

1845-032

SOUTHAMPTON COUNTY
CHANCERY PAPERS

FOWLER VS. FOWLER ^{val}

2/1845

Plat

Fowler against

Fowler

Bills

1828 July bill filed.

1830 July. dist. clayms are filed &c

" Decr. Order for account &c

1831 June. Sepc Drury appd.

Sept. to Giles Talbot.

1832 Sep: Inty. decree as filed &c

" Nov. Report ret. & final decree
&c

1841 Sep: Order for the clerk to receive
amt. of E. Crumpler bond &c

To the worshipful county court of Southampton
in chancery sitting, humbly complaining sheweth unto
your worship your orator Daniel Fowler by Randolph
Fowler his guardian & next friend that your orator de-
ceased father William Fowler departed this life in
the year leaving two infant children, your orator
and Giles who is still an infant and Martha his
widow, - that your orator deceased father's estate has
been committed to the hands of James Clayton late
the sheriff of Southampton. That the personal estate
being any considerable has been entirely exhausted
in the payment of debts as your orator is informed
and believes, That the said William Fowler died
seized and possessed of between 60 and 70 acres
of land situated in the county of Southampton
which is not worth £300 a piece to each of the heirs
that independent of this your orator's father qualified
as guardian to your orator and in that character
took possession of certain property belonging to your
orator which he has not been accountable for or re-

turne to your orator and for which as your orator is
advised the estate of the said William Fowler
both real & personal
& has & is chargeable - your orator therefore prays that
Martha Fowler widow of the said T^m and who is
entitled to dower in the premises; Giles Fowler to
whom a guardian ad litem will be appointed by
the court and James Clayton Sheriff & committee
of the estate of the said William Fowler may be
made defendants here to with apt and proper words
to charge them, and that they answer the premises
as if the same were given in repetition and they shew
particularly interrogated - that the said
James Clayton committee of the estate of the said
William Fowler settle before a commissioner of
this court an account of his transactions upon the
said estate, and ~~if it shall appear thereby~~
also an account of the said William Fowlers
transactions as guardian of your orator, and if
it shall appear upon a just settlement of these
accounts that the whole personal fund has been
exhausted and that your orator father is indebted
to him as guardian that your worship will decree

a sale of the said tract of land subject to the widow
& appoint commissioners for that purpose
down (unlike by his answer she shall consent to a
sale of the whole tract and to receive a just pro-
portion of the amount in lieu of dower) and out of the
proceeds of such sale satisfy direct that your
orator shall be fully paid and satisfied
whatever may be due and owing to him from his
deceased father and the surplus if any after dis-
charging the said debts to be equally divided
between your orator and his brother Giles - or if
it should turn out contrary to your orator's expec-
tations that his said father should not be indebted
to him as guardian and that the share of
himself & brother in the said tract of land is not
equal in value to \$300 each that then and in
that case that your worship will decree that the
commissioners aforesaid sell the said tract of
land subject to the aforesaid claim of the widow
and divide the proceeds equally between your
orator & his said brother Giles, and that your worship
will be pleased to grant such other and further
general relief touching the premises as to your

wisdom may seem consonant to the justice of the case
and that the commonwealth writ of subpoena may
issue commanding ~~the~~ and your orator will win
May

Parker 109

Fowler
ver 3
Fowler

Answers of Giles
Fowler by his
guardian and
Attorney
Veruery —

The answer of Giles Fowler an infant under
the age of twenty one years, by Joseph
Downy his guardian ad litem
appointed by the Court to defend him
in this case, to a bill of complaint
exhibited in this worshipping
Court, against him and others
by Daniel Fowler.

This defendant answering all just
exceptions to the plaintiff's bill,
admits the allegations thereof
to be true and is willing that the
sale ^{of the land} ~~prayed for~~ may take place
as ^{well} ~~prayed~~ in the said ~~willing~~, allowing
the gross account made up
by ~~master~~ commissioners, with
~~to be~~ and which have been
filed in the Court to be correct
he waives all exception to the
same, on ~~that~~ account of ~~the~~ ^{any}
being taken irregularly ^{order}
that the cause may proceed
to a final decree with as
little delay as possible, &
having answered prays
to be so dismissed

Joseph Downy Guardian
to Giles Fowler

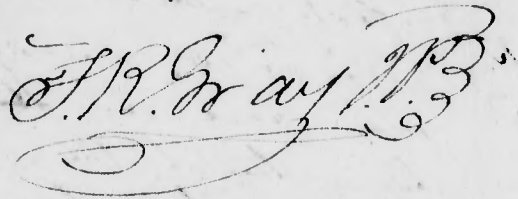
Fowler
101 ¹⁰¹ ~~101~~ Answer.
Chayton comin of
Fowler.

The separate answer of James Clayton com-
mitter of the estate of William Fowler deceased to the
bill of complaint exhibited against him & others in this
court by Daniel Fowler complainant - This respondent
saying & answering to himself many advantages of exception
to the many errors in the said bill contained for
answer thereto with, it is true that the estate of
William Fowler has been committed to his hands,
as late sheriff of Southampton County for administration
the said William Fowler died possessed of a
small personal estate, of which this respondent duly
possessed himself & proceeded to ^{administer} the same according to
law: this respondent does not know that the said
William Fowler did qualify as guardian of the
complainant, and presume, if the fact be so that the
court will be able to establish it which this respon-
dent hopes & may he will be compelled to do, nor
does this respondent know, even ^{whether} the said William
Fowler did qualify as guardian of the complainant
that the estate of the said William Fowler or that
same is at all indebted to the complainant: as to
this last matter, therefore, this respondent calls for
proof - and this respondent further states that before
he was informed that the said William Fowler
had in his life time qualified as guardian of the
complainant, which he states was about the time at
which this suit was brought, & not before, he this
respondent had disbursed the principal part of the
assets which had come to his hands to be ad-
ministered, among other debts so paid, is a debt which
was due one ~~James Marshall~~ ^{James Marshall}, this respondent believing
for which the real estate of him the said William
Fowler had been incumbered in his life time - the
said debt of trust or incumbrance having been dis-
charged by this respondent as it was his duty to do,
he took a transfer of the said debt to himself as
committed or ordered with the view that he might
out of the said real estate pay any debts remaining
unpaid by a deficiency of the personal property -
this respondent will hereafter file the said debt &
transfer, which when filed, he prays may be con-
sidered as a part of this answer - under these

facts, this respondent contends that in the want
of a deficiency of personal property to pay the said
complaint, demand, he ought to look to the said
real estate for payment. This respondent is willing
at any time to render in the proper way an account
of his transactions upon the estate of the said William
Foster, or also an account, as far as this respondent
can do so, of the said William Foster's acting as
guardian of the said complainant upon proof of
such guardianship. This respondent is advised &
therefore contends that the bill of the complainant
is double & multiparious - without that &c. And
this respondent claims all fraud &c. &c. to be
dis-missed with his costs &c.

James Clayton


Southampton County, to wit: This day James
Clayton appeared before the subscriber a justice
of the peace for the county aforesaid & made oath
that the statements contained in the foregoing
answer so far as the same depend upon his
own knowledge & the knowledge of others he
believes to be true - & was sworn my hand
this 15th day of June A.D. 1829.

J. R. Gray J.P.


Comrs office Apr 1/1831. The plff
Randall Fowler, and depts Martha
Fowler & Edward Butts depts of
James Clayton later Shff & Committee
attended.

Encl old m

Mr
Fowler
By
deputy
Shaffer

see acknowledge due service of
The within notice

March 2/1831 — Edw & Butts only of
Jas Clayton late Shff

Randolph Fowler

This day personally appeared before me
Jesse Brown and made oath that Edw
Edward Butts for James Clayton
and Randolph Fowler acknowledged
service of the within decretal order
and notice on the 2nd day of March
1831 and that he left a true copy at the
house of Martha Fowler on the 7th March
1831

Encl old m

Southampton District Court 1830

Daniel Fowler an infant under the age of twenty one years
by Randolph Fowler his Guardian & next friend. Plff

against

In Chancery

Martha Fowler & Giles Fowler an infant under the age of
Twenty one years, and James Clayton late Sheriff and
committee of the estate of William Fowler dec'd Defts

It is decreed and ordered that the defendant Clayton
do render an account of his administration on his intestates
Wm Fowler's estate, as also an account of the said Wm
Fowler's transactions as late Guardian to his son Daniel
Fowler, before Master Commr Cobb, and the said Commr
is hereby directed to examine, state, and settle the
same and make report thereof to Court, with any matter
specially stated deemed pertinent by himself, or which
may be required by either of the parties to state.

A Copy

Teste

James Rockwell Clk

Comrs Office Jerusalem Feb 24th 1831

I have appointed Friday the first day of April
next to take up the accounts directed by the above or-
der, at which time the parties interested are
required to attend by Ten O'clock A.M. with their
vouchers & other testimonials for examination and
settlement

Lu, Cobb m Comr

For ler

to Elev: deore

For ler

Law: Feb 10

Notice

Friday 1st April

Southampton December Court 1830.

Daniel Fowler an infant under the age of twenty one years by
Randolph Fowler his guardian and next friend. Plff.

In Chancery

against
Martha Fowler and Giles Fowler an infant under the age of
twenty one years and James Clayton late Sheriff and Committee
of the Estate of William Fowler dec'd. Deft.

It is decreed and ordered that the defendant Clayton do render an account
of his administration on his intestate William Fowlers estate, as also an
account of the said William Fowlers transactions as late guardian to his
son Daniel Fowler, before Master Commissioner Cobb, and the said
Commissioner is hereby directed to examine, state and settle the same and
make report thereof to Court with any matters specially stated deemed
pertinent by himself or which he may be required by either of the parties to
state.

Attest Teste James Rochelle Clk

Southampton December Cant 1830.

Daniel Fowler an infant under the age of twenty and years by
Randolph Fowler his guardian and next friend. *Plff.*
against

In Chancery

Martha Fowler, and Giles Fowler an infant under the age of
twenty one years and James Clayton late Sheriff & administrator of
the estate of William Fowler dec^d.

Defendants

It is decreed and ordered that the defendant Clayton do render an account
of his administration on his intestate William Fowlers estate as also an
account of the said William Fowlers transactions as late guardian to his son
Daniel Fowler. *Before Master Lang. C. C.* and the said Commissioner is hereby directed to examine,
state and settle the said accounts and make report thereof to Court with any
matters specially stated deemed pertinent by himself or which he may be
required by either of the parties to state -

Fowler

"

Fowler

{

Dec 10

apc

1832 Sept:

Fowler vs Fowler & others -

This cause came on this day to be heard
on the bill answer & exhibits & the report
of Master commissioners both to which
no exceptions were filed, ^{& was argued by counsel} whereupon the
Court doth adjudge order & decree that
James Hapnburg, Simon Shaffer & Gordon Edwards
be appointed commissioners any two of
whom may act, to allot the said silver
clawer in the said tract of land and to sell
the remainder ~~for cash~~ on a credit of six
months, taking ~~good~~ ^{sufficient} bonds for the
same, from the purchaser or purchasers,

with good and sufficient security, after giving
decently days notice of the day & place of sale,
& after paying the charges of carrying this
decree & sale into effect to pay to Randolph
Fowler guardian of Anne Fowler, the
sum of \$90.35 with interest from the 31st day
of April 1828, and to divide the surplus
of any equally between the plaintiff
Anne Fowler and the infant defendant
Giles, and make report to this court
of their proceedings in order to a final
decree.

Fowler
" 3 Copy Dec 18
Fowler

Southampton County September Court 1832

David Fowler an infant under the age of twenty one years
by Randolph Fowler his Guardian and next friend Plaintiff

against
Mancha Fowler and Giles Fowler an infant under the age of
Twenty One years and James Clay ton late Sheriff and Committee
of the Estate of William Fowler dec'd vs.

In Chancery

This Cause came on this day to be heard on the Bill answer and exhibits
and the Report of a Master Commissioner Ceb. to which no exceptions were filed
and was argued by Counsel. Whereupon the Court doth adjudge, Order and
Decree. That James Hapentung Sumner Murfee and Jordan Edwards be
appointed Commissioners any two of whom may act, to allot the said widow
her dower in the said tract of land, and to sell the remainder on a credit
of six months taking Bonds for the same, from the purchaser or purchasers
with good and sufficient security after giving twenty days notice of the
day and place of sale and after paying the charges ~~and~~ carrying this
Decree and sale into effect, to pay to Randolph Fowler, Guardian of
David Fowler the sum of ninety dollars and thirty five cents with
interest from the 31st day of April 1828. and to divide the surplus of any
equacy between the Plaintiff David Fowler and the infant Defendant
Giles, and make report to this Court of their proceedings in Order to a final
Decree.

A Copy
Teste
James Rockwell Clk

Howlers

as Alpha in Chancery

Howlers

To May Rules 1825

Parker p. 9

Executed by
Thomas J. Bristow Dep
Silas Sumnerell Shff

The Commonwealth of Virginia to the Sheriff of Southampton County
Greeting We command you to summon Martha Fowler & Giles Fowler
an infant under the age of 21 years & James Clayton late Sheriff & Committee
of the Estate of William Fowler dec'd. to appear at the Clerk's Office of
our County Court of Southampton at the Rules to be holden for said
Court on the first Monday in May next. to answer a bill exhibited
against them in the said Court by Daniel Fowler, an infant under the
age of twenty one years by Randolph Fowler his Guardian and next
friend. And unless the said defendants shall answer the said bill
within four months thereafter the Court will take the same for con-
fessed and decree the matter thereof accordingly. And this they shall
in no wise omit under the penalty of \$100. And have then there
the Writ. Witness James Rockelle Clerk of our said Court at the
Courthouse this the seventh day of April 1828 In the 32^d Year of the
Commonwealth.

James Rockelle Clk

Fowler } Comrs
vs }
Fowler } Report

Reported May 16/1831

The estate of William Fowler decd

In account with James Clayton Shff & Committee

1828			Dr	Cr	Int
Jan ^y	13	By amount sales due this day	"	"	191.83
		To Commrs. on aucto	9.59		
Apr	13	By Cash recd on exon.	"	"	106.72
		To Commrs. on do	5.33		
		" Clerk's ticket— of Receipt	70		
		" paid Matthew Gardner Crier "	1.00		
		" " James Ruffel "	102.75		
	15	" " Lem ^e Daughtrey at "	37		
		" " Carr Bowers bond "	36.65		
		" " Taxes & tickets for 1826 "	7.27		
		" " 3 appraisers "	3.00		
June	2	" " James Moose order "	4.50		
	14	" " Jos ^e H Chapman acct "	10.00		
July	21	" " Abram Lawrence "	38		
Sept ^r	15	" " Jonathan Scott Cons ^r exon "	13.80		
Oct	20	" " Lem ^e Vaughan note "	4.86		
		" " Taxes &c for 1827 "	9.46		
		" " Clerk's fee retained "	3.14		
		" " Rich ^d A. Baker atty "	10.00		
		" " M ^r Comr. fee "	3.00		
		" " Josiah Mundaugh acct "	1.25		
		" " do bond "	9.32		
1829		" " do bal. do "	1.91		
Jan ^y	13	" " comr. Bussop "	1.50		
		Balance due the estate	58.77		
			298.55	298.55	
"	"	By balance brought-down due the est \$58.77 with Interest thereon from this date till paid			
		Respectfully Submitted to the Court			
		Comrs. fee \$3.00 charged }			
		to the Committee }			

Daniel Fowler a Minor
In account with William Fowler his Guardian

1818

Oct 31

By this sum recd of Beverly R. Vaughan
att of Uriah Vaughan his Grandfather
in full of his proportion of said estate
To Commissions on detto off

" " 106 84

" " 5 34

101 50

Interest on this sum from Oct 31/1818
to April 31/1828

" " 57 30

158 80

1828

April 31

To Grace Randolph Fowler the present Guardian

" " 68 45

" "

By balance due the minor
with interest thereon from this 31st day of
April 1828 till paid

\$ 90 35

The Guardian also received a Negro Girl
by name Fanny, at the same he recd. the money
from Uriah Vaughan's estate; but the Comr. is
directed by the plaintiff not to make any charge
of her hire, as its uncertain whether upon the
whole she has been profitable, as she has chil-
-dren, & for several years has not only ^{been} un-
profitable, but expensive

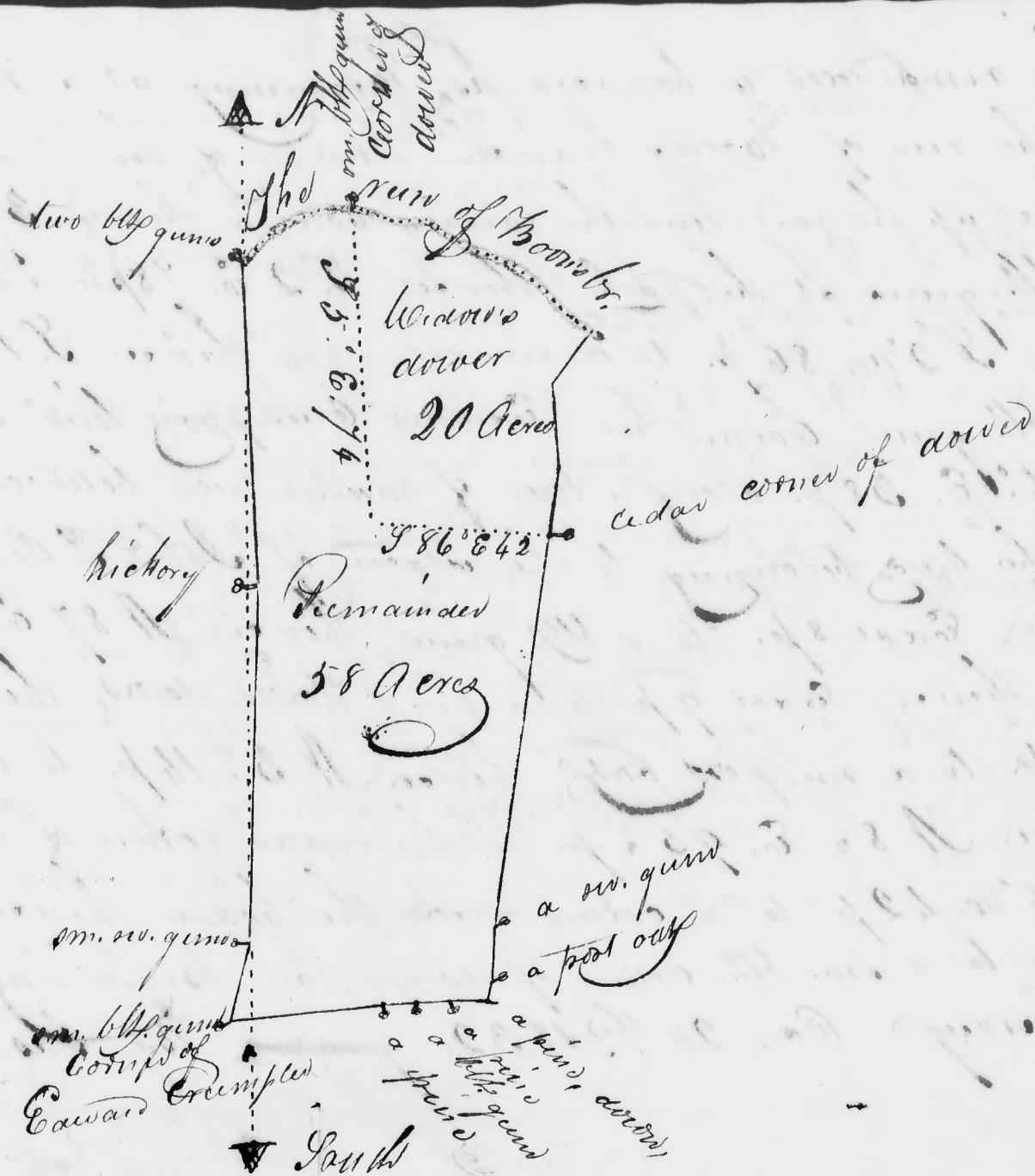
Respectfully submitted to the Court

Comrs. fee of \$2.00 charged
to the plff

Wm. C. M.

58
79
290
A Glas of
Cans belonging
Belonging to the estate
of William Fowler
Containing 78 Cans
A

1832. November. Ret^d 4.



The above is a Plot of the land belonging to the estate of William Fowler dec'd. containing in the whole 78 acres. The widow's dower being deducted, which is 20 Acres, leave a remainder of 58 Acres. The widow's dower is bounded as follows: ^{beginning} at a sm. Blk. gum in the run of Moon's branch thence $N 34^{\circ} E. 74 p.$ to a corner near the house, thence $S 86^{\circ} E. 42 p.$ to a cedar, in the line between this tract and the lands of John S. Croft dec'd. thence $N 8 \frac{1}{2}^{\circ} E. 16 \frac{1}{2} p.$ to the head of a sm. branch that runs into Moon's branch thence $N 4^{\circ} W. 20 p.$ along the side of the branch; thence $N 34^{\circ} E. 16 p.$ to the run of Moon's branch thence up the run of the said br. the various courses thereof 66 p. to the Beginning.

The remainder is bounded as ^{follows} Beginning at a sm. blk. gum
in the run of Moore's branch, a corner of the widow's dower
thence up the said run the various courses thereof 37 p. to two
sm. blk. gums at the path, thence S. 2 E. 78 p. to a hickory
thence S. 2 W. 86 p. to a sm. sw. gum, thence S. 15 W. 21 p.
to a blk. gum corner in Edward Crump's line thence
N 84 E. 38 p. along a line of marked trees between this tract
and the land belonging to the estate of John S. Craft decd.
thence East 8 p. to a blk. gum, thence N 87 E. 8 p. to a
pine thence East 9 p. to a pine, blown down, thence N 15
E 4 p. to a sm. pine oak thence N 3 E. 14 p. to a sw. gum
thence N 8 E. 95 E. p. to the cedar corner of dower, thence
N 86 W. 42 p. to a corner near the house, thence N 5 W.
74 p. to a sm. blk. corner of dower, the Beginning.

Surveyed Oct. 20th 1832. — By Jas. W. Murphree

By virtue of a Decree of the county court of Hampton obtained at Sept.,
 Court we the undersigned commissioners have allotted to the widow of William
 Fowler power in the land of which said Fowler died seised and assigned
 her twenty acres as one third in value of said ~~land~~ the residue of
 fifty eight acres as will appear by the survey and plat returned here-
 with, was sold for one hundred and seventy six dollars 90/100

\$ 176. 90

Comm. on amt. of Sale ... \$ 8. 84

W. Paid Comm. for allotting down ... 6. 00

Paid Survey or for Survey & Plat ... 4. 25

" Chain Carrier ... 2. 00 ... 21. 09

Sub. balance ... \$ 155. 81

amounting to one hundred thirty six dollars 59 1/2/100

Of this balance of one hundred thirty six dollars 59 1/2/100 one note has been taken payable
 to Randolph Fowler guardian of Daniel Fowler including the debt
 and interest decreed him and the said Daniel Fowler moiety of
 the surplus. and one other note for nineteen dollars 23/100 payable to ~~the~~ ^{amounting to one hundred} ~~the~~ ^{James} ~~James~~ ^{Simon} ~~Simon~~ ^{Martha} ~~Martha~~ ^{and} ~~and~~ ^{James} ~~James~~ ^{Edwards} ~~Edwards~~ for the benefit of Gile Fowler
 it appearing to your Commissioners that Gile Fowler has no guardian
 for which reason said Note is here with returned to court. All of which
 is respectfully submitted to the court.

J. A. Maysburg

Wm. J. Maysburg
 Gordon Edwards

Edward Crumpler's bond returned by the Comrs. \$ 19.23 1/2
 due April 23^d 1833
 Int till September 21/1841 ————— 9.71
 \$ 28.94 1/2

This amount \$28.94 1/2 Cents paid me by Mr. Crumpler the 21st day
 September 1841 - pursuant to an order of the Court made at September
 Term 1841. being Giles Fowler's proportion of the sales &c.

J.R. Edwards

Received February 17. 1845 of J.R. Edwards Clerk S. S. Ampton
 County the sum of Twenty eight dollars 94 1/2 Cents in full of
 the amount received by him as above stated.

Wm. Giles & Co. R. Prentiss

Wm. Giles & Co. R. Prentiss
 Wm. Giles & Co. R. Prentiss

William Forlers qual
ification as Gov: of Dane
Forler

Southampton May Court 1816 -

The Court doth assign William Fowler Guardian to his infant child
Daniel Fowler and thereupon the said William Fowler together with John
Fowler and Tyler Edwards his securities entered into and acknowledged a
bond in the penalty of five hundred dollars conditioned according to Law -

Attest Teste James Rochelle Clk

Ensign the within ^{Deed in trust} ~~Deed~~ to James Clayton Sheriff and
Committee of The Estate of William Fowler Decd. That in case
the personal property shall ~~not~~ be sufficient to pay all debts
and demands against said Estate then this obligation to
be void otherwise to remain in full force given ^{under} my hand
this 13 day of April 1827

Teste

Andy Croft.

James, Sheriff

Witness my hand
this 13 day 18th 1827.

to
James
{
Deed of Trust

Wm
Fowler Decd

This Indenture made the first day of November, in the year, one thousand eight hundred and twenty six: Between William Fowler and Martha his wife of the County of Southampton in the state of Virginia of the first part, William M Jones of the County of Mans-
mond in the state of Virginia of the second part; and James Russel of the County and state afores^d of the third part: Witnesseth that whereas the said William Fowler is justly indebted to the said James Russel in the sum of one hundred dollars to be paid on or before the first day of March next ensuing, as per note of this day which debt with lawful interest thereon from this day until paid, the said William Fowler is willing and desirous to secure -
Now therefore this indenture witnesseth, that for and in consideration of the premises, and also for the further consideration of one dollar to the said William Fowler and Martha his wife in hand paid by the said W^m M Jones at or before the enscaling & delivery of these presents, they the said William Fowler and Martha his wife have granted bargain'd and sold and by these presents do and each of them doth grant bargain and sell unto the said W^m M Jones his heirs Executors, Admin^r or assigns, one certain tract or parcell of land, whereon the s^d William Fowler at present lives, lying and being in the afores County of so. ampton, & situate on the west side of blackwater river, and adjoining the lands of Mary Croft, Matthew Garoner, Matthew Fowler and others containing one hundred acres more or less: together with all and singular, the reversion & reversions

remainder and remainders, yearly and other rents if any
and profits thereof, and every part & parcel thereof.
To have and to hold the said tract or parcel of land
with the premises and appurtenancy before mentioned
unto the said W^m M Jones his heirs & assigns forever
upon trust: Nevertheless that as soon after the de-
fault of the payment of the debt aforesaid, as the said
James Russee shall think proper, or shall request by
notice, he the said William M Jones shall proceed
to sell the said land to the highest bidder for ready
money, at public auction after having fixed the time and
place of sale by several advertisements, one of which
shall be posted up at the door of the Court-house of said
County on some Court day previous to the day of sale.
And out of the monies arising therefrom, shall, after
satisfying the necessary Charges thereof shall pay to
the said James Russee his heirs or assigns, the said
sum of One hundred dollars with lawful interest
thereon until paid: and the balance (if any) he shall
pay to the said William Fowler, his heirs executors adm.
or assigns. In witness whereof the said William
Fowler, and Martha his wife, William M Jones &
James Russee, the parties to this indenture have here-
unto set their hands and seals the day and year,
as first above written: Signed Sealed & delivered in
presence of

Hardy L. [Signature]
Robert H. [Signature]
John A. [Signature]
John T. [Signature]

William M Jones [Signature]
Martha [Signature]
W^m M Jones [Signature]
James Russee [Signature]

Clayton

W.

Frontier.

James Clayton care Mr Fowler 27.
Randolph Fowler for

Fanny, Ben & Jack