says after
the fight before he left the neighbor-
hood answer by the witness, not more
than three or four days

William Ponder
his
mark

John Flythe having been first and sworn on the
Holy evangelist of Almighty God deposed as
follows

The witness ³⁰⁴ says that he thinks the first year
that Richard Barrow came to northampton
was in 1828 & in the fall of the same
year he thinks about the 21 or 22 of Oc-
tober the camp meeting was held the
day before the camp meeting commenced
he the said Flythe was absent from
home, and the witness says when he
got home the servant of Dr Roberts
was dressing the head of Barrow

The witness further says That two of his
rooms were stained with blood &
That he the Richard Barrow left his
house the same day & That he has not
seen him since & The witness says That
His Praboran left about the time the camp
meeting ^{was} broken up and ^{did not return in} ~~that he the same~~
~~Barrow has not been seen since~~

Three weeks or a month & The witness says
That he at Praboran the he saw or
saw a report at my house and he
said that he & Barrow felt out and
that he gave him a lick or two & That
he wanted give him ^{a mother beating} ~~more~~ if he had
the same chance. The witness says That
Richard Barrow left his horse & also
the ~~his~~ hat cap & cloak which he used
to wear

JOHN W. FLY

David P Johnson having been first duly sworn on the
Holy Evangelists of Almighty God deposes as follows
The witness says That Richard Barrow mar-
ried in North Hampton in 1829 or 1830 as well
as he recollects & in the Spring

but that he did not stay all the year for
he believes he ^{wasn't} ~~wasn't~~ in the month
of October ^{1829.} as well as he recollects &
that he went in the house with Cook
Adam William Lyles & Eliza Flythe
& that he recollects seeing his cap & that
the floor was bloody & also the end of
a bench also bloody & that he also
saw his horse on the premises when the
said Richard ^{Barrow} lived there; the
witness says he saw in the front part of the
year afterwards the witness says he saw
him in the month of October & that he
has not seen him since

David P. Johnson

Kinching Pomeroy being here first ^{month} ~~day~~ snow on the
Holy evangelist & almighty God deposed as follows
The witness says that he saw Richard Barrow
some time in the ^{month} of September or Octob-
er 1828 & that he was at the house
where Richard Barrow lived and
that he saw his bed trampled & also
his clothes with a considerable sum

a blood ^{on the floor} ~~to~~ That he thinks it was in the
month of October 1828, some six or ten
days after the Camp meeting broke up & that his
clothes were also bloody & that ^{the last time he saw him} ~~he was~~
~~bloody when he saw him~~ if they were when
he saw them in his house - Intrep cannot say whether
they were the same clothes or not - & he says after
he saw him at the camp meeting he has
never seen him since

W. Powell
C. C.

~~Joseph Darden~~

The foregoing Depositions of Kinchen Martin, David
P. Johnson, John Flythe, William Ponder, and
Kinchen Ponder, were taken, Subscribed and
sworn to, on the 28 day of August 1840 between
the hours of 9 in the morning & 6 o'clock P.M. at Baykins
depot on the P.H.R. Rail Road in Edmund Beaton's
store house in the County of Southampton, before me
Justice of the peace for Southampton County -
Given under my hand this 28 day of August
1840 -

Joseph Darden J.P.

Adorned until Monday nine o'clock
August 29 - 1840

Joseph Darden J.P.

Off.

Baron's ad

Deposition

Laundi ad.

Came to hand Sealed Act. Sec
19th 1840

The deposition of
John J. O'Connell
James J. O'Connell
Act. Sec. 1840

The deposition of John B. Odum John B. Wade
 & James B. Barner was this day taken before me
 Wm L. Smith a justice of the peace for the County
 of Sampson, agreeable to notice duly given, in
 Edward Meaton's Store-house, at Baykin's Depot
 in the County of Sampson between the hours of
 9 o'clock A.M. and 6 o'clock P.M. to be read as evidence
 in a suit now pending in Circuit Superior
 Court of Law and Chancery for the County of Sampson
 wherein, Benja Griffin Shiff and Committee of the
 Est. of Rich^d. Barrow dec^d. and others are Plffs. and
 Jas. J. Bland Esq. of Jane Bland dec^d. and others
 are defendants, the s^d. John B. Odum being first
 sworn on the Holy Evangelist of all mighty
 God: deponent and sayeth as follows (Viz)

Oct^r 2nd 1840

That Rich^d. Barrow resided on a plantation of my
 Father's, in the year 1829 - near Odum's Tavern
 in the County of N^o.ampson, & State of North Carolina
 and that during the fall of that year and I think in
 the month of Oct^r a Camp-Meeting was held near
 S^d. Tavern, and contiguous to S^d. Barrow's house.

When S^d. Barrow was present at the Camp Meeting
 and during the meeting suddenly disappeared, ~~and~~
 leaving behind, his horse, and his House-hold property
 which constituted the whole of his property, and
 that he has not been heard of from then until the
 present day by me.

Being questioned by Rob^t. Shilley Esq.
 Sec^y to Council: Mr. Odum, said Mr. Barrow, been speaking
 of having his residence before the expiration of the year.
 Ans^r. I have no recollection of his speaking of having, but
 he had a sale during the summer and sold off some negro
 slaves for his residence.

Quer.^t Contin.^d by same:

Was any inventory taken of Barrow's property immediately after his disappearance.

Ans. Not until after the expiration of the year. but early in Janry the next year an inventory was taken by my father & others, embracing the whole of his property with the exception of his horses: which as I understood did in the neighbourhood previous to taking the inventory.

Quer.^t by same. Do you recollect any conspicuous articles of clothing that was found when the inventory of Barrow's property was taken.

Ans. I acted as clerk when the inventory was taken: & find by reference to the inventory that a hat, Cap, and Cloak was found.

Quer.^t by same. Had Barrow been in the constant habit of wearing the hat and Cap - inventoried.

Ans. I have no positive knowledge of his having any other hat or Cap. The Cap I have frequently seen him wear, I could not speak positively as to the identity of the hat, but ~~believe~~ ~~it to be his~~.

Quer.^t by same: Did any person in the neighbourhood undertake to account for the sudden disappearance of Barrow?

Ans. The General impression of the neighbourhood was that an old man by name Robertson who lived in the neighbourhood, with whom Barrow some short time before, had had a fight: murdered him -

Quer.^t by same. What was the disposition and character of Robertson. My impression, & I believe the impression of the neighbourhood is that he was a peaceable man, until raised, and then he was a turbulent malicious man, who it was thought was not too good to take private, and secret advantage.

Quer.^t by The same. What were Barrow's circumstances in life.

Ans. He was a ^{very} poor man unless he had money, which I do not suppose he had, as I am of opinion, I should have seen him use it when drinking about the tavern.

Quer.^t by Mr. Peter Edwards for the people.

Mr. Odum you will please state what was the state of Rich.^d Barrow's mind before and about the time he disappeared. ^{Ans.} he was in the habit of drinking freely, and appear^d at some times to be dissatisfied, which I suppos^d was owing to his drinking to excess and being out of employment, but I believe him to be perfectly rational, and sane -

John B. Odum.

James B. Barnes being sworn on the whole evangelist
 of Almighty - God, deposeth and saith as follows (Omn)
 That ~~the~~ ^{we} went to a camp - meeting at Bion, Meeting
 - house near Odom's Tavern in the County of N. Carolina
 N. Carolina, in the month of Oct: in the year 1829. as to
 date, as nearly as I can recollect, and while there
 in company ^{with} Jacob Kelly, & others, I started to Odom's
 Tavern, to get a drink of grog - and on our way,
 we met a man by name Robertson, and I asked
 him where we could get some brandy, and he informed
 me, if we would walk to his house, we get it there
 we did so, - and on our arrival at Robertson's, discover-
 - ing Robertson's face to be scratched, I asked him
 what was the matter: and he answerd me and said
 that he the evening before ^{he} met with Rich^d. Barrow
 and had a fight, with him, near the Camp ground,
 and that Barrow struck him with a slave, and
 he struck Barrow with a jug. I then stated
 that Barrow was an old - school - mate of
 mine, and I would go back to the Tavern, and see
 him - and that he was an old acquaintance. ~~at~~
 Robertson then said let him be an old acquaintance
 or not he was a damn^d rascal and that he in-
 - tended to kill him -

No ques^t. being proper by

the Plaintiff:

Mr. P. Edwards Quer^t. for Def^t.

Quer^t. Did You see Rich^d. Barrow when you
 went to his house: Answer I did not.

Decr. 2nd 1840

James B. Barnes

203

John A Trade being sworn in the Holy Evangelist of
almighty God deposes and saith as follows viz

I mov^d to the House occupied by Rich^d Barron before
he disappear^d, in the year 1831 and during that
year a man by name Tho^s Robertson came to
a blacksmith's shop near to the house I lived in
and while in the shop he Robertson commenced
violently abusing some person and supposing
that he was abusing the blacksmith I walked
down to the shop, and asked him who he was
read with, he ans^d with you and I have cleaned
Barron up and I intend to clean you up.

Sworn by Plaintiff

Q^{ues} What was the general character of
this man Robertson: and was it the general impression of the neighbors
that he murder^d Rich^d Barron. Answer. I believe him to be
a very vicious man. and those were the impressions of the neigh^{bors}.
and further this deponent saith not

Oct 2nd 1840

John A Trade

I do hereby certify that the depositions of John B. Odum,
Jas B. Barnes, and John A. Trade as stated above were distinctly
read to them: and that they acknowledged them to be written as
given in by them: and that they signed their names and ack
nowledged the same in my presence: Given under my
hand this 2nd day of October in the year 1840

William L. Countess J.P.

Piff.

Darrens am &c

& Deposition

Relands ac &c

Camels hand Sealed October 19/1840.

Separation of
Anthony Woodard
Maney LA Woodard
& Geo R. Woodard
Oct 17th 1840

No 1
 Southampton County October 17th 1840

The deposition of Anthony Woodard & Nancy, et al. Woodard his wife was this day available to notice duly and legally given: Taken before me ^{James Gerritt} a Justice of the peace for the County aforesaid at the School House on Joseph J. Bland's land between the hours of 9 o'clock A.M. and 6 o'clock P.M. to be read as evidence ^{for the plaintiffs.} in a suit now pending and undetermined in ^{the} Circuit Sup^r Court of Law and Chancery, for the County of Southampton aforesaid. Wherin Joseph J. Bland Ex^r of Jane Bland dec^d and adm^r of Theophilus Barrow dec^d and Marg^r C. Wallcut and Temperance his wife one defendants. and Benj^r A. Giffen Sh^r and Committee of the E^t of Rich^d. Barrow dec^d. Peter Edwards and Marciza his wife, Joseph J. Bland adm^r of Robt J. Murgrave dec^d. Joshua Leigh and Charlotte his wife, formerly Charlotte Murgrave, who was formerly Charlotte Harris, Edwin Harris and Merrit Harris an infant by Edwin Harris his nat^l friend, John A. Person adm^r of Polly Hill Harris his late wife and Mary J. Rose plaintiffs. The s^d Anthony Woodard being first sworn on the Holy Evangelist of Almighty God dep^o and sayeth as follows: (V63)

That in the year 1829, and I think in the month of October Rich^d. Barrow came to my house then living on Nathl^l Jones' plantation in the County ^{of Southampton} near Branch's bridge - one evening - about dark, and inquir^d of me immedi-
 = ately on entering my House if he was out of the State of North Carolina, I answer^d him he was, and that he was then in the State of Va. - He then seem^d to be satisfied, after which conversation: I discover^d he had a wound on his head and ask^d how he rec^d the wound - his answer was that a limb of a tree fell upon him, his wound was afterwards dress^d by my wife Barrow remain^d at my house all night and in the morning inquir^d the way to Capt. Aubin Middleton's and went off in that direction: I have never seen nor heard from him since:

Quer^y by Mr. J. A. Person p^r plaintiffs
 Do you think the wound Barrow had on his head was a dangerous one and likely to produce death.

Answer I do not think that it did:

Quer^y by Peter Edwards.
 Was it late in the fall when Barrow came to yr house
 It was and I think in Oct^r but I am not certain.

Quert by Mr Goodwin Counsel for Depts

Do you think that Mr. Barron was intoxicated when he left yr home Mr Woodard.

Ans No Sir I did not.

Quert by the same

He Barron said nothing to you when he left yr home where he was going or what he intended doing--

Ans No Sir I asked no questions of that nature and recd no information from him.

Quert by the same

Did you discover from his conduct or conversation while at yr home - that he had any intention of quitting this section of Country.

Answer: No Sir I did not.

No further Questions: being proposd to the witness further this deponent sayeth not.

Sets 17th 1840

Anthony Woodard

Nancy A Woodard being first sworn on the holy Evangelist of Almighty God doth depose and sayeth as follows (Viz) That she was present at the time Richd Barron came to her husband Anthony Woodard's house, and that the statement made by Mr Woodard in his deposition, she doth hereby confirm.

And being Quert by Depts

Do you know any thing about a Camp - meeting, which took place in Northampton County about the time Richd Barron was at yr home: or did you hear Richd Barron speak of a Camp - meeting.

Answer I do not recollect that I did

Quert by P. Edwards

Mrs Woodard when you drap Richd Barron's wounds: do you suppose it would have requir'd one or more blows to have inflicted it.

Ans I think that one blow might have made such a wound as it was.

Quert by Mr Goodwin for Depts

Mrs Woodard how large was the wound you speak of having drap'd on Richd Barron's head -

Answer: I suppose it was three or four inches square -

Quert by same: How deep did the wound seem to be:

Answer: It was not very deep: about skin deep - The wound smelt very bad: which I suppose was for the want of dressing.

Quert by J. A Person for Plaintiff:

On what part of the head was the wound Mrs Woodard:

Ans: it was on the side of the head -

No further questions: Further this deponent sayeth not signed by her ocl: 17th 1840

Ann W Woodard

John R Woodard being first sworn on the holy Evangelist of Almighty God doth depose and sayeth as follows -

Richd Barron came to my father Anthony Woodard's house in the fall of 1829 - about dark remain'd all night and left there next morning and said that he was going to Capt Middleton's: no questions being propos'd to the witness further this deponent sayeth not.

John R Woodard

I do hereby certify that the depositions of Anthony Woodard Nancy A Woodard and John R Woodard as stated above after being read to them, were signed and acknowledged by them to be written as given in by them. Given under my hand this 17th Oct: 1840.

William L. Pountney

oft.

Barrows ad

Depositions

Blauvelt ad H

Leane to hand Scales October
19/1840.

The deposition of

Mr. B. Scales

May 6th 1840

(Page 137)
Sampson County May 6th 1840

The deposition of William B. Liles of Sampson Co. N. C. was this day taken before me, in Edw.^d Beaton's store - House at Keigwin's depot in the County of Sampson Co. - a public notice regularly delivered to the plaintiffs, to be used as evidence in a suit now depending and undetermined in the Circuit Superior Court of Law and Chancery for the County of Sampson, wherein Benge Griffin Shipp and Committee of the Est. of Rich^d. Barron dec^d, Peter Edwards & Marcissa his wife, Jos. J. Bland Adm^r of Rob^t. J. Mingoan dec^d, Joshua Leigh and Charlotte his wife, Edwin Harris and Murrie Harris, Infant by Edwin Harris his next friend, In^r. A. Person Adm^r of Polly Hill Harris, his late wife Elizabeth Harris, and Mary J. Rose, are plaintiffs and Benge B. Waller and his wife Temperance, and Jos. J. Bland, Est^r of Jane Bland dec^d, & Adm^r of Theophilus Barron dec^d are defendants - The S^d deponent William B. Liles, first being sworn as the Law directs deposeth and saith as follows, (To wit)

Richard Barron lived in my neighbourhood about seven years ago - and suddenly disappeared from his dwelling - and the neighbourhood - sometime in the month of October, & the impression of the neighbours and myself were that he was dead - and my reasons for forming this opinion, was founded - from the circumstance of having in company with other persons visited the House he occupied - some some 6 miles subsequent his

(2nd)
the sa. Rich. Barrow disappearing and found
the door ^{& door facing} of the House, stained with blood, the
House in a confused situation, his clothing lying
scattered about the House, & particularly his cap,
and shoes, the cap lying on the table and his shoes
under the bed ^{slipped} down at the head, and the
bed tumbled as if he had just arisen from it
from these circumstances: & hearing a rumour that
a fight had taken place, a few days before the
disappearance of R. Barrow: between him and
a man by the name of Robinson, in which
Barrow was dangerously, and severely wounded
which wounds I saw twice - and the threats
that Robinson made to me that he would kill
Rich. Barrow - I was induced to believe the said
Rich. Barrow was dead -

Quest. by Plaintiff: Witness: was there ever discovered
the remains, or dead body of Rich. Barrow in
the neighbourhood in which he lived ^{after} he
disappeared - I never heard of his body being dis-
covered thereafter.

Quest. Contin. by P.^{ts}

Witness do you recollect to have ever mentioned
to any individual, the conversation which took
place between Robinson & yourself, relative to the
supposed murder of Rich. Barrow previous to the
- day - Answer - I do not recollect that I have

(3rd)
Quest. Contin. by Plaintiff: If you believe what Robinson
stated to you to be true: did you not think it your
duty to inform the Civil authority and have him
the s. Robinson arrested: I ~~was~~ at the time, the con-
versation held with Robinson I was under lawful
age - not more than Ten or twelve years old -

Witness: Quest. Plaintiff: Continued:

Did you see the wounds
that were inflicted by Robinson ^{on} R. Barrow, and
what induced you to believe they would prove
mortal? What were the number of wounds and
^{on what part of the body} ~~in what part of the body~~ -
with what instrument were they inflicted.

Answer, I saw the wound, and was induced to
believe it would prove mortal from its being
a very severe and dangerous one ^{& the declaration of Barrow}, it was on
the side of the head, & inflicted, with a stove
and quilt - frame

Quest. Continued by Plaintiff
Witness what was the length of ^{time} from the inflic-
- tion of the wound to the disappearance of
Barrow - Answer: something like five or six days.

Quest. by Plaintiff Contin.
At what precise time
was the disappearance of Barrow

Ans. The last time he was seen in our neighbourhood
was on Tuesday at the Camp - meeting at Zion's -
meeting-house -

Ques! - Contin^d by same. (5th)
Witness Was it generally believ^d
that he Barrow was missing before the breaking
open of his house -

Ans. - It was suspicion? and a
great many believ^d it.

Ques! Continued by the same.
Did Rich^d Barrow have a great many neighbours
and was the neighbourhood thickly settled around
him?

Ans. Yes they were very thickly settled.

Witness. Ques! by the same.
When Barrow's house was broken - open? were
you sufficiently acquainted with his clothing
to know that all his clothes were left in the house

Answer. I did not see his trunks open^d and
the only clothes I saw was a coat, waistcoat
Cap & shoes & cloak.

Witness. Ques! by the same.
Was Barrow a prudent careful man -
? was he a money making man, or a spend thrift?

Answer. Barrow seem^d to make money until a dis agreement
with Mr Odum his landlord and afterwards I do not
think he made much - but I believ^d him to be a
careful man -

Witness. Ques! by the same.
Did you ever hear of Barrow being alive after his
disappearance from y^r neighbourhood -

Answer I don't think I ever did

Ques! by the same (5th)
Witness was there ever any impression
in Barrow's neighbour from which he disappear^d
that he was alive after his disappearance.

Answer: No there never was

Ques! by the same. Witness: Did Rich^d Barrow: never
leave home after leaving the wounds from Robinson
? And did he ever come to Virginia afterwards

Answer: He went to Mr Martin's about half mile
to have his wound dress^d - I do not believe he
ever came to Virginia after: & my reasons for
so believing: is I think I should assuredly have
heard of it: -

Ques! by the Dep^t. Witness: Did you fully understand
the Ques! from the plaintiffs relative to your ever
mentioning to any individuals before to day: The
conversations which took place between Robinson
and yourself relative to the suppos^d murder
of Rich^d Barrow:

Answer I did not understand it.

Ques! by the same.
Do you recollect to whom: Did you
state that Robinson said to you, he would have
kill^d Barrow on the day of their run country.

Answer: I stated to Mr B. C. Waller; & I do not by the
and to no others: recollect^d by me at this time.

Ques. by the same:

Did you see Rich^d. Barrow after he was wounded - & and what did he say to you relative to ~~the~~^{his} run countre with Robinson -

Answer: I saw Rich^d. Barrow twice, after his run countre with Robinson: and in a conversation with him, ^{to me} he stated, that the wounds he had receiv^d. would kill him - -

Ques. by the same:

What caus^d. you to go into house of Rich^d. Barrow, as you have before stated in yr. deposition.

Answer:

Mr. Odum asked me to assist him to carry Barrows property up stairs - "

Ques. by the same:

Do you recollect to have ever seen Rich^d. Barrow wear a hat or do you know ^{that he had} any other hat other than the Cap you saw on entering his home -

Answer I never saw Rich^d. Barrow wear any other hat than the Cap before alluded to: during my acquaintance with him.

Ques. by the same:

Did Rich^d. Barrow have any other: than the one found on entering this house: ? did you find his horse wandering about the plantation - Answer I never saw him have any other cloak than the one before nam^d.? I found his horse wandering about the plantation -

Ques. by the same

You do ~~not~~^{think} that Barrow would have left home to go any distance without taking his horse -

Answer: No. I do not

Ques. by P^lts ^{interrog} Were you a near neighbour of Rich^d. Barrows, were you intimately acquainted with him: did you believe the threats that were made by Robinson, and if so did you tell Barrow that his life was in danger:

Answer: yes I lived within two miles of him: I was intimately acquainted with him: I did believe the threats, I told Barrow his life was in danger, and he Barrow stated that he was not afraid - No other questions being asked further this deponent sayeth not. Signed by him and acknowledged: this 6th day of Feby 1840 - William B. Siler

I do hereby certify that the deposition of William B. Siler taken before me this day, was distinctly read to him, as above written, and signed and acknowledged by him in my presence, to be written as given in by him - Given under my hand this 6th Feby 1840 -

M^{rs} L. Corbett J^{ro}

Barnes and Co

v: } Ext. with Bill

Barnes and Co

Southampton County Court November 21st. 1837.

On motion it is ordered
the estate of Richard Barron dec^d be committed to the hands of Benjamin Griffin
Sheriff of this County, for administration according to Law

Teste

L R Edwards Clk

Southampton County Court November 16th 1830.

On the motion of Joseph T. Elland
who made oath and together with Howell Harris and William A. Jones his securities
entered into and acknowledged a bond in the penalty of Three thousand dollars condition-
ed as the law directs. Certificate is granted him for obtaining letters of administration
on the estate of Theophilus T. Barron dec^d in due form

Teste

L R Edwards Clk

Southampton County Court November 20th 1837.

On the motion of Joseph T.
Elland who made oath and together with Benjamin Williamson & Peter Edwards his
securities entered into and acknowledged a bond in the penalty of fifty thousand
dollars conditioned as the law directs. Certificate is granted him for obtaining
letters of administration on the estate of Robert T. Musgrave dec^d in due form

Teste

L R Edwards Clk

Warrens are 20

o { Ext. with bill

Warrens are

Southampton County Court December 18th 1837.

On the motion of John A
Person who made oath and together with Peter Edwards his security entered into
and acknowledged a bond in the penalty of fifteen thousand dollars conditioned
as the law directs certificate is granted him for obtaining letters of administration
on the estate of Mary A Person deceased in due form
Teste

L R Edwards Ck

Barrows admr do
Comms
Report
Claude estr

Filed Sep. 20/1841.

Report ready Aug 21. 1841

Barrows admr. of

vs In Chancery
Clandestine

The following parties attended agreeably to ^{notice} filed to wit-
So. T. Cland. & John A. Persons. also Benj. C. Waller; the latter
although not a party in this suit. is yet as much or more
interested than one else. It appears J. T. Cland admr the
defendant, settled an account of his transactions, as admr
for the years 1831 & 1832 under an order of the Court, and the
parties were willing this account should not be disturbed
the Comr. therefore takes the balance due on that settlement
in this report-

The estate of Theophilus J. Barrow decd
In account with So. T. Cland admr.

1832				\$	67
Decr	31	By balance due off Comr Report-		" "	53 24
1833		By hire Negroes this year		" "	32 00
					85 24
		To Comr off			1 60
Decr	31	By balance due the estate		" "	83 64
		" Int. on the balance of 1832	\$ 3.19		
1834		By hire Negroes this year		7.975	
		To Comr off		3 98	75 77
Decr	31	By balance due the estate		3.19	159 41
		" Interest on the balance of 1833	5.01		
1835		By hire Negroes this year		130 00	
		To Comr. off		6 50	123 50
Decr	30	By balance due the estate	\$ 8.20		282 91
		" Interest on the bal. of 1834	9.56		
1836		By hire Negroes this year		147 13	167 75
		To Comr. on debts		838	
		" paidundry articles		819	
		" " Doctr Barkham	acct	300	
		" " J. A. Williamson	"	1 00	
				57	450 66
					20 57
Decr	31	By bal. due the estate Car forward	\$ 17.76	" "	430 89

1836			Dr	Cr	Sub
Dec 31	By balance brot forward	\$	"	430 09	17 76
	" Interest on the bal. of 1835	"	"	"	16 97
1837	By Negro hires this year	"	"	180 75	
	To Coms. on debts	903	51084		
	" paid J. A. Williamson acct	2 00	11 03		
Dec 31	By bal. due the estate	\$	"	599 81	34 73
1838	By Negro hires this year	"	"	190 00	
	To Coms. on bal. of 1836	"	"	25 80	
	To Coms. on Receipts	950			
	" paid Doctr Barkham acct	15 00			
				789 81	60 53
				2450	
Dec 31	By balance due the ~~second~~ estate	"	"	765 31	60 53
	" Interest on the balance of 1837	"	"	"	35 98
1839	By Negro hires this year	"	"	201 00	
	To Coms. on debts	10 05			
	" paid J. A. Williamson acct	1 00			
	" " Doctr Barkham "	1 50			
				966 31	
				1255	
Dec 31	By balance due the estate	\$	"	953 76	96 51
	" Interest on the balance of 1838	"	"	"	45 91
1840	By Negro hires this year	"	"	204 92	
	To Coms. on debts	10 24			
	" J. A. Williamson acct	2 00			
	" N. Drew "	2 00			
				1158 68	
				14 74	
Dec 31	By balance due the estate	\$	"	1144 44	142 42
	" Interest on \$953.76 bal. of 1839	"	"	"	57 22
1841	To paid N. Drew acct	2 00			
Jan	" " Doctr Barkham "	5 25			
	By Negro Hires for this year	"	"	190 25	
	To Coms. on debts	951			
				1334 69	
				16 76	
	By balance due the estate	\$	"	131793	99 64
	" Interest on the balance of 1840	"	"	"	28 55
	Can forward				288 30

By balance due the estate on the 31st day of December 1840
 \$1344.08 with interest on \$1144.44 part thereof from that
 date till paid, and the further sum of \$173.49 due
 for state Negro hire, with interest thereon from that
 date till paid. Dec 31st 1841

Respectfully submitted
 Sec. G. B. Comr

Comr for Aug 17 - 3 Hours
 " 21. 8 do
 \$11.00
 Charged to the admo.
 due to Jas Sedgwick 3.50
 for executing 7 notes

Sec G. B. this day made oath before
 me to the justness of the above for Bill -

N. B. The Comr. is also directed to state the number and
 probable value of the shares, which is given below

Sham	supposed to be worth	\$650.
George	do do	650.
Mary & Child	do	550.
Rindy & Child	do	550
No 4	net valuation	\$2400.00.

Sec. G. B. comr

E. Harris
W³ Rch
J. J. Blair

Rec^d. of Lo^s. J. C. Cland Commissioner appointed
by a decree of The Southampton Circuit Sup^r
Court to sell the E^t. of Theophilus Barron
dec^d. - The sum of One Hundred & Twenty
two dollars, & 89 $\frac{1}{3}$ Cents, being the proportion
of s^d. sales decreed to me as adm^r. of Elizabeth
Harris dec^d. with the will annexed - it being
 $\frac{1}{6}$ of the one moiety decreed The Paternal kindred
of s^d. Theophilus Barron dec^d. - In Testimony
whereof I have hereunto set my hand as
adm^r. afores^d. This 26th Feby 1843 -

Edwin Harris

Rec^d. of Lo^s. J. C. Cland Commissioner appointed
by a decree of The Southampton Circuit Sup^r
Court to sell the E^t. of Theophilus Barron
dec^d. The sum of Sixty Three dollars & 44 $\frac{1}{2}$
Cents, being the proportion of the sales of s^d.
E^t. decreed me by s^d. Court being $\frac{1}{12}$ of the
one moiety decreed. The Paternal kindred
of s^d. Theophilus Barron dec^d. - In Tes-
timony whereof I have hereunto set
my hand this 26th Feby. 1843 -

Edwin Harris

P. Edwards
To 3 Repts.
J. J. Cloud Cont.


Received of Joseph T. Glauz Commissioner
appointed by the Southampton Circuit Super-
court: to make sale of the property belonging
to the estate of Theophilus Barrow dec'd. agreeable
to the decree of S. Court the sum of one
Hundred & Twenty six dollars & Eighty nine
and $\frac{1}{2}$ Cents, the proportion of S. Est. decreed to
me in right of my wife Marciza, also
the sum of Sixty Three dollars and Forty four
 $\frac{1}{2}$ Cents, being $\frac{1}{2}$ of one moiety, the sum
decreed to Armit Harris Infant, for whom I
am Guar. and the receiver, In Testimony
whereof I have hereunto set my ^{hand}, this 30th
of Feby in the Year 1843

Peter Edwards
also for me as
as guar. —



B. C. Waller

To 3 Repts

J. J. Glauert

Commissioner



\$380.68.

Rec^d. of Jos^t F. Glend Commissioner
appointed by a decree of the Southampton Circuit
Sup^r Court to sell the Est. of Thropilus Warren
dec^d. in the sum of Three Hundred and
Eighty dollars, & 68 Cents, being the propor-
tion of the sales of O^r Est decreed me in right
of my wife Temperance, it being one half
of the one moiety decreed, the maternal
kindred. In Testimony whereof I have hereunto
set my hand this 26th Feby 1843 —

Benjamin C. Waller

Wm. A. Persons

Sept

Rec^d of Joseph T. Cleaveland Commissioner appointed
by the Superior Court of Law and Chancery for the
County of Southampton, to sell the Slaves of the Estate
of Theophilus T. Barrow ad. the Sum of Sixty
Three dollars and forty four & half Cts, it being
the proportion of the Sale of the said Slaves decreed
me by the said Court, & being $\frac{1}{2}$ of the one
moiety decreed to me as admors of Polley Hill
Persons late Barres. I Witness my hand &c this
18th day of March 1843 — John A. Persons

Barrows adv. }
 in
 Gland's Etry } Statn^t

	Paid.	Int.
The Balance due 31 Dec. 1840.	\$ 1144.44	199.64
Int on principal to 31 Dec. 1842.		137.32
Balance for hire due same day.	173.49	
Int on do. from 31 Dec. 1841. to 31 Dec. 1842.		10.40
Balance for hire due 31 Dec. 1842 -	<u>141.04</u>	
Total amt. due on 31 Dec. 1842.	\$ 1458.97	347.36

Divide this amt into two moieties. Paid. - Int.

	\$ 729.48	173.68
--	-----------	--------

Maternal half. 729.48 : 173.68
 Or divide this again \$ 364.74 : 86.84
 Ben. & his wife - 364.74 86.84
 Geo Fland Esq. - 364.74 86.84
 \$ 729.48 173.68

Paternal moiety is the same. \$ 729.48 : 173.68
 four of the whole blood entitled to $\frac{1}{4}$ each. \$ 121.56 28.94 $\frac{6}{8}$
 four of half blood entitled to $\frac{1}{8}$ each. 60.78 14.47 $\frac{2}{8}$

Whole amt to be divided as above $\frac{\text{Prind.}}{1458.97.}$ $\frac{\text{Int}}{347.36}$

Benj ^m C. Wadsworth wife entitled to	$\$364.77-86.84$
Lo ^s F. Bland Esq. of Jane Bland	$364.77.86.84$
Peter E. and wife	$121.58.28.94.\frac{4}{6}$
Lo ^s J. Bland and of R. W. Mungro	$121.58.28.94.\frac{4}{6}$
Edwin Harris and of Eli Harris	$121.58.28.94.\frac{4}{6}$
John G. Moxley and of J. H. Moxley	$121.58.28.94.\frac{4}{6}$
Lo ^s L. and wife —	$60.78.14.47.\frac{2}{6}$
Edwin Harris —	$60.78.14.47.\frac{2}{6}$
John Perren and of P. H. Perren.	$60.78.14.47.\frac{2}{6}$
Peter Edward Esq. of Mrs. Harris —	$60.78.14.47.\frac{2}{6}$
	$\$1458.97.347.36 -$

The above amt^s are due on 31st Dec. 1842 with interest on principal from that day in each case.

1843 April 5th

Dr. J. C. L. & Co. Commrs.
On hand to the
Superior Court
April term 1843

Barrows adm. J. ad.

to } Report

Claude Taylor Jc

Received April 5th 1843.

(35 words)

Received March 10th 1844 of the Clerk of the Circuit Superior Court of
Law & Chancery Southampton County the bond returned by the Com. improved
as within stated for the sum of One hundred & Twenty Six 98 1/2 Dollars
executed by Alfred Eldridge. Tho^s B. Williamson & Tho^s S. Turner dated the
26th December 1842 & on demand twelve months after date, being the bond
directed to be paid over to John L. Mayles owner of John F. Barrow dec^d
by the order of Court made 10th April 1843.

James W. Parker
for
John L. Mayles

Account of Sales of the Slaves of the Estate of Theophilus
 T. Barrow test. - made in obedience to an Order of the Superi-
 -our Court of Law and Chancery for the said Term for the County
 of Southampton Novemb. 3rd 1843 made the 26th day of
 December 1842 on a Credit of 12 months.

Iskam	To John Fitzhugh	\$ 456:00	
George	To Jo ^s . J. Blane	473:50	
Benny & Child	To Peter Edwards	300:00	
Mary & 2 Children	To Alfred Clavidge	342:00	1571:30
City By Commission & \$2 Cypers fee off.			48:78

The net amount of Sales to be divided \$1522:72

In 2. moieties Cash 761:36

one half of one moiety To Benjamin C. Wall & wife 380:68

the one half of same moiety To Jo^s. J. Blane

Executor of Jam^s. P. Blane test. 380:68

the one moiety assign to the paternal side \$761:36

the moiety assign to the paternal kinship

to To Peter Edwards and wife Harpisa. \$126:89 1/2

to To Jo^s. J. Blane adm^r of Rob^t. J. Musgrave 126:89 1/2

to To Edwin Harris adm^r of Ed^{wd}. Harris 126:89 1/2

to To R. J. Musgrave adm^r of John J. J.

Barrow. returns to the Court a bond for 126:89 1/2

to To Joshua Leigh & wife 63:44 1/2

to To Edwin Harris 63:44 1/2

to To John A. Parsons adm^r of his wife. 63:44 1/2

to To Peter Edwards guarantor to

Newet Harris 63:44 1/2 761:36

The net amount of Sales proved. --- \$1522:72

The under Sign Commissioners submit the above account
 to the Court with the receipts from the Legates except
 the portion assign^d to R. J. Musgrave adm^r of John J.

John T. Barrow etc., there being no such man, your Comm^{rs}
has returne to the Court a bond in the place of a receipt
subject to the order of the Court, and also the portions
assigned to me as Executor of Jane P. Blaines and
admt^{ns} of Robt. T. Musgrave et al. there is no receipt, for
returne, which amounts I have charge my self as
Executor and admt^{ns} with. al of which I respectfully
submit to the Court.

— *John T. Barrow Comm^{rs}*

Josh Ligh
Repts

Receipt of Joseph H. Lane Commissioner appointed
by a decree of the Superior Court of Law and Chancery
for the County of Southampton to sell the Slaves of the
Estate of Theophilus J. Barrow dec'd. the sum of Sixty
Three dollars (and 44 1/2 Cents) it being in full of the proportion
of the Sale of the said Slaves decreed to me in rights of
my Wife ^{by} the S^d Court and the ^{1/2} of the one moiety decreed
the Paternal Kinship of the said Slaves - Int Witness
my hand this 30th day of April 1843 —

Loshua Leigh

Barrow } Comrs
 } "
 } "
Barrow } Report

1843 September 29.

August 24th 1843

Barrow }
 vs } In Chancery
 Barrow }

Your Comr. is directed in the latter part of the decree to take an account of the hires of the slaves belonging to the estate of Theophilus Barrow by Joseph T. Cland admr. since the last report. —

The estate of Theophilus Barrow dec^d
 In account with Joseph T. Cland admr

1842		Dr	Cr
1842	To paid for crying Negroes	1 00	
	To " Comr. Lett for former report	11 00	
	" " J. T. Jenkins for executing notices	9 50	
	By hire of George Scham	" "	70 50
	" " George	" "	77 50
	" " Mary & Child	" "	18 75
	" " Rindy & Child	" "	25 50
	" Coms. on \$192.25	9 61	
	" paid Doctr News acct	21 25	
	" Doct B. T. person "	4 75	
			192 25
			51 81
Decr 31	By balance due the estate	\$ " "	141 04
	with interest from this date till paid		
		Respectfully Submitted	
		J. T. Cland Comr	
	Comr's fee \$2.50 charged		
	to the admr		
	Shff for executing five		
	notices at .50 \$2.50		
	Sampton. R		
	Personally appeared before me J. T. Cland who made		
	vault to the above fee bill. Given under my		
	hand this 29th day of Sept 1842. J. T. Cland JP		

To Joshua Lee and Charlotte his wife the sum
 of: \$60.78
 Int: till paid 7th March 1844 3.68
 Int: to be paid according to accue. 14.47 $\frac{4}{5}$
\$78.93 $\frac{4}{5}$

And his retained in his own hands as Executor of Jone
 P. Claud the sum of. \$364.77
 Int: to be paid according to accue. 86.84
\$451.61

and also as Adm^r of Robert T. Musgrave decd the
 sum of \$121.58
 Int: to be paid according to accue. 28.94 $\frac{4}{5}$
\$150.52 $\frac{4}{5}$

all of which is most respectfully submitted
 April 13th 1844 $\frac{3}{4}$

Jos. P. Claud

Report of
 Theophilus Barrows
 Adm^r: . 1844

1844 Apr. 15th

Pursuant to a decree of the Circuit Superior Court of Law & Chancery pronounced upon the 1st day of Nov: 1843 the Admr of Theophilus T Borrow decd. begs leave to report that he has acted according to said Decree and paid the parties entitled the following amounts.

To Benj. C. Waller and Temperance his wife the sum of \$364.77

Int: till paid 6th April 1844. 27.66

Int: to be paid according to Decree. 86.84
\$479.27

To John A. Person Admr of Polly Hill Person the sum of \$60.78

Int: till paid 6th April 1844. 4.60

Int: to be paid according to Decree. 14.47 $\frac{2}{6}$
\$79.85 $\frac{2}{6}$

To Peter Eawaras & Narcissa his wife the sum of \$121.58

Int: till paid 6th April 1844. 9.21

Int: to be paid according to Decree. 28.94 $\frac{4}{6}$
\$159.73 $\frac{4}{6}$

To Peter Eawaras guardian to Newitt Harris the sum of \$60.78

Int: till paid 6th April 1844. 4.60

Int: to be paid according to Decree. 14.47 $\frac{2}{6}$
\$79.85 $\frac{2}{6}$

To Edwin Harris Admr of Elizabeth Harris the sum of \$121.58

Int: till paid 6th April 1844. 9.21

Int: to be paid according to Decree. 28.94 $\frac{4}{6}$
\$159.73 $\frac{4}{6}$

To Edwin Harris the sum of \$60.78

Int: till paid 6th April 1844. 4.60

Int: to be paid according to Decree. 14.47 $\frac{2}{6}$
\$79.85 $\frac{2}{6}$

To John T. Mayles Admr of John T. Borrow the sum of \$121.58

Int till paid 1st Feby: 1844. 7.90

Int: to be paid according to Decree 28.94

Barrow }
To } Dec
Barrow }

Copy

Barrow ad of
to } Est with Bill

Barrow ad

Know all men by these presents that I Richard Barrow of the County of Southampton and State of Virginia for and in consideration of the Love which I have to my son Theophilus Turner Barrow of the County and State aforesaid have given granted and by these presents do fully give and grant unto the said Theophilus I Barrow his heirs and assigns forever the five following negroes Piere Isaham Mary George and Roney this day allotted to me as adm^r of my dec^d wife Elizabeth Barrow formerly Elizabeth Cland. In witness whereof I have hereunto affixed my hand and seal this 22 day of Jan^y 1827

Richard Barrow

Signed sealed and delivered

in presence of
Joseph T Cland
Saml. Drewry
Robt. Tullusgrave
ampton the 19th March 1827 This deed of Gift as aforesaid was entered upon the proceeding of the day

} Southampton County In the Clerk's office 19 February 1827.
This deed of Gift was proved by the oaths of Joseph T Cland Samuel Drewry and Robert Tullusgrave the witnesses thereto & admitted to Record. And at a Court held for the aforesaid County of Southampton the 19th March 1827 This deed of Gift as aforesaid was entered upon the proceeding of the day

Teste James Rochelle Clk

Attest
Teste J B Edwards Clk

Barons am 7^o

π } Exp. with bill.

Barons ad

I Jane P blaud of the County of Southampton do make and publish my last will and Testament as follows

Item 1st I wish all my property of every description to be sold and my just debts ^{to be} paid & and the balance dispose of as follows

Item 2^d I leave and bequeath to my daughter Temperance Waller fifteen dollars for the purpose of buying a mourning

Item 3^d I leave the residue of the proceeds of the sale of my estate to my grand daughter Elizabeth Jane Waller

It is my wish that this legacy should remain in the hands of Joseph I blaud whom I wish to settle my business, until my grand daughter aforesaid shall arrive at the age of fifteen years. (Item 4th In case that my grand daughter Elizabeth Jane Waller should die before she arrives at the age of fifteen years I leave the property given to her as above to be equally divided between all of my other grandchildren

Southernhampton County March 30th 1835 we the undersigned hereby certify that Mrs Jane P blaud whilst on her death bed called upon us and requested us to witness her last will and Testament that she repeated to us the manner in which she wished her property disposed of and that the above writing contains a true and correct statement of what she requested us to witness as her last will and Testament; and moreover that Mrs Jane P blaud aforesaid was in her perfect senses and of sound mind at the time of her making the said will Given under our hands the day and year above written

Jane ^{her} X Newton.

Muckay ^{her} X Turner

Martha ^{her} X Newson

Southernhampton County to wit

This day personally appeared before me R^d J Musgrave a Justice of the peace for the County aforesaid Jane Newton Muckay Turner and Martha Newson and have acknowledged the signatures to the within Certificate Given under my hand this 30th March 1835.

R^d J Musgrave J.P.

At a Court held for the County of Southampton the 20th day of Apr^l 1835.

A writing purporting the nuncupative will of Jane P blaud aforesaid was produced in Court by Joseph I blaud, Benjamin C Waller a person interested in said estate appeared & acknowledged due notice of the motion - and thereupon the said writing was proved by the oath of Jane Newton and Muckay Turner two of the Witnesses thereto and ordered to be recorded. Administration with the will annexed is granted Joseph

I bland who made oath and together with Robert T. Desgraves and Peter Edwards his
Securities entered into and acknowledged a penalty of three thousand dollars according
to Lawes

Teste James Rochelle Clerk

Attest

Teste L. R. Edwards Clerk

Account Current of
Theophilus^{us} T Barrow &c.

Theophilus Barrow a Minor

In account with Joseph T. Clark Guardian

1829		Dr	Cr
June.	To 1 pr shoes $\frac{5}{8}$ 3 yds cloth at $\frac{1}{10}$	1 62	
	" 2 yds baze for cloak @ 3¢	1 00	
	" 1 hat 12¢ 3 yds cotton cloth at 9¢	2 38	
	" 1 pr shoes 6¢	1 00	
	" paid John Jefferson atty	2 50	
Decr 25	By the hire of Peter this year	" "	15 00
	" " Isham do	" "	2 50
			17 50
			9 37
	By balance due the ward	off " "	4 13
1830	To 5 yds cloth at $\frac{1}{10}$ knife 9¢ Hat 3¢	1 87	
	" 3 yds cotton cloth 9¢ for shoes 6¢	1 93	
	By hire of Peter this year and Isham	" "	49 50
	To commissions on receipts	2 49	
	By interest on last balance to this day	" "	28
			58 71
			5 71
Decr 25	By balance due the ward	off " "	52 28

The Estate of the said Minor due?

In account with Joseph T. Clark admr

1831		Dr	Cr
	To paid B. C. Moller for Coffin	15 00	
	" " Howell Harris Constable	8 70	
	" " Doctr. Musgrave acct	14 75	
	" " Jno Meboe "	3 75	
	" " Tuition and books last year	2 25	
	" " Stage tickets	70	
Decr 25	By the hire of Peter and Isham	" "	21 25
	" " Randy and Mary	" "	8 20
	To commissions on receipts	2 28	
	By interest on last balance to this day	" "	3 14
			105 21
			47 63
	By balance due the Estate	off " "	57 38
	To paid Junc. Clarks Exon p. Recd.	305 27	
	" " Mrs Davis do "	1 70	
	" " Clarke Tickets	71	
	" " R. A. Baker atty	25 00	
	" " Doctr. Musgrave acct.	3 75	
	Amounts Carried forward -	395 69	57 58
	Amounts brought forward	395 69	57 58
	By Peter's hire to January Court	" "	25
	By hire of Isham this year	" "	20 00

By hire of Mary and George
 By sales Peter Juniors Court
 To Commissioners and Receipts
 " Commissioners fee retained
 " Clerks do

"	"	9	00
"	"	370	00
20	91		
1	50		
1	50		
"	"	475	83
		219	60
off	"	50	23

Deer 25 By balance due the estate
 with Interest thereon from Deer. 25th 1831 till paid

Respectfully Submitted
 J. G. Cobb Comr.

At a Court held for the County of Southampton the 16th day of September 1833
 This account current and Master Commissioners Report of Joseph T. Chas. Avarian
 to and administrator of Theophilus Barrow decd. having been returned for more
 than two months and no exception being taken thereto was confirmed and ordered
 to be recorded

Teste James Rochelle Clk
 Teste J. P. Edwards Clk
 3

Exhibit

A

Southampton County Court November Term 1842.

This is to certify
that John DeMoyler qualified as administrator de bonis. men with
the Will annexed on the estate of John S Barrow dec'd in due form

Teste J R Edwards Secy

1840

Dec 31 By balance due the estate \$1144.44
Interest due to that day 199.64
\$1344.08

1841

By hire negro \$190.25

paid H. Davis acct \$2.00

" Doctr Barham 5.25

" Com on hire 9.57 16.76

Dec 31 This bal. due \$173.49

memo. for the Court
Lm Cobb

Career new
York -

The onus of proving the death
of a person once shown to be
living is incumbent on the party
who asserts the death, for it is to
be presumed he still lives till
the contrary be proved 3^d Starkie
page 1120 - but this presumption
ceases after the lapse of seven years
It is to be presumed, within certain
limits that a person once proved
to have existed still exists J.S.
p 1252 L 1 Starkie 36

There is a legal presumption of death
after a person has not been heard
of for seven years but the time of
the death, when material, must
be proved by appropriate evidence
depending upon the particular
circumstances of the case.

Chitty; criminal law is precedent
p 443, who cites Jackson v King 1
Starkie's reports 121. 2nd Starkie 261

Barrows com. Feb⁷

to Record

Barrows com. Feb⁷

\$7.64

1
At a Circuit Superior Court of
Law and Chancery for Southampton
County holden at the Courthouse there
on the 3^d day of November 1842.

Be it remembered that heretofore to wit, the 19th day of February
1839. Benjamin Griffin late Sheriff of Southampton to whom the
estate of Richard Barrow dec^d. was committed for administration. Peter
Edwards and Narcissa his wife. Elizabeth Harris. Joseph
J. Cloud administrator of Robert J. Masgrave dec^d. Charlotte
Masgrave. Edwin Harris executor of the estate of Edmund Harris
his next friend of John A. Person administrator of his late wife Polly
Hill Harris by their Counsel send out of the Clerk's Office of the Circuit
Superior Court of Law & Chancery for Southampton County a Sub-
poena and decree nisi against Joseph J. Cloud administrator of
Theophilus Barrow dec^d. and as executor of Jane P. Cloud dec^d. and
Benjamin Maller and Temperance his wife which subpoena together
with the return made thereon is in the words and figures following to
wit. The Commonwealth of Virginia, To the Sheriff of Southamp-
ton County Greeting: We Command you that you summon Joseph
J. Cloud adm^r. Theophilus Barrow dec^d. and as executor of Jane
P. Cloud dec^d. and Benjamin Maller and Temperance his wife 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 April next. to answer
a Bill in Chancery exhibited against them in the said Court
by Benjamin Griffin late Sheriff of Southampton to whom the estate
of Richard Barrow dec^d. was committed for administration. Peter
Edwards and Narcissa his wife. Elizabeth Harris. Joseph J. Cloud
adm^r. Robert J. Masgrave dec^d. Charlotte Masgrave. Edwin Harris
of Edmund Harris an infant by the said Edwin Harris his next
friend and John A. Person adm^r. of his late wife Polly Hill
Harris. And unless they 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 nowise omit, under
the penalty of \$100. And have them there this writ. Witness Little-
ton R. Edwards. Clerk of our said Court, at the Courthouse the 19th
day of February 1839. in the 6th year of the Commonwealth.

L. R. Edwards Clk

"*Sheriff's Return. Executed D. H. Dromgoole Deputy J. M. apenbury Sheriff*".

And at another day to wit. At Rules held in the Clerk's Office aforesaid on the first Monday in August 1839. came the plaintiffs & their Counsel and filed their bill against the Defendants which bill is in the following words & figures to wit.

To the Honorable Richard H. Baker Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton in Chancery sitting;

Humbly Complaining shew unto your honor, your orator and orators Benjamin Griffin to whom the Estate of Richard Barrow dec^d was committed for administration as then Sheriff of the County of Southampton Peter Edwards and Marcia his wife who was formerly Barrow and Sister of the whole blood of the said Richard Barrow. Joseph T. Claud admor^s of Robert T. Musgrave, to whom Henry Barrow a brother of the whole blood assigned all his interest in the Estate of the said Richard Barrow, as well as any interest he might have in the Estate of his nephew Theophilus son of the said Richard Barrow. Charlotte Musgrave, Edwin Harris and Newt Harris an infant under the age of twenty one years by Edwin Harris his next friend John A. Persons admor^s and distribute of Pelly Hill Harris his late wife brother and Sisters of the half blood. Elizabeth Harris, mother of the said Richard Barrow and Mary T. Rose widow & legatee of John T. Barrow brothers of the whole blood Plaintiffs: that the said Richard Barrow on the 22nd day of January 1827 executed a deed of Gift for the following Slaves to his son Theophilus Junior Barrow and infant of ten days years to wit Paisy Isham Mary George and Renny the said Richard and his son, being then both inhabitants of the County of Southampton, which said Deed was duly proved and recorded in the Clerk's Office of the said County of Southampton & State of Virginia as appears by an authenticated copy filed herewith and prayed to be taken as a part of this bill, that some months previous to October 1829, the said Richard Barrow removed from the County of Southampton & State of Virginia, into the State of North Carolina, where he remained a short time, disappeared and has never since been heard of, as your complainants believe that the said Theophilus remained in the County of Southampton together with the Slaves, until the year 1830, when he departed this life under age unmarried intestate and without issue leaving in addition to your complainants his paternal kindred his father as sole distribute under whom they claim a maternal grandmother Jane P. Claud who has since died after making

a nuncupative Will, which has been duly proved and established in the County Court of Southampton and appointing Joseph T. Claud her Executor as well appears by an authenticated copy filed with & prayed to be taken as a part of this bill. Temperance Claud who has since intermarried with and is now the wife of Benjamin C. Waller, maternal aunt that the said Joseph T. Claud qualified as admor^s of the said Theophilus & in that character is in possession of the Slaves given to him by the said Deed of Gift who as such and as Exor^s of the said Jane P. Claud together with the said Benjamin C. Waller & Temperance his wife are prayed to be made defendants hereto, with apt and proper words to these charges, and that they respectively answer the allegations of this bill upon oath - The complainants further represent, that doubts have arisen, as to the proper and legal distribution of the said Slaves if the father is to be presumed to have survived the son, as your complainants contend ought under the settled rules of Law to be presumed unless the defendants can prove the contrary, then they are entitled to distribution as heirs and distributees of Richard Barrow to the exclusion of the maternal kindred of the said Theophilus but these contend that they are also entitled under the idea that the son survived his father whence a controversy has arisen which all parties are desirous of having speedily settled by the decision of this honorable Court, which has peculiar cognizance thereof. To the end therefore that justice may be done in the premises your complainants pray that that an account may be rendered by the admor^s of Theophilus Barrow of his actings and doings before a Commissioner of this Court so as to ascertain the exact amount and value of the said Estate, in order to a proper distribution among the parties respectively entitled, and upon the supposition that the Court may decide that Richard Barrow was entitled to the said Estate as survivor heir & distributee of his son the said Theophilus that his admor^s may under an account and chat, and grant such other further and general relief tending the premises, as to your honor may seem consistent with the rules of equity and good conscience & that the Commonwealth's writ of Subpoena may issue commanding &c and your complainants will ever pray &c

Barber ppp

{Exhibit}

Shew all men by these presents that I Richard Barrow of the

Southampton County Court November 20th 1837

On the motion of Joseph T. Cloud who made oath and together with Benj. Williamson Peter Edwards his securities entered into and acknowledged a bond in the penalty of Fifty thousand dollars, conditioned as the law directs certificate is granted him for obtaining letters of administration on the estate of Robert T. Musgrave dec'd in due form

Teste L.R. Edwards Clk

Southampton County Court December 18th 1837

On the motion of John A. Person who made oath and together with Peter Edwards his security entered into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned as the law directs certificate is granted him for obtaining letters of administration on the estate of Mary A. Person dec'd in due form

Teste L.R. Edwards Clk

Whereupon a Subpoena and decree nisi was awarded against the defendants returnable here to September Rules next. which Subpoena and Decree nisi with the return thereon made is in these words and figures to wit: The Commonwealth of Virginia, to the Sheriff of Southampton County, Greeting: We Command you that you summon Joseph T. Cloud Executor of Jane P. Cloud dec'd and as admin. of Theophilus T. Barrow dec'd and Benjamin C. Waller & Temperance his wife 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 September next to answer a bill in Chancery exhibited against them in the said Court by Benjamin Griffin to whom the Estate of Richard Barrow dec'd was committed as then Sheriff of the County of Southampton for administration. Peter Edwards & Narcissa his wife. Joseph T. Cloud admin. Robert T. Musgrave dec'd. Charlotte Musgrave. Edmund Harris & Arnet Harris an infant by Edmund Harris his next friend. John A. Person admin. of Polly Hill Harris his late wife. Elizabeth Harris & Mary T. Rose. And unless they 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 5th day of August 1838 in the 64th year of the Commonwealth.

"Shriffs Return."

Executed on Benj. C. Waller & wife J. T. Cloud not found Wm. Morris Deft of James D. Napierburg Sheriff

L.R. Edwards Clk

And at another day to wit. At Rules held in the Clerk's Office aforesaid on the first Monday in September in the year 1839. the Subpoena and decree nisi awarded at the last Rules not being executed on the defendant Joseph T. Cloud in the motion of the plaintiffs by counsel another Subpoena and decree nisi was awarded against the said Defendant Cloud returnable here to October Rules next which Subpoena and Decree nisi together with the return made thereon is in these words and figures to wit: The Commonwealth of Virginia to the Sheriff of Southampton County, Greeting: We Command you that you summon Joseph T. Cloud Executor of Jane P. Cloud dec'd and as admin. of Theophilus T. Barrow dec'd 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 October next to answer a Bill in Chancery exhibited against himself and others in the said Court by Benjamin Griffin to whom the estate of Richard Barrow dec'd was committed as then Sheriff of the County of Southampton for administration. Peter Edwards and Narcissa his wife. Joseph T. Cloud admin. of Robert T. Musgrave dec'd. Charlotte Musgrave. Edmund Harris & Arnet Harris an infant by Edmund Harris his next friend. John A. Person admin. of Polly Hill Harris his late wife. Elizabeth Harris & Mary T. Rose. 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 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 2nd day of September 1839 in the 64th year of the Commonwealth

L.R. Edwards Clk

"Shriffs Return. Executed Wm. S. Seball Deft of J.D. Napierburg Sheriff"

And at another day to wit at Rules held in the Clerk's Office aforesaid on the first Monday in November in the year 1839. came the defendants by their Counsel and filed their answer to the plaintiffs bill, which answer is in the following words and figures to wit:

The joint answer of Joseph T. Cloud admin. of Theophilus T. Barrow and Executor of Jane P. Cloud and Benjamin C. Waller & Temperance his wife - To the bill of complaint exhibited against them by Benjamin Griffin and others. Their respondents saving and reserving to themselves, all benefit of just exceptions that may hereafter arise, to the many errors and uncertainties in the

complainants bill contained. for answer thereto or unto so much thereof as they are advised it is at all material for them to answer. For answer say, that said Deed of Gift referred to in the complainants bill was duly executed and proved in manner & form as set forth in said bill. That Richard Barrow to the best of their recollection, did not leave the State of Virginia until some time about the first of the year 1829. (that he remained in the County of Northampton State of North Carolina but a short time when as they are bound to believe from circumstances that will be introduced to the notice of the Court hereafter in the progress of this cause, that said Richard Barrow was murdered and concealed by some unknown hand but that his remains were afterwards found as they understood, at the time. That said Theophilus Barrow died about the 9th of September 1830, having as they believe survived his father. That after the death of said Theophilus, Joseph C. Cloud qualified as administrator upon his estate and as such prepared himself of the estate of said R. Barrow, said Cloud says leave to represent that he has regularly settled his administration account, and that in the course of his administration he sold one of the negroes for the payment of debts, as will appear by reference to said account herewith filed and prayed to be taken as a part of this answer. The other four slaves are still in the possession of said Cloud subject to the order of this Court. And Cloud also qualified as executor of Jane P. Cloud, as is charged in said Bill. Benjamin C. Waller also intermarried with Temperance Cloud in January 1838. Your Respondents aver that these are all the material facts of the case, they therefore pray to be hence dismissed, with their reasonable costs by them in due behalf refunded &c

J. P. Cloud vmo: J. T. Barrow
Benj C. Waller.

Northampton County to wit

On this day Joseph C. Cloud and Benj. C. Waller personally appeared before me a Justice of the Peace for the County aforesaid and made oath that the facts stated in the foregoing answer so far as depends upon their own knowledge is true & so far as depends upon the information of others they believe them to be true. Given under my hand this 21st day of October 1839.

Saml Drury JP

(3)

(Exhibit)

Theophilus Barrow a minor

In account with Joseph C. Cloud Guardian

		Dr ^d		Cr ^d	
1829					
June	To 1 pair shoes 5/3 3 yds cloth at 1/6	1	62		
	" 2 yds baize for cloak @ 3/1	1	00		
	" 1 Hat 12/ 2 yds cotton cloth @ 9 ^d	2	38		
	" 1 pair shoes 1/	1	00		
	" paid John W. Mason att ^y .	2	50		
Dec ^r	25 By the hire of Peter this year	"	"	15	00
	By hire of Isham this year	"	"	2	50
				17	50
				9	37
	By balance due the ward	"	"	8	13
1830	To 5 yds cloth @ 1/6 1 pair 9 ^d Hat 3/1	1	87		
	" 3 yds cotton cloth 9 ^d for shoes 1/	1	13		
	By hire of Peter this year and Isham	"	"	49	50
	To Com ^r on receipts	2	49		
	By interest on last balance to this day	"	"	48	
				58	11
				5	71
Dec ^r	25 By balance due the ward	"	"	52	40

The Estate of the said Minor dec^d.

In account with Joseph C. Cloud ad^mor.

		Dr		Cr ^d	
1831					
	To paid B. C. Waller for Coffin	15	00		
	" " Howell Harris constable	8	70		
	" " Deet Masgrave acct	14	75		
	" " Inc McCop "	3	75		
	" " tuition and books last year	2	25		
	" " Clerk tickets	70			
Dec ^r	25 By the hire of Peter and Isham	"	"	41	25
	" " Andy and Mary	"	"	8	42
	To Com ^r on Receipts	2	48		
	By interest on last balance to this day	"	"	3	14
				105	21
				47	63
	By balance due the Estate	"	"	57	58
	To paid Jane Clouds Ex ^{or} for Receipt	364	47		

" " William Davis do "	1	76		
" " Clerks tickets		71		
" " R. H. Baker atto	25	00		
" " Doct Musgrave acct	3	75		
Amounts Carried forward	\$	395	69	57 58
Amounts brought forward		395	69	57 58
By Peters hire to January Court	"	"	"	25
By hire of Isham this year	"	"	"	20 00
By hire of Mary and George	"	"	"	8 00
By Sales Peter January Court	"	"	"	390 00
To Comm. on receipts		20	91	
" Commis. fees returned		1	50	
" Clerks do		1	50	
				475 83
				419 60
				56 23

Decr. 23 By balance due the Estate
with interest thereon from December 23^d 1831. till paid.

Respectfully Submitted

John Cobb Comr.

At a Court held for the County of Southampton the 16th day of September 1833.
This Account Current and Master Commis. report of Joseph T. Cloud
Guardian to and administrator of Theophilus Barrow d. having been returned
for more than two months and no exceptions being taken thereto was confirmed
and ordered to be recorded.

Teste James Rochelle Clk

A Copy Teste L. A. Edwards Clk

To which answer the plaintiffs replied generally.

And at an other day to wit. At Rules held in the Clerks Office aforesaid
on the first Monday in March in the year 1840. on the motion of the Plaintiff
by Counsel this cause was set for hearing.

And at another day to wit. At a Circuit Superior Court of Law & Chancery
held for the County aforesaid the 8th day of April 1841. This cause came
on this day to be heard on the bill answer and exhibits and examination
of witnesses and was argued by counsel, on consideration whereof the Court
with out deciding the principles in the cause doth adjudge order and
decree that Joseph T. Cloud admr. of Theophilus T. Barrow do render
before Commis. Cobb an account of his transactions as admr.
of said Barrow showing the number and probable value of the slaves
which account the said Commis. is directed to examine state of

settle and to the Court report with any matters specially stated deemed
pertinent by himself or required by the parties to be so stated.
The following is a copy of the report made in pursuance of the aforesaid
Decree.

Barrows admr. for

&

Cloud Recr. for

In Chancery

The following parties attended agreeably to notice filed to wit. Joseph T. Cloud
& John A. Benson, also Benjamin C. Waller, the latter although not a party in
this suit is yet as much or more interested than one else. It appears v. v.
Cloud admr. the defendant settled an account of his transactions, as admr.
for the year 1831 & 1832 under an order of the Court, and the parties were
willing this account should not be disturbed the Court therefore states the
balance due in that settlement in this report.

The Estate of Theophilus T. Barrow dec'd.

In Account with Joseph T. Cloud admr.

			Dr	Cr
1832				
Decr. 31	By Balance due for Comr. Report		"	53 24
1833	By hires Argross this year			32 00
	To Comr. off			85 24
				1 50
Decr 31	By balance due the Estate		"	83 64
	" Int. on the balance of 1832	\$ 3.19		
1834	By hires Argross this year		79 75	
	To Comr. off		3 98	75 77
Decr 31	By balance due the Estate	\$ 3.19	"	139 41
	" Interest on the balance of 1833	5.61		
1835	By hires Argross this year		130 00	
	To Comr. off		6 50	123 50
Decr 30	By balance due the Estate	\$ 8.20	"	282 91
	" Interest on the balance of 1834	9.56		
1836	By hires Argross this year			167 75
	To Comr. on ditto		8 38	
	" paid sundry tickets		8 19	
	" " Doct. Barham acct		3 00	
	" " J. A. Williamson "		1 00	
				450 66
				20 57
Decr 31	By balance due the Estate carried forward	\$ 17.76	"	430 09

			Dr	Cor	Interest
1836					
Decr	31	By balance brot forward	"	430 09	17.76
		" Interest on the balance of 1835	"	"	16.97
1837		By Negro hires this year	"	180 75	
		To Comr on ditto	9 03	610 84	
		" paid J. A. Williamson acct	2 00	11 03	
Decr	31	By bal. due the Estate	"	599 81	34.73
1838		By negro hires this year	"	190 00	
		Interest on balance of 1836	"	"	25.80
		To Comr on Receipt	9 50		
		" paid Doct Barham acct	15 00		
				789 81	60.53
				24 30	
Decr	31	By balance due the Estate	"	763 31	60.53
		" Interest on the balance of 1837	"	"	35.98
1839		By Negro hires this year	"	201 00	
		To Comr. on ditto	10 05		
		" paid J. A. Williamson acct	1 00		
		" " Doct Brakman "	1 50		
				966 31	
				12 55	
Decr	31	By balance due the Estate	"	953 76	96.31.
		" Interest on the balance of 1838	"	"	45.91
1840		By Negro hires this year	"	204 92	
		To Comr on ditto	10 24		
		" J. A. Williamson acct	2 00		
		" A. Davis "	2 00		
				1158 68	
				14 24	
Decr	31	By balance due the Estate	"	1144 44	142.42
		" Interest on \$953.76 bal. of 1839	"	"	57.22
1841		To paid A. Davis acct	2 00		
Jan'y		" " Doct Barham.	5 25		
		By Negro hires for this year	"	190 25	
		To Comr on ditto	9 51		
				1334 69	
				16 76	
		By balance due the Estate	"	1317 93	199.64
		Carried forward			

(4)

By balance due the Estate on the 31st day of December 1840. \$1344.08
with interest on \$1144.44. part thereof from that date till paid, and the further
sum of \$173.49 due for Nett Negro hire with interest thereon from that
date till paid say December 31. 1841.

Comr's fee auct. 17th 3 hours
" 21 8 do

Respectfully Submitted
Jere Cobb Comr.

Charged to the adms. \$11.00

due John Jenkins 3.50

for executing 7 notices

to the justness of the above fee bill.

N.B. The Commissioner is also directed to state the number & probable
value of the slaves which is given below

Isham	supposed to be worth	\$650.
George	do do	650.
Mary & child	do	550.
Rindy & child	do	550.
No 4.	nett valuation	\$2400.00

Jere Cobb Comr.

And at another day to wit. At a Circuit Superior Court of Law and
Chancery held for the County aforesaid the 3rd day of November 1841.
This day the cause came on to be heard on the papers formerly read of
the report of the Commissioner made pursuant to an order of April
Term 1841. to which report there is no exceptions, and was argued by coun-
sel on consideration whereof the Court not being satisfied as to the
fact, whether Richard Barrow survived his son Theophilus J. Barrow
or not, doth order that an issue be made up between the parties to be
tried by a jury at the bar of the law side of this Court to ascertain whether
the said Richard Barrow did or did not survive his son the said The-
ophilus J. Barrow and liberty is allowed the parties to read upon the
trial of said issue the depositions of such of the witnesses whose evidence
has already been taken as may have died since or whose attendance
cannot be obtained under the process of the Court and any other legal
evidence which the parties or either of them may think proper to introduce.

And at another day to wit. At a Circuit Superior Court of Law and
Chancery held for the County aforesaid the 7th day of April 1842. This
cause was continued till the next term.

A Copy of the Verdict of the jury upon the trial on the Law Side of
this Court of the issue made up in this cause by a decree of the full
Term 1841 was received & filed in this cause on the 3rd day of November

1842. and is in the words and figures following to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton the 1st day of November 1842.

Benjamin Griffin to whom the estate of Richard Barrow was committed as then Sheriff of the County of Southampton for administration Peter Edwards & Narcissa his wife Joseph T. Claud adms. of Robert T. Musgrave dec. Charlotte Musgrave Edwin Harris & A. Persons adms. of Polly Hill Harris his late wife Elizabeth Harris and Mary T. Rose

against

Joseph T. Claud Exor. of Jane Claud dec. and as adms. of Theophilus T. Barrow dec. and Benj. C. Waller & Temperance his wife

upon an
Issue out
of Chancery

This day came the parties by their Attornies and thereupon came a jury to wit William G. Clements William Paine Saml. H. Holland John Parker William Laurence Selah Ellsworth Henry B. Vaughan Joel Vick Orrin Vaughan Daniel W. Simmons James Vincent who being elected tried and sworn the truth to speak upon the issue joined. and upon their oath returned a verdict in the following words to wit. "We of the jury find that Theophilus T. Barrow survived and out lived his father Richard Barrow." which is ordered to be certified to the Circuit Superior Court of Law and Chancery for Southampton County.

Copy Teste L. R. Edwards Clk

And now at this day to wit. At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the day and year first aforesaid to wit. the 3^d day of November 1842. This day this cause came on by consent of parties again to be heard on the papers formerly read and the verdict of the jury unimpaired on the law side of this Court to try the issue awarded by a decree of the full term 1841. to try the fact whether Richard Barrow did or did not survive his son Theophilus Barrow. and the report of the Commissioner returned to October term 1841. to which report there was no objection, and was agreed by counsel. On consideration whereof the Court confirming the said report and being satisfied with the verdict of the jury finding that Richard Barrow did not survive his son Theophilus Barrow. and it appearing to the Court that the said Theophilus Barrow left neither children, father, mother, brother nor sisters or any of their descendants,

the Court doth order adjudge, and decree that his estate be divided into two moieties one to go to his paternal and the other to his maternal kindred and that Joseph T. Claud who is appointed a Commissioner for that purpose do after giving reasonable notice of time & place of sale sell at public auction the slaves in the preceding mentioned in a credit of twelve months taking lands and good securities of the purchasers, and apportion one moiety of the proceeds of such sale to the paternal kindred in the following manner to wit. one sixth of the said moiety to Peter Edwards and Narcissa his wife. one sixth to Joseph T. Claud adms. of Robert T. Musgrave who is assignee of Henry Barrow. one sixth to Edwin Harris adms. with the will annexed of Elizabeth Harris one sixth to Robert T. Musgrave adms. of Thomas Barrow dec. the said Narcissa, Henry and Thomas being uncles of the whole blood and the said Elizabeth being grandmother to the said Theophilus. one twelfth to Joshua Lee and Charlotte his wife one twelfth to Edwin Harris one twelfth to John A. Persons adms. of Polly Hill Persons late Harris his wife. one twelfth to A. Harris. the said Charlotte Edwin Polly and A. Harris being uncles and aunts of the said Theophilus of the half blood and apportion the other moiety to the maternal kindred of the said Theophilus Barrow in the following manner to wit. one half of said moiety to Benjamin C. Waller and Temperance his wife and the other half of said moiety to Joseph T. Claud Exor. of Jane T. Claud the said Temperance being aunt of the said Theophilus Barrow and the said Jane T. being grandmother of said Theophilus on the maternal side and make report to the Court. And the Court doth further order adjudge and decree that Joseph T. Claud adms. of Theophilus Barrow render before a Commissioner of this Court an account of the hire of the slaves belonging to the estate of his intestate since the last account rendered by him which the said Commissioner is directed to audit state and settle and make report to Court. with any matters specially stated deemed pertinent by himself or which may be required to be so stated by either party.

Plaintiffs Evidence } Southampton county October 17th 1840

The deposition of Amos Woodard & Nancy A. Woodard his wife was this day agreeable to notice duly and legally given taken before me W. L. Everett a Justice of the peace for the county aforesaid at the school house on Joseph T. Leland's land between the hours of 9 o'clock A.M. and 6 o'clock P.M. to be read as evidence for the plaintiffs in a suit now pending and undetermined in the circuit Superior Court of Law and Chancery for the county of Southampton aforesaid wherein Joseph T. Leland Exor of Jane Leland dec'd and adm'r of Theophilus Barron dec'd and Benjamin W. Waller and Temperance his wife are defendants. and Benjamin Griffin Sheriff & Committee of the state of Richard Barron dec'd Peter Edwards and Narcissa his wife & Joseph T. Leland adm'r of Robert T. Musgrave dec'd Joshua Leigh Schachtel his wife formerly Charlotte Musgrave who was formerly Charlotte Harris Edwin Harris and Lewis Harris an infant by Edwin Harris his next friend John A. Person adm'r of Polly Hill Harris his late wife and Mary T. Rose plaintiffs The said Amos Woodard being first sworn on the holy evangelist of all mighty god deposed and saith as follows Viz

That in the year 1829 and I think in the month of October Richard Barron came to my house then living on Nathaniel Jones plantation in the county of Southampton near Branches bridge one evening about dusk and enquired of me immediately on entering my house if he was out of the state of North Carolina I answered him he was and that he was then in the state of Virginia, he then seemed to be satisfied after which conversation I discovered he had a wound on his head and asked how he received the wound his answer was that a limb of a tree fell upon him his wound was afterwards dressed by my wife, Barron remained at my house all night and in the morning enquired the way to Capt. Ambrose Middletons and went off in that direction. I have never seen nor heard from since.

Interrog by Mr. J. A. Person for plaintiffs, do you think the wound Barron had on his head was a dangerous one and likely to produce death, answer, I do not think that it did
Interrog. by Peter Edwards, was it late in the fall when Barron came to your house.

It was I think in October^{let} I am not certain

Inter by Mr Goodwin counsel for depts do you think that Mr Barron was interested when he left your house Mr Woodard

Answer No sir I did not

Inter by the same he Barron said nothing to you when he left your house where he was going or what he intended doing

Answer No sir I asked no questions of that nature & receive no information from him

Inter by the same did you discover from his conduct or conversation while at your house that he had any intention of quitting this section of Country

Answer No sir I did not

No further questions being proposed to the witness further this deponent sageth met, Signed by him October 17th 1840

Anthony Woodard

Nancy A. Woodard being first sworn on the holy Evangelist of almighty God depaeth and sageth as follows Viz

That she was present at the

time Rich^d Barron came to her husbands Anthony Woodards house and that the statement made by Mr Woodard in his deposition she doth hereby confirm

and being Inter by pffts Do you know any thing about a camp meeting which took place in Northampton County about the time Rich^d Barron was at your house, or did you hear Rich^d Barron speak of a camp meeting

Answer, I do not recollect that I did

Inter by P. Edwards (Mr^s Woodard when you dropped Rich^d Barron wounds do you suppose it would have required one or more blows to have inflicted it

Answer, I think that one blow might have made such a wound as it was, Inter by Mr Goodwin for depts Mr Woodard how large was the wound you speak of having dropped on Rich^d Barrons head

Answer, I suppose it was three or four inches square

Inter by same. How deep did the wound seem to be

Answer, It was not very deep about skin deep the wound smelt very bad which I suppose was for the want of dressing

Inter by J. A. Persons for plaintiffs, on what part of the head was the wound Mrs Woodard

Answer, it was on the side head.

No further questions, further this deponent saeth not signed by her October 17th 1840

Ann A Woodard

John B Woodard being first sworn on the holy Evangelist of almighty God depaeth and sageth as follows

Rich^d Barron came to my fathers

Anthony Woodards house in the fall of 1829 about dark remained all night and left there next morning and said that he was going to Capt Middleton, no questions being proposed to the witness further this deponent sageth met.

John B. Woodard

I do hereby certify that the depositions of Anthony Woodard Nancy A. Woodard and John B. Woodard as stated above after being read to them were signed and acknowledged by them to be written as given in by them. Given under my hand this 17th Oct 1840

William G. Everett J P

Defendants evidence }

The depositions of Kinching Martin David Johnson

John Flythe William Powell & Kinching Powell taken to be read as evidence for the defendants in a ch: suit now pending in the circuit Superior Court of law ch: in Southampton County in which Benjamin Griffin sheriff, Executor of the estate of Rich^d Barron dec^d Peter Edwards and Narcissa his wife Joseph I. Eland adm^r of Robert T. Mansgraves dec^d Joshua Light Charles his wife formerly Mansgraves who was formerly Charlotte Harris Edwin Harris & Maria Harris and infant by Edwin Harris his next friend John A. Persons adm^r of Poly Hill Harris his late wife and Mary J. Rose are Plaintiffs and Benjamin E. Wallers wife Temperance Joseph I. Eland Exec^r of Jane P. Eland dec^d and adm^r of Theophilus Barron dec^d are defendants Kinching Martin having been first duly sworn on the holy Evangelist of almighty god depaeth as follows

Mr Martin saeth that as

well as he recollects that the first time he saw Richard Barron was about the spring 1829 and he further states that the last time he Rich^d Barron was seen was about the 23rd of October 1829 and the witness

says that he Richard Barron was seen by him the same day about 10 o'clock in the night at the camp meeting ground & the witness says

that the Richard Barrow has never been seen of herd of since

Kinchin Martin

William Powell having been first duly sworn on the holy evangelist of almighty god deposed as follows

Mr William Powell says that Richard Barrow and Thomas Robinson came to John Filythe and as soon as Richard Barrow arrived at Filythe Thomas Robinson said that he could whip him & the said Robinson commenced fight with the said Richard Barrow and they were separated & after being separated the same Thomas Robinson struck him the said Richard Barrow one violent blow over the head & after that he the said John Robinson gave him the said Richard Barrow a second blow with a kernel staff and the witness says that he considered the wound dangerous as he thinks the wound was about three inches long and to the bone

Question by the plaintiff, what year month & day did this fight take place

The witness says he thinks it was in the date 1829 & month of oct the day not recollect

Question by the same, how long after the fight before he left the neighbourhood

Answer by the witness, not more then three or four days

William Powell
mark

John Filythe having been first duly sworn on the holy evangelist of almighty god deposed as follows The witness says that he thinks the first year that Richard Barrow came to Northampton was in 1828 & in the part of the same year he thinks about the 21 or 22 of October, the camp meeting was held the day before the camp meeting commenced he the said Filythe was absent from home & the witness says when he got home the servant of Dr. Richards was dressing the head of Barrow the witness further says that two of his rooms were stained with blood and that he the said Richard Barrow left his house the same day and that he has seen him since and the witness says that Thomas Robinson left about the time the camp meeting was breaking up and did not return in three weeks or a month and the witness says that he saw Robinson the he raised some a rapus

(2)

at my house and he said that he and Barrow fell out and that he gave him a lick or two that he would give him another lick or two if he had the same chance, the witness says that Richard Barrow left his house & also the hat cap & cloak which he used to wear

John Filythe

David P. Johnson having been first duly sworn on the holy evangelist of almighty god deposed as follows, the witness says that Richard Barrow moved in Northampton in 1829 or 1830 as well as he recollects & in the spring last that he did not stay all the year for he believes he was missing in the month of October 1829 as well as he recollects that he went in the house with Noah Adam William Tyler & John Filythe that he recollects seeing his cap & that the floor was bloody and also the end of a bench also bloody, and that he also saw his horse on the premises where the said Richard Barrow lived, the above the witness says he saw in the four part of the year after wards the witness says he saw him in the month of October and that he has not seen him since

David P. Johnson
mark

Kinchin Powell having been first duly sworn on the holy evangelist of almighty god deposed as follows, The witness says that he saw Richard Barrow some time in the month of September or October 1828 and that he was at the house where Richard Barrow lived and that he saw his bed trampled & lost his cloths with a considerable size of blood on the floor that he thinks it was in the month of October 1828 some six or ten days after the camp meeting broke up and that his clothes were also bloody the last time he saw him and as they were when he saw them in his house witness cannot say whether they were the same clothes or not and he says after he saw him at the camp meeting he has never seen him since
K. Powell

The foregoing depositions of Kinchin Martin David P. Johnson, John Filythe William Powell and Kinchin Powell were taken subscribed and sworn to on the 28 day of August 1840 between the hours of 4 in the morning and 6 o'clock P.M. at Boykins depot on the P.R.R. rail road in the ward Beaton store house in the county of Southampton

before me a justice of the peace for Southampton County
Given under my hand this 28 day of August 1840
Jephthah Darden J.P.

Adjourned until Monday nine o'clock
August 29 1840

Jephthah Darden J.P.

Southampton County February 6 1840

The deposition of William B Giles of Southampton County N.C. was
this day taken before me in Edward Beaton store house at Boykins
depot in the County of Southampton Va agreeable to notice regularly
delivered to the plaintiff to be read as evidence in a suit now depend-
ing and undetermined in the Circuit Superior Court of law and
chancery for the County of Southampton wherein Benjamin Gifford
shiff and committee of the estate of Richard Barrow dec'd Peter Edwards
and Narcissa his wife Joseph T. Elwood admr of Robert J. Musgrave dec'd
Joshua Leigh and Charlotte his wife Edwin Harris and Newell Harris
infant by Edwin Harris his next friend John A. Person adrs of Pdy Hall
Harris his late wife Elizabeth Harris and Mary J. Rose are plaintiffs
and Benjamin B. Waller and his wife Temperance and Joseph T. Elwood
Exrs of James Elwood dec'd & admr of Theophilus Barrow dec'd are defendants

The said deponent William B. Giles first being sworn as the law
directs deposeth and sageth as follows (to wit)

Richard Barrow lived in my neighbourhood about seven years
ago and suddenly disappeared from his dwelling and the neigh-
bourhood sometime in the month of October the impression of the
neighbourhood and myself was that he was dead and my reasons for
forming this opinion was founded from the circumstance of having
in company with other persons visited the house he occupied some
6 weeks subsequent to the said Richard Barrow's disappearing &
found the door & door frame of the house stained with blood. The
house in a confused situation his clothing lying scattered
about the house & particularly his cap and shoes, the cap lying on the
table and his shoes under the bed slipped down at the head and the
bed tumbled as if he had just arisen from it from these circum-
stances & hearing a rumor that a fight had taken place a
few days before the disappearance of R. Barrow between him and
a man by the name of Robinson in which Barrow was danger-
ously and severely wounded, which wounds I saw twice and the
threats that Robinson made to me that he would kill Rich

Barrow I was induced to believe the said Richd Barrow was
dead

Question by plaintiffs Witness was there ever discovered the remains
or dead body of Richard Barrow in the neighbourhood in which
he lived after he disappeared

I never heard of his body being discovered thereafter

Question cont by Plffs Witness do you recollect to have ever mentioned
to any individual the conversation which took place between Rich-
inson & yourself relative to the supposed murder of Richd Barrow
previous to this day

Answer. I do not recollect that I have

Question cont by plaintiffs, If you believed what Robinson stated
to you to be true, did you not think it your duty to inform the
civil authority and have him the said Robinson arrested

I at the time of the conversation held with Robinson I was under
lawful age not more than ten or twelve years old

Witness Iust by Plffs cont did you see the wounds that were inflicted
by Robinson on R. Barrow, and what induced you to believe they
would prove mortal & what were the number of wounds and with
what instrument on what part of the body were they inflicted

Answer. I saw the wound and was induced to believe it would

prove mortal from its being a very severe and dangerous one and
the declaration of Barrow, it was on the side of the head & inflicted
with a slave and quilt frame,

Question continued by Plffs, Witness what was the length of time from
the infliction of the wound to the disappearance of Barrow

Answer. something like five or six days,

Witness Iust by Plffs cont at what precise time was the disappearance
of Barrow

Answer. The last time he was seen in our neighbourhood was on
Tuesday at the camp meeting at Zions meeting house

Question cont by same Witness was it generally believed that he
Barrow was missing before the breaking open of his house

Answer. It was suspected and a great many believed it

Witness continued by the same Did Richd Barrow have a great many
neighbours, and was the neighbourhood thickly settled around him
Yes they were very thickly settled

Witness Iust by the same, were you in company when Barrow's
house was broken open were you sufficiently acquainted with his

clothing to know that all his clothes were left in the house.
Answer, I did not see his trunk opened and the only clothes I saw was a coat waistcoat cap shoes & cloths,

Witness Iust by the same was Barrow a provident careful man & was he a money making man or a spend thrift

Answer, Barrow seem to make money until a disagreement with Mr Odam his landlord and after wards I do not think he made much but I believe him to be a careful man

Iust by the same witness did you ever hear of Barrow being alive after his disappearance from your neighbors hood

Answer I dont think I ever did

Iust by the same Witness was there ever any intimation in Barrow's neighbors from which he disappeared that he was alive after his disappearance

Answer, No there never was

Iust by the same Witness did Rich^d Barrow never leave home after receiving the wounds from Robinson, and did he ever come to Virginia afterwards,

Answer, He went to Mr Martins about half mile to have his wound dressed I do not believe he ever came to Virginia after and my reasons for so believing is I think I should of surely have heard of it Iust by the defendant

Witness did you fully understand the Iust from the plaintiffs relative to your ever mentioning to any individual before to day the conversation which took place between Robinson and yourself relative to the supposed murder of Rich^d Barrow

Answer, I do not understand it

Iust by the same Do you recollect to whom you stated that Robinson said to you he would have killed Barrow on the day of their rencounter

Answer, I stated to Mr B. C. Waller & John Flythe and to no others recollect by me at this time

Iust by the same, did you see Rich^d Barrow after he was wounded and what did he say to you relative to his rencounter with Robinson

Answer, I saw Richard Barrow twice after his rencounter with Robinson and in a conversation with him he stated to me that the wounds he had received would kill him

Iust by the same what caused you to go into house of Rich^d Barrow as you have before stated in your deposition

(3)

Answer, Mr Odam asked me to assist him to carry Barrow's property up stairs

Iust by the same, Do you recollect to have ever seen Richard Barrow wear a hat or do you know that he had any other hat other than the cap you seen on entering his house

Answer I never saw Richard Barrow wear any other hat other than the cap before alluded to during my acquaintance with him

Iust by the same, Did Richard Barrow have any other than the one found on entering the house did you find his horse wandering about the plantation

Answer I never see him have any other cloak than the one before named I found his horse wandering about the plantation

Iust by the same You do not think that Barrow would have left home to go any distance without taking his horse

Answer No I do not

Iust by plff Witness were you a near neighbor of Richard Barrow were you intimately acquainted with him did you believe the threats that were made by Robinson and if so did you tell Barrow that his life was in danger

Answer, Yes I lived within two miles of him I was intimately acquainted with him I did believe the threats I told Barrow his life was in danger and he Barrow stated that he was not afraid No other questions being asked I further this deponent says he not signed by him and acknowledged this 6 day of February 1840

William B. Giles

I do hereby certify that

The deposition of William B. Giles taken before me this day was distinctly read to him as above written and signed and acknowledged by him in my presence to be written as given by him Given under my hand this 6th February 1840

Wm L. Everett J.P.

The deposition of John B. Odam John A. Wade and James B. Barnes was this day taken before me Wm L. Everett a Justice of the peace for the County of Southampton agreeable to notice duly given in Edward Bealons store house at Boykins depot in the County of Southampton between the hours of 9 o'clock A.M. and 6 o'clock P.M. to be read as evidence in a suit now pending in Circuit Superior Court of Law and

Chancery for the County of Southampton wherein Benjamin Griffin
sheriff and committee of the estate of Richard Barron decd and others
are plaintiffs and Joseph S. Island Esq Jane Island decd and others
are defendants. The said John B. Adams being first sworn on the
holy evangelist of almighty God deposes and sageth as follows

On October 2^d 1840

That Rich^d Barron resided on a plantation of my father in the
year 1829 near Adams Tavern in the County of Northampton State
of North Carolina and that during the fall of that year and I think
in the month of October a camp meeting was held near said Tavern
and contiguous to said Barrons house where said Barron was present
at the camp meeting and during the meeting suddenly disappeared
leaving behind his horses and his house hold property which constituted
the whole of his property and that he has not been heard of from then until
the present day by me

Being Questioned by Robert Ridley Esq^r def^t counsel Mr Adams had
Mr Barron been speaking of leaving his residence before the expira-
tion of the year

ANSWER. I have no recollection of his speaking of leaving but he had
a sale during the summer and sold off some superfluous furniture
I was told by same, was any inventory taken of Barrons property
immediately after his disappearance

ANSWER. Not until after the expiration of the year but early in Jan^y
the next year an inventory was taken by my father & others constituting
the whole of his property with the exception of his horse which was
understood died in the neighbour hood previous to taking the inventory
I was told by the same Do you recollect any conspicuous articles of
clothing that was found when the inventory of Barrons property was
taken, ANSWER. I acted as clerk when the inventory was taken and find
by reference to the inventory that a hat cap and cloak was found
I was told by same. Had Barron been in the constant habit of wearing
the hat and cap inventoried

ANSWER. I have no positive knowledge of his having any other hat
or cap the cap I had frequently seen him wear I could not speak
positively as to the identity of the hat

I was told by same did any person in the neighbour hood undertake
to account for the sudden disappearance of Barron

ANSWER. The general impression of the neighbours was that an old
man by name Robertson who lived in the neighbour hood with whom Barron

Some short time before had had a fight murdered him
I was told by same. What was the disposition and character of Robertson.
My impression & I believe the impression of the neighbour hood is that
he was a peaceable man until raised. and then he was a turbulent
malicious man who it was thought was too good to take private and
secret advantage

I was told by same what were Barrons circumstances in life

ANSWER. He was a very poor man unless he had money which I do
not suppose he had as I am of opinion, I should have seen him use it
when thinking about the Tavern

I was told by Mr Peter Edwards for the plffs Mr Adams you will please
state what was the state of Richard Barrons mind before and about
the time he disappeared

ANSWER. He was in the habit of drinking freely and appeared at
some time to be dissatisfied which I supposed was owing to his drink-
ing to excess and being out of employment but I believed him to be
perfectly rational and sane

John B. Adams

James B Barnes being sworn on the holy evangelist of almighty
god deposes and sageth as follows Viz

That he went to a camp
meeting at Jacobs meeting house near Adams Tavern in the County
of Northampton N Carolina in the month of October in the year
1829 as to date as nearly as I can recollect and while there in
company with Jacob Kelly & others I started to Adams Tavern
to get a drink of grog and in our way we met a man by name
Robertson and asked him where we could get some brandy & he in-
formed me if we would walk to his house we get it there, we did
so and on our arrival at Robertsons discovering Robertsons face to
be scratched I asked him what was the matter and he answered
me and said that he the evening before he met with Rich^d
Barron and had a fight with him near the camp ground and that
Barron struck him with a staff and he struck Barron with a
grog. I then stated that Barron was an old school mate of
mine and I would go back to the Tavern and see him and that
he was an old acquaintance also Robertson then said let him
be an old acquaintance or not he was a damned rascal and
that he intend to kill him

No Inquest being returned by the plaintiff

Mr J Edwards Inquest for death Inquest. did you see Rich^d Barrow when you went to his house

Answer, I did not

October 2 1840

James B. Barnes

John A. Wade being sworn on the holy evangelist of all mighty
God deposes and says as follows Viz

I moved to the house occupied by Richard Barrow before he
disappeared in the year 1831 and during that year a man by name
Thomas Robertson came to a blacksmiths shop near to the house
I lived in and while in the shop he Robertson commenced violently
abusing some persons and supposing that he was abusing the black
smith I walked down to the shop and asked him who he was
and with he answered with you and I have cleaned Barrow
up and I intend to clean you up

Inquest by J. J. Mr Wade what was the general character of
this man Robertson and was it the general impression of the
neighbours that he murdered Rich^d Barrow

Answer I believe him to be a very vicious man and these were
the impressions of the neighbours, and further this deponent says and

October 2 1840

John A. Wade

I do hereby certify that the depositions of John B. Adams James
B. Barnes and John A. Wade as stated above were distinctly read
to them and that they acknowledged them to be written as
given in by them, and that they signed their names and
acknowledged the same in my presence Given under my
hand this 2 day of October in the year 1840

William S. Everett M. J. J.