

1844-127

SOUTHAMPTON COUNTY
CHANCERY PAPERS

WORRELL'S ADMINISTRATOR

VS. JORDAN's admr
val 5/1844

other surnames: Vick,
Gorley, Butler

Worrells adm

v. } Papers-

Jordans adm. Feb

1844 May - Bill D. J.

Worrells adm

v. } Statement

Jordans adm. Gab

Thomas B Morrell admr: of Lewis Morrell dec^d

v.

Jacob Jordan admr: of Richard Jordan dec^d and as one of the heirs of Richard Jordan dec^d
Christiana Jordan, Patience Vick, Sidney Jordan & Joseph Jordan -

1843 July 18. Subpoena issued returnable to August Rules -

August. R. Subpoena ret^d Ex^o on Jacob Jordan, C. Jordan & P. Vick. Joseph Jordan
& Sidney Jordan no inhabitants - Bill filed

October . Cause set for hearing as to Jacob Jordan in his own right & as admr: of
Richard Jordan dec^d. Christiana Jordan & Patience Vick -

1844 Jan^y - " Order sub. v. Dfts Joseph & Sidney Jordan -

Thos. B. Wonell
adm'r. of L. Wonell
vs } Bill
Rich^d Jordan & heirs

1843 August Rules

To The Hon^d Rich^d H. Barker Judge of the Circuit
Sup. Ct. of Law & Chancery for Southampton County
Your complainant Thos B. Worrell
adm^r. of Lewis Worrell Dec^r sheweth unto
your Honor that sometime in the year 1826
his Testator in his life time became bound
with one George G. Gurley as surety for Joseph
Jordan Guardian of George Butler a copy of
which bond marked A is herewith filed
as a part of this Bill, but that during the
same year and within a very short time
thereafter, before indeed there came into the
hands of Joseph Jordan any thing belong-
ing to this ward George Butler, his Tes-
tator Lewis Worrell sue moved against
the said Joseph Jordan for Counter security
which was given by a bond executed by
George G. Gurley and Richard Jordan as
the securities of Joseph Jordan Guardian.
~~whereupon~~ A copy of which bond marked
B is also herewith filed, and prayed to be
taken as a part of this Bill - In con-
sequence of which and the fact that up
to this period nothing had been received
by Jordan Guardian as aforesaid, the
said Lewis Worrell was wholly exonerated
from any responsibility as security to the
said Jos. Jordan -

It wither up at the fall term of the Sup. Ct for
the County of Southampton, a decree was ren-
dered ~~against~~ in favor of George Butler, in a
suit by him before that time instituted, against
Joseph Jordan, George G. Gurley and your Com-
plainant adm^r. as aforesaid for the sum
of \$173.47¹⁰⁰ with interest from the 10th day of April
1827, a copy of ~~the record in which case~~ ^{the record in which case} is herewith filed
as a part of this Bill marked C - ~~sheweth~~

Your complainant would further shew that
each of the defendants George G. Gurley, and
Joseph Jordan are now residents of the
Commonwealth and have no property
here, and that the decree was satisfied by
your complainant adm^r. of Lewis Wor-
rell Dec^r as will appear by reference to
the record herewith filed -

Your complainant would also further
shew, and represent to your Honor that

Richard Jordan who executed the bond given with George G. Gurley given as counter security died some years since in this County leaving a tract or parcel of land lying and being in this County containing about one hundred acres which has remained and is still held as ~~the~~ belonging to the estate of Richard Jordan dec'd and is believed to be all the estate remaining to the said Rich^d Jordan dec'd - that upon the estate of Richard Jordan dec'd. Jacob Jordan qualified as the adm^r of your complainant would present to y^r Honor, that all the estate of which Richard Jordan died seized was bound as security to Joseph Jordan Guardian as aforesaid ^{the said Rich^d Jordan} he having become bound as counter security before any monies passed into the hands of Joseph Jordan Guardian and that a copy of the order ruling the said Joseph Jordan to give counter security is also herewith filed Mark D. and prayed to be taken as a part of this Bill, and that the decree entered up for the sum due George Butler by Joseph Jordan Guardian having been satisfied by your complainant as adm^r of Lewis Wonell dec'd he has a right to demand and have receive the same from the estate of Rich^d Jordan dec'd, or in the event that the said Rich^d Jordan shall be regarded as as only a joint security with the said Lewis Wonell, then he must be held responsible for one half the sum paid under the decree, the said George G. Gurley being a non resident and without any property.

Wherefore in consideration of the premises aforesaid your complainant prays that Jacob Jordan adm^r of Rich^d Jordan dec'd and as one of the heirs of Rich^d Jordan dec'd, Christiana Jordan, Patience Wick, Sydney Jordan and Joseph Jordan the heirs of Richard Jordan may be made defendants to this Bill and true answers make to the allegations herein contained and that your Honor would decree a sale of the land of which Rich^d Jordan died seized and that the proceeds thereof be paid over to your complainant, and that you would grant such other and further relief as the case may require And as I can
Parker & Rumpf.

Worrell

v

Jordan

To be dismissed

R H B

1824. May Term

Worrells adm:

2

Jordan & others

Discreet

The defendants Sydney Jordan and Joseph Jordan who are out of the country and against whom the plaintiff appears to have proceeded in the mode prescribed by law against absent defendants, still failing to appear and answer. And it appearing to the Court that more than two months have elapsed since the service of the subpoena on the defendants Jacob Jordan adm: of Richard Jordan, and in his own right Christian Jordan, and Patience Vick, and also since the filing of the bill, who still fail to appear and answer, on motion of the plaintiff his bill is taken for confessed as to all the defendants. And the cause coming on to be heard on the bill and exhibits filed, was argued by counsel. On consideration whereof the Court doth adjudge, order and decree, that the plaintiff's ~~Thomas B Worrell adm: of Lewis Worrell exor, reor~~ of Jacob Jordan adm: of Richard Jordan exor, and George B Gentry bill be dismissed and that he pay to the defendants their costs in this behalf expended.

Worrells am

v. 3 or Pub

Durham &c

Copy posted at front door of the
House Jan'y 21 1844

L.R.C.

At Rules holden in the Clerk's Office of the Circuit Superior Court of Law
and Chancery for the County of Southampton on the 1st day of January 1844.
Thomas B Worrell admor. of Lewis Worrell dec^d Deff. } In Chancery

against
Jacob Jordan admor. of Richard Jordan dec^d and in his own right,
Christian Jordan, Patience Vick, Sidney Jordan & Joseph Jordan Df^s

The defendants Sidney Jordan and Joseph Jordan not having entered their appearance
and given security according to the act of assembly and the rules of this Court and it
appearing by satisfactory evidence that they are not inhabitants of this country, it is
ordered that the said defendants do appear here on the first day of the next Term and
answer the bill of the plaintiff, and that a copy of this order be forthwith inserted in
some news paper published in the Town of Petersburg for two months successively and
posted at the front door of the Court house of this County.

Attest Teste L R Edwards Clk

C.S.C

Worrells am

to Sp^a in Chy

Jordans for

1823 August Rules

Executed by Jacob
Jordan of Jordan and P. Vick
J. M. Howell Esq.

Wm L. Everett Esq.
J. P. Jordan and
Henry Jordan no Int^a.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Isaac Jordan* *asmt: Richard Jordan*
debt *Isaac Jordan, Christianus Jordan, Patience Vick, Sidney*
Jordan & Joseph Jordan heirs of Richard Jordan

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

Thomas B Worrell *asmt: of Lewis Worrell* *debt*

And unless *they* shall answer the said Bill within ^{*two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *18th* day of *July* 18*42*, in the *68th* year of the Commonwealth.

L. R. Edwards *clerk*

[One Copy to be delivered each Defendant.]

Joseph Jordan qualified as $\S^2$: To George Butler with
Lewis Worrell & George G. Emby his securities to the bond
in 1826. In the same year another bond for the suretyship
of the same person was given by the said J. Jordan, with
the said Emby and Richard Jordan securities. (This last
bond was given on motion of said L. Worrell for counter
security, and nothing laid him record by the $\S^2$: belonging
to the ward, up to the date of this bond -) Nothing in the papers
to prove the two last named facts. nor the allegations
in the bill. - Suit was instituted by the ward after
attaining full age, on first named bond and a decree ob-
tained for \$398-49. costs all) which was paid by the adm:
of said L. Worrell, under execution. (Record of Suit. 20)
~~filed~~ Bill states that Richd. Jordan died leaving a tract
of land 100 acres, that Jacob Jordan qualified as adm: and
prays that this land may be sold for the benefit of Worrell
that Emby the other security is a non resident & without
property - Emby is no party to the suit.
G-

Worrells 49m:

2 { Profford

Good and 2

IN CHANCERY--VIRGINIA: At rules holden in the Clerk's office of the Circuit Superior Court of Law and Chancery for the county Court of Southampton, on the 1st day of January, 1844:

Thomas B Worrell, adm'r of Lewis Worrell, dec'd.,
Plff.

AGAINST

Jacob Jordan, adm'r of Richard Jordan, dec'd, and in his own right, Christiana Jordan, Patience Vick, Sidney Jordan and Joseph Jordan,
Defts.

The defendants Sidney Jordan and Joseph Jordan not having entered their appearance and given security according to the act of Assembly and the rules of this court, and it appearing, by satisfactory evidence that they are not inhabitants of this country: It is ordered that the said defendants do appear here on the first day of the next term and answer the bill of the plaintiff, and that a copy of this order be forthwith inserted in some newspaper published in the town of Petersburg, for two months successively, and posted at the front door of the court-house of this county.

A copy--Teste,

Jan 13

L R EDWARDS, c c.

Printed for \$5.50

TOWN OF PETERSBURG, TO WIT:

Personally appeared before me (an Alderman of said Town) *John D. Harwood* Clerk of the Intelligencer Office, and made oath that the annexed Order of Publication has been published weekly for *Eight* weeks, successively. Given under my hand, this *3rd* day of *May* 1844.

Solm Tollard Mayor

Worrells adm

7. } Exhibit with bill

Jordan's adm 8.

14.

Know all men by these presents that We Joseph Jordan
George S. Husley & William Bryant & Rich^d Jordan are held and
firmly bound unto James D. Maffeenburg Clements Rockelle Thomas
Preston Williams Rich^d & Jacob Barnes

Gentlemen Justices of the County Court of Southampton Now sitting in
the sum of Three hundred dollars — Dollars the payment whereof
well and truly to be made to the said Justices and their Successors We
bind ourselves and each of our joint & several heirs Executors firmly
by these presents sealed with our seals and dated this 15 day of May
1826

The Condition of the above obligation is that whereas the above bound
Joseph Jordan — hath been this day appointed Guardian to George
Butler Child of Elisha Butler

Now therefore if the said Joseph Jordan shall well and truly pay
or Cause to be paid and delivered unto the said George Butler Orphan
as aforesaid all such Estate or Estates as now is or may hereafter
appear to be due & owing to him the s^d Geo Butler whenever he shall
attain to lawful age or when thereto required by the County Court of
Southampton: And all so save harmless the above Named Justices their
heirs Executors from all trouble & damage that shall or may
arise about the said Estate or Estates then this obligation to be void or
else to remain in full force and virtue

Signed sealed and deliv^d

in presence of

James Rockelle

Joseph Jordan Seal
Geo S. Husley Seal
Richard Jordan Seal

Attest

Teste. J. R. Edwards Ck

Worrells adm

2. ? Exhibit with bill

Jordans adm. 7c

B.

Know all men by these presents that We
and held and firmly bound
unto Jas. D. Maggenburg At. P. Reels J. Darden and C. W. Goodwyn
Gentlemen Justices of Southampton County Court now sitting in the sum
of One thousand dollars — the payment whereof well and truly
to be made to the said Justices & their Successors We bind ourselves and
each of us our and each of our heirs Executors and administrators jointly
and severally firmly by these presents sealed with our seals & dated
this day of 1826

The Condition of the above obligation is such that whereas the above
bound ~~land~~ hath been this day appointed Guardians
to George Butler infant son of Elisha Butler orphan of

Now therefore if the
said Guardians as aforesaid shall well and truly pay & deliver
or cause to be paid and delivered unto the said

orphans as aforesaid
all such estate or estates as now is or hereafter may appear to be
due and owing to the said orphan when he shall attain to lawful age
or when it shall be required by the Justices of our said County Court
and also save the above named Justices in the premises from all
trouble and damage that shall or may arise about the said estate
or estates then this obligation to be void or else to remain in full
force & virtue
Witness

Joseph Jordan Seal
Jas. E. Gurnley Seal
Lewis Morrell Seal

Attest

J. R. Edwards Clk

Butler

or } Copy. Recd.

Jordan &c

Worrells com

or } Exhib. (C)

Jordan

1
At a Circuit Superior Court of Law and Chancery for
Southampton County holden at the Court house of said County
On the first day of November One thousand Eight hundred
and forty two

Be it remembered that heretofore to wit On the 27th day of November
in the year One thousand Eight hundred and forty Came George
Butler by his Counsel and sued out of the Clerks Office of the said
Circuit Superior Court of Law and Chancery a subpoena and decree
nisi against Joseph Jordan George S. Gundry and Thomas B. Worrell
administrators of Lewis Worrell deceased which said subpoena and
decree nisi together 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 Jordan George S.
Gundry and Thomas B. Worrell administrators of Lewis Worrell deceased to
appear at the Clerks Office of our Circuit Superior Court of Law and
Chancery for the County of Southampton at the rules to be holden for
the said Court on the first Monday in December next to answer a bill
in Chancery exhibited against them in the said Court by George Butler
and unless they shall answer the said bill within two months
thereafter the Court will take the same for Confessed and decree accord-
ingly and this they shall in no wise omit under the penalty of \$100
and have them there this writ: Witness Lethron R. Edwards Clerk of
our said Court at the Court house the 27th day of November 1840 in the
65th year of the Commonwealth

L. R. Edwards Clk "

Sheriffs return: "Came to hand too late to execute Lewis Butlers Duty
of This Orders Sheriff "

And afterwards to wit At rules held in the Clerks Office of the said
Circuit Superior Court of Law and Chancery On the first Monday in December
in the year aforesaid Came the plaintiff by his Counsel and filed his bill
in these words & figures to wit

To the Hon Richard H. Baker Judge of the Cir. Supr. Court of Law and Ch.
in and for the County of Southampton Humbly Complaining sheweth
unto your honour Your Orelor George W. Butler son of Elisha Butler all
of the state of Indiana that in the year 1819 One Mary Whitfield of
the County of Southampton being possessed of considerable estate both real
& personal duly made and published her last will and testament in
writing bearing date the 30th day of September 1819 the year 1819 and
by said last will amongst other things gave and bequeathed unto your
Complainant the sum of One hundred dollars to him and his heirs
forever and the said Mary Whitfield by the residuary Clause in her will
heretofore named gave to your Orelor and two others therein named the
rest and residue of her estate after the payment of her debts and the legacies
before given & bequeathed all of which will more fully appear by a copy

of the will of said Mary Whitfield herewith filed and prayed to be taken as a part of this bill your Orator would also shew unto your honours that Elisha Butler qualified as the guardian of the said Mary Whitfield the executor of the said Mary Whitfield the legacy of One hundred dollars and the eleventh part of the residue of the estate of said Mary Whitfield according to the provisions of her will heretofore named amounting in all to the sum of One hundred & eighty two dollars & fifty Nine Cents as will more fully appear by the receipt of Joseph Jordan the subsequent guardian herewith filed and prayed to be taken as a part of this bill your Complainant would further shew that his guardian Elisha Butler being about to remove from the state of Virginia his powers and authority as Guardian to your orator: were revoked by the worshipful County Court of Southampton and Joseph Jordan appointed guardian to your orator who qualified and entered into bond together with Geo. B. Sunday and Lewis Worrell as his securities in the sum of One thousand dollars by which they bound themselves well and truly to pay unto your Orator when he attained to lawful age all such estate as might appear to be due him: all of which will more fully appear by a Copy of the said bond herewith filed & prayed to be taken as a part of this bill and your Orator contends that he is entitled to recover from the said Joseph Jordan and his securities to the said bond the sum of One hundred & eighty two dollars & fifty Nine Cents with lawful interest thereon from the 10 day of April 1827 till paid or at that time the aforesaid sum of \$182.59/100 came to the hands of said Joseph Jordan guardian of your Orator as will appear by the aforesaid receipt of Joseph Jordan heretofore mentioned & filed Your Orator would also shew unto your honours that he attained the lawful age of twenty One years on the day of - and being entitled under the will of Mary Whitfield to the before named sum of money he has made frequent application to the said Joseph Jordan to have the said legacy of One hundred dollars & the 11 share of the residue amounting in all to the sum of \$182.59/100 with interest from 10th day of April 1827 paid to him which which just and reasonable request your Orator well hoped that the said defendant would have complied as in justice and Equity he ought to do But now so it is & that he absolutely refused so to do sometimes pretending that your Orator is entitled to no such legacy &c &c whereas your Orator charges the contrary thereof to be true and so the said defendants will at the times admit all which actings doing and postures are contrary to Equity & good Conscience and tend to the manifest wrong and injury of your Orator in the premises In tender Consideration - whereof and for as much as your Orator is remediless in the premises and by the direct and strict rules of the Common Law and cannot have adequate relief save in a Court of Equity where matters of this and the like nature are properly Cognizable and referable to the

and therefore that justice may be done the said Joseph Jordan Geo. B. Sunday and Thomas B. Worrell administrators of Lewis Worrell dec'd May upon their several and respective Oaths the full true and perfect answers make to all & singular the matters herein before stated and charged as fully and particularly as if the same were hereinafter repeated and they shew to distinctly interrogated &c and that the said defendants may answer the premises and that the said Thomas B. Worrell administrator of Lewis Worrell dec'd would admit as to May settle his accounts as administrator of Lewis Worrell dec'd before a Commissioner of this Court &c and that your honours would be pleased to decree the payment to your Orator of the aforesaid legacy of One hundred dollars & the 11 share of the residue bequeathed your Orator by the said Mary Whitfield amounting to the sum of \$182.59/100 with legal interest thereon from 10th day of April 1827 till paid and that your honours would take the receipt of Joseph Jordan heretofore mentioned & filed shewing the amount due in April 1827 to be true unless the said defendants can shew the contrary and that your honours would grant such other and general relief to your Orator as may be just & proper and which may be consistent with equity & the rules & practices of this hon. Court and that it may please your honours to grant unto your Orator the Common writ of Subpoena to be directed to the said Joseph Jordan Geo. B. Sunday & Tho. B. Worrell admrs of Lewis Worrell dec'd Compelling them to stand to and abide such order & decree thereon &c as to your honours may agreeable to Equity & good Conscience & your Orator will &c &c

Samuel James Douglas

Exhibits filed with the bill

I Mary Whitfield of the County of Southampton in the state of Virginia do hereby make my last will and testament in married and form following that is to say 1st I desire that my Executor hereafter named do as soon as convenient after my decease sell all my estate of every kind whatsoever and out of the money raised by such sale pay all my just debts and funeral expenses 2nd After the payment of my debts and funeral expenses as aforesaid I give to my Sister Elizabeth Everett One hundred dollars out of the remaining of my estate to her my said sister and her heirs forever: 3rd I give and bequeath to my Sister Sarah Birdsong One hundred and sixty dollars of said remaining part of my estate to her my said sister and her heirs forever: 4th I give and bequeath to Mason Birdsong One hundred dollars to her and her heirs forever: 5th I give and bequeath to George W. Butler One hundred dollars to him and his heirs forever:

6thly The residue of my estate of every description I give and bequeath unto the following named persons to each person alike sum so as to make a equal division amongst all the following named persons to wit Rebecca Birdsong John Birdsong Mason Birdsong Sophia Birdsong Martha Birdsong Maria Birdsong Miles Birdsong Sarah Birdsong all the best above named being the Children of Charles Birdsong deceased also George W Butler Samuel Everett and Charlotte Everett to them the children last above named persons and to be equally enjoyed by them and each of their heirs forever:

Lastly I do hereby nominate and appoint my friend Jacob Barnes executor of this my last will and testament In Witness whereof I have hereunto set my hand and affixed my seal this 30th day of September in the year of our Lord One thousand Eight hundred and nineteen.

Signed sealed and acknowledged to be the last will and testament of the aforesaid Mary Whitfield in presence of
Dixon Ferguson
James F Jordan
John M. Ferguson

At a Court held for the County of Southampton On the 21st day of February 1820 This will was presented in Court by Jacob Barnes the Executor therein named proved by the oaths of Dixon Ferguson and John Ferguson the witnesses thereto and Ordered to be recorded And On the motion of said Executor who made oath according to said Certificate is granted him for obtaining a probat thereof in due form On his giving bond and security whereupon the said Jacob Barnes together with Felix Barrett and Aaron Vick his securities entered into and acknowledged their in the penalty of five thousand dollars Conditioned as the law directs

Teste James Rockelle Clk
Atty
Teste L.R. Edwards Clk

Apr 10th 1824 Recd of John Barrett administrator of Dixon Ferguson dec^d the sum of One hundred Eighty two dollars & fifty Nine Cents in full for legacy due from Elisha Butler guardian of George W. Butler Dixon Ferguson security for the aforesaid Elisha Butlers guardianship
Witness Joseph Jordan present guardian of George W. Butler

The Original is filed in the Chancery Office of the County Court of Southampton in a suit therein depending between Elisha Butler Plff^t & John Barrett & Dixon Ferguson adm^r of Dixon Ferguson dec^d Deft^s
Teste L.R. Edwards Clk
December 9/1840

Know all men by these presents that we James D. Maffembling A.P. Peete J. Darden and G. M. Godwin gentlemen Justices of Southampton County Court Now sitting in the sum of One thousand dollars the payment whereof well and truly to be made to the said justices and their successors we bind ourselves and each of us our and each of our heirs exec and administrators jointly and severally firmly by these presents sealed with our seals and dated this day of 1826

The Condition of the above obligation is such that whereas the above bound hath been this day appointed guardian to George Butler infant son of Elisha Butler Ophan of Now therefore if the said guardian as aforesaid shall well and truly pay and deliver or Cause to be paid and delivered unto the said Ophan as aforesaid all such estate or estates as Now is or hereafter may appear to be due and owing to the said Ophan whom shall attain to lawful age or whom thereto required by the justices of our said County Court and also save harmless the above named justices in the premises from all trouble and damage that shall or may come about the s^d estate or estates then this obligation to be void or else to remain in full force and virtue.

Witness
Joseph Jordan Seal
George S. Tinsley Seal
Lewis Worrell Seal
Atty
Teste L.R. Edwards Clk

And on the motion of the plaintiff another subpoena and deere nisi was issued against the defendants which subpoena and deere nisi together 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 Jordan George S. Tinsley Thomas B. Worrell administrators of Lewis Worrell dec^d to appear at the Chancery Office of our Circuit Superior Court of Law and Chancery for the County of Southampton at the next to be holden for the said Court on the first Monday in January next to answer a bill in Chancery exhibited against them in the said Court by George Butler And unless they shall answer the said bill within two 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 them there this with Witness Littleton R. Edwards Clerk of our said Court at the Court house the 7 day of December 1840 in the 65th year of the Commonwealth

L.R. Edwards Clk

The sheriff's return: Executed by delivering a true Copy Thomas B. Womall - Joseph Jordan & George S. Gundry No inhabitants
 J. P. Denny Dy of that Sheriff

And afterwards to wit At rules held in the Clerk's Office of the said Circuit Superior Court On the first Monday in January 1841 The defendants Joseph Jordan and George S. Gundry (not having entered their appearance and given security according to the act of assembly and the rules of this Court and it appearing by satisfactory evidence that they are not inhabitants of this County it is ordered that the said defendants do appear here on the first day of the next term and answer the bill of the plaintiff and that a Copy of this order be forthwith inserted in some News paper published in the town of Petersburg for two months successively and posted at the front door of the Court house of this County:

And afterwards to wit At rules held in the Clerk's Office aforesaid On the first Monday in March in the year aforesaid The subpoena and decree nisi awarded in this Cause having been returned executed on the defendant Thomas B. Womall adom of Lewis Womall dec and more than two months having elapsed since the filing of the bill and the service of the subpoena and decree nisi: and the said defendant still failing to appear plead answer or demur On the motion of the plaintiff by Counsel this Cause is set for hearing as to that defendant -

and afterwards to wit At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the sixth day of April in the year aforesaid the defendant Womall by leave of the Court this day filed his answer in these words to wit -

The separate answer of Thomas B. Womall adom of Lewis Womall dec to a bill of Complaint exhibited in the Circuit Superior Court of Law and Chancery for the County of Southampton by George W. Butler son of Elisha Butler & Joseph Jordan Geo. S. Gundry and Thomas B. Womall adom of Lewis Womall dec this defendant answering to himself all fit and proper exceptions to the Mangements &c in Plff's bill stated for as much as it is material for him to answer answered and said that of the allegations therein contained he knows nothing and calls for strict proof of every thing therein set forth that many years ago Joseph Jordan removed to the state of Ohio and whether he ever settled with the Plff if he really owed any thing or not this Deft cannot say that George S. Gundry also removed to the west probably to Tennessee This respondent admits that as adom of Lewis Womall he has assets more than sufficient to pay the demand set up but calls for strict proof that Joseph Jordan ever qualified as Guardian of George W. Butler and that Lewis Womall dec was one of his securities & having answered prayer to be hence dismissed &c

This day personally appeared before me James Cobb a Justice of the peace for the County of Southampton Thomas B. Womall and made oath that the above answer is true so far as he knows or believes True under my hand and seal this 2^d day of April 1841

James Cobb (seal)

To which answer the plaintiff instantor replied generally: And afterwards to wit At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 1st day of November in the year aforesaid: The defendants Joseph Jordan and George S. Gundry who are out of this County and against whom the plaintiff appears to have proceeded in the mode prescribed by Law against absent defendants still failing to appear and answer On motion of the plaintiff the Court doth take his bill for Confessed as to those defendants and the Cause coming on to be heard on the bill the answer of the defendant Womall and exhibits and was argued by Counsel On Consideration whereof the Court doth order that the defendant Jordan render an account of his transactions as guardian of George W. Butler before a Commissioner of this Court who is directed to examine state and settle the same and report the same to the Court with any matters specially stated deemed pertinent by himself or which may be required by the parties to be so stated

Southampton Circuit Court Nov 1st 1841

George Butler

against

Joseph Jordan George S. Gundry & Thos B. Womall adom of Lewis Womall dec

The Court is directed to make up an account of the defendant Joseph Jordan's transactions as Guardian of the plaintiff George Butler and report &c

George Butler a minor

In account with Joseph Jordan Guardian

1841

April 10

By this amount received of Mrs Barnard adom of Dixon Ferguson a specific legacy

To Commissions off

By balance due the said with interest from this date till paid

Costs

Order publication in the Petersburg intelligence

James Denny for executing notice to the defendant Womall

Court fee 2 hours

Respectfully Submitted

James Cobb Comr

Plff } Geo Chy

Defds }

182	59
9	12
173	47

\$2.00
 \$8.00

N.B. The defendant Wornell attended only who stated he knew nothing of the transactions

per Cobb Comr

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

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 first day of November 1842. The defendants Joseph Jordan and George S. Busby who are out of this County and against whom the plaintiff appears to have proceeded in the mode prescribed by Law against absent defendants still failing to appear and answer An Motion of the plaintiff the Court doth take his bill for Confessed as to those defendants and the Cause coming on to be heard on the papers formerly read together with the report of the Commissioner to which there is no exception and was argued by Counsel. On Consideration whereof the Court doth order as judge orders and decreed that the said report be Confirmed and that the defendants Joseph Jordan George S. Busby and Thomas B. Wornell administrators of Lewis Wornell decr pay to the plaintiff George Butler the sum of One hundred and seventy three dollars and forty seven Cents with interest from the 10th day of April 1827 till paid and the Costs expended in the prosecution of this suit. Plffs Costs \$39

The execution which issued upon the foregoing decree together with the return made thereon is in these words and figures following to wit: "The Commonwealth of Virginia

To the Sheriff of Southampton

County: Greeting: We Command you that of the goods and chattels of Joseph Jordan George S. Busby and Thomas B. Wornell administrators of Lewis Wornell decr late in your bailiwick you Cause to be made the sum of One hundred and seventy three dollars forty seven Cents with interest thereon from the 10th day of April 1827 till paid which George Butler lately in our Circuit Superior Court of Law and Chancery for Southampton County hath recovered against them by a decree of the said Court also thirty nine dollars and which to the said George Butler in the same Court were adjudged for his Costs by him about his suit in that behalf expended: Whereof the said Jordan Busby & Wornell admit as aforesaid and Convinced as appears to us of record and how you shall have executed this writ make known at the Clerk's Office of our said Circuit Superior Court of Law and Chancery at the rules to be holden for the said Court on the first Monday in February next and have them read this writ: Witness: Littleton R. Edwards Clerk of our said Court, at the Court house this 5th day of December 1842 in the 67th year of the Commonwealth

L.R. Edwards Clk

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Sheriffs return:	Debt due: Jan'y 10/1843	173.47
	Int till Feby 20/1843	166.57
	Cost.	39.00
	Plffs Comr	\$379.04
	Plffs Comr	18.82
	J. C. Bond	63
Satisfied. Will of John Dwy of Will L. Edwards shff.		\$398.49

Copy.

Teste.

L.R. Edwards Clk