

1846-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

T. BARROW'S ADM'R. VS. R. BARROW'S COMMITTEE

11/1846

other surnames: Claud, Griffin

Barrows adm^r:

v. { Papers

Barrows adm

1846 Nov. Duces

Celks. \$19.11

Shiff 1.50

Corn. 2.50

23.11

Saw & 17.41

\$ 40.52

Barrows adm:

n. } Testament

Barrows adm

1843-

Jan'y. 18th. Subp^a. issued
Feb'y. R. Sup^a. ret. Ex². Will filed
April R. Set for hearing
Oct. T. Leave to amend bill. ^{Grant}

1844

May - T. Deere for account.

Oct. 4th Report.

Nov - T. Peff & Dft. both dead

1845 Nov. Sub. returned of deere
for further acct. of Jo^s J. Clarks
admon. on Theo. Warrons Est.

1846. Mar- 21st. Report.

" Nov T. Deere for peff.

Wholson }
+
Foumes }

Island Adm. of Bannar

or { Bic in Chy.
or 24 the bits

Benj. Griffin late Sheriff etc

1843 February Rules.

(600 words)

To the Hon Richard N. Baker Judge of
the Circuit Superior Court of Law, and Chancery
for the County of Southampton - Your Compt.
Joseph T. Bland Admr of Theo. Barrow decd.

Humly complaining shews unto your
Honor that his intestate Theo. Barrow departed this
life in the year 183 under age and intestate;
that your Compt. qualified as his Admr. at the
term 183 of the County Court of Southampton and in
that capacity was entitled to receive the whole of his
personal estate and did receive a portion of it - the
greater portion - your Compt. further shews unto
your Honor that Richard Barrow the father of Theo.
Barrow departed this life some twelve or eighteen months
before the said Theo. in the State of N Carolina leaving
a small estate in this County, and the said Theo. his
only child and heir. And his estate was committed to
the hands of Benj. Griffin Sheriff of Southampton County
for administration at the term 18
the County Court of said County, a certificate of his ap-
pointment is herewith filed marked A. The said
Benjamin Griffin has reduced into his possession the little
estate of the said Richard Barrow amounting your Compt.
is informed to some by or seven hundred dollars, and
although frequently requested to settle the same, and pay
over the balance to your Compt. Admr. of the said
Theophilus, refuses to do so, and contends that the
said Theophilus did not survive the said Richd Barrow
Your Compt. would further state to to your
Honor that the said Benjamin Griffin pretending that the
said Richard Barrow pursued his son Theophilus, and was
therefore entitled as heir to receive his estate instead of
the said Theophilus having survived, the said Richard,
and being entitled as heir to his estate instituted
in this Court a suit - claiming ~~as~~ as Admr. of
Richard Barrow the estate of Theophilus upon the express
ground that said Richard survived said Theophilus;
And your Honor to be satisfied of the fact awarded
an issue to be tried by a Jury to ascertain whether
the said Richard did, or did not survive the said Theophilus

and at October term 1862 the Jury empanelled to try said issue found that he did not survive Theophilus, and the estate which had before that time come into the hands of your Compt. as Adm. of Theophilus was ordered by a decree of your Honor to be sold and divided among the heirs at law of the said Theophilus, a copy of the record of said suit is herewith filed marked B - And that the said Griffin refuses as before mentioned to deliver to your Compt. as Adm. of Theophilus the estate of the said Richard Barrow - your Compt. relies upon the decree of this Court as conclusive of this subject. The question has once been fairly litigated before a competent tribunal between the same parties, and your Compt. submits to your Honor if this Court will permit the same question to be further litigated between the same parties -

In Tender Consideration of all which and for as much as your Honor's Compt. is hemmed at Law and only relievable in a Court of Equity where such matters are peculiarly cognizable To The End Therefore that justice may be done, he prays that the said Benjamin Griffin Sheriff and Committee of Richard Barrow be made Defendants to this Bill, and true answer make to the allegations hereof - that he be compelled to render an account of his transactions as Committee of said Richard Barrow to this Court, and that your Honor will decree him to pay over to your Compt. the amount in his hands as Adm. of Richd. Barrow and grant such other relief as justice may require -

May it please yr Honor &c &c -

John & Townes
for Compt.

+ and the said perfect WM sold, & the trade taken possession of the parties entitled; a report made by the Comt. which report has been confirmed by your Honor.

Perrow's answer
in

Perrow's answer.

answer of defendant
griffin -

This answer may be
filed. Thereafter
per Pff

Parker & French py

To the Honorable Richard H Baker Judge
of the Circuit Superior Court of Law and Chancery
for the County of Southampton,

The answer of Benjamin Griffin late Sheriff
of Southampton, and as such answer of the
estate of Richard Barrow deceased to a bill
of complaint exhibited in this honorable court
against him as owner & possessor, by Joseph J
Blair, owner of the phidlers Barrow decd -

This defendant saving all just exceptions
to the plaintiff's bill in law or equity, in
answer thereto, or unto so much, and such parts
thereof as he is advised it is material to make
answer unto, answering saith, that it is true he
is the owner of Richard Barrow deceased and
as such has possessed himself of personal estate
to the amount of

That he qualified as such in the year
under the act of assembly for aforesaid, which
authorizes, administration upon any person's
estate, who absents himself or herself from the
commonwealth for more than seven years
without being heard from or of during that space
of time - That there is no evidence, other than
the presumption thus arising that the said
Richard Barrow is not now living, or if dead

when, or where ~~she~~ died; That Theophilus died
in the year ~~1800~~ ⁱⁿ short time after Richard
departed from the State of North Carolina - &
that altogether uncertain, whether he survived her or
not - That, ^{it is true,} that the defendant
brought in a ~~claim~~ ^{just in equity} as administrator of Richard
Borrow, to recover certain slaves, with their
heirs, ^{and heirs} which had been conveyed by deed of gift
to Theophilus Borrow, ^{from} by his father Richard
Borrow, and a ^{decree} ~~judgment~~ was rendered therein
for the defendant - ^{as appears by the record filed by the plaintiff} But your respondent
maintains, that the species that said the case
is exactly reversed, and therefore the decision
in that is not conclusive of this case -
In that case, the property brought to be recovered
having been once vested in Theophilus, and in
his widow, it was incumbent that the plain-
tiff should show in order to his success, that
Richard Borrow actually survived his son
Theophilus, on the principle that property once
vested, in one person, could not be divested by another
unless the latter should prove that he was entitled
by descent or otherwise to it, which in the case
referred to, could only be effected by proof of survi-
vorship by the plaintiff's estate - But in this
case, the money sought to be recovered by the
plaintiff, was not conveyed to Theophilus, by deed
or otherwise, and his widow can only be entitled to
recover it by showing, that Theophilus actually
survived his father, and as his distributee, had a

right to sue for and recover the same, and this defend-
ant is advised, that it devotes upon the plaintiff in
this case, according to the well settled principles of
law and equity, to show to the satisfaction of
this court, that such is a actual state of things
in relation to the survivorship in this case -

Your respondent believes that when the evidence
in the case, which is relied upon by the plain-
tiff as conclusive of the rights of the parties
comes to be considered and strictly scrutinized by
your honor, ~~upon this principle,~~ it will be
found wholly inadequate to maintain the
issue, which it is submitted arises in this case
& that your honor will be left in absolute doubt
~~as to~~ whether Richard survived Theophilus or
Theophilus Richard, and that in this state of
doubt your honor will permit the money se-
ized for the claim in the hands of this de-
fendant as administrator of Richard to pay his debts
and for distribution among his distributees -
And this defendant having fully answered
prayer to have dismissed with his reasonable
costs in this behalf expended without that

LC -

Barrow ad. }
" }
Barrow ad. } ~~Heine~~

To be entered

R. 1843.

1844 May Sum.

Barrow adv. }
Barrow's adv. } ~~hence~~

This day this cause came on to be heard
on the bill, answer, replication thereto, & exhibits
& was argued by counsel. On consideration
whereof the court doth ^{without departing the principles of the case} ~~order~~ adjudge order
and decree that the defendant render before
a court of this court, an account of his
actings and doings as advt. of Richard
Barrow and who is directed to state &
settle the same, & make up at to court
with any matter specially assigned ~~and~~
^{per him and by him self} ~~or which may be regained by any~~
either party to be so stated.

Barons adm

to } Geo. Dunc

Barons adm

Sept: 21st 1844

Southampton Circuit Superior Court May Term 1844

Joseph J. Chaud administrator of Throgschilus Barrow d.^d vs. Griff
against

Benjamin Griffen late sheriff and committee of the estate of Richard Barrow d.^d vs. Griff
This day this cause came on to be heard on the bill answer replication thereto
and exhibits and was argued by counsel: on consideration whereof the Court
without dwelling the principles of the case doth adjudge order and decreed that the
defendant render before a Commissioner of this Court an account of his receipts
and doings as administrator of Richard Barrow d.^d who is directed to settle the
same and make report to Court with any matters specially stated deemed
pertinent by himself or which may be required by either party to be so stated
Attesty Teste J. H. Edwards Clk

Barrow d. }
" }
Barrow R }

Mean

1845

decree to be
entered

R. H. B.

Barrow adm. }
Barrow's adm. }

For I found adm. of Thos. Barrow
ad. & Benjⁿ Griffin shff and adm. of Rich^d Barrow
ad. having departed this life - and the estate
of the 1^o. Thos. Barrow having been committed to
the hands of Saml. B. Hering shff & of Lord Campbell
and Rich^d Griffin having qualified as Exor
of Benjⁿ Griffin, and the estate of Rich^d
Rich^d Barrow having also been committed
to the hands of Saml. B. Hering shff & of Lord Campbell
- Now - On motion of the 1^o. Saml. B. Hering adm.
& of Thos. Barrow this will is revoked in
his name as shff and on motion of the 1^o
Saml. B. Hering the 1^o. will is revoked against
him as Exor of Benjⁿ Griffin and agt.
the 1^o. Saml. B. Hering shff and adm. of
of Richard Barrow - and thereupon this
day this cause ~~the same~~ came on by leave
of parties to be heard on the papers formerly
lod and on the report of Com^r. Goodwyn
made in obedience to a decree of May
1844 -

to which report & then is
no exception and was argued by counsel -
on consideration whereof the court confirming

~~last thing from 31 Dec. 1844 till paid~~
the report of Couns. Goodwyn, doth by consent of parties
as judge order and decree that Couns. Goodwyn
take a further account of the transactions of Bayⁿ
Griffin upon the estate of Rich^d. Harris, & make
up the thing to what, with any matters specially
noted deemed pertinent by himself, or which
any of the parties may require to be so stated.

Barrows adm

v. } Copy Dene

Barrows adm

March 20th 1846

Southampton Circuit Superior Court - November the 10th 1845.
Joseph T Claud administrator of Theophilus Barrow dec^d. Plff.

against

Benjamin Griffin late Sheriff & Committee of the estate of Richard Barrow dec^d. Dft.

In Chancery

Joseph T Claud administrator of Theophilus Barrow dec^d and Benjamin Griffin Sheriff and administrator of Richard Barrow dec^d having departed this life and the estate of the said Theophilus Barrow having been committed to the hands of Samuel B Stines Sheriff of Southampton. and Robert G Griffin having qualified as executor of Benjamin Griffin. and the estate of Richard Barrow having also been committed to the hands of Samuel B Stines Sheriff of Southampton County. On motion of the said Samuel B Stines administrator &c of the said Theophilus Barrow this suit is revived in his name as Plaintiff. And on motion of said Samuel B Stines and by consent of Robert G Griffin executor this suit is revived against him as executor of Benjamin Griffin and against the said Samuel B Stines Sheriff and administrator of Richard Barrow. And thereupon this cause came on by consent of parties to be heard on the papers formerly read and on the report of Commissioner Goodwyn made in obedience to a decree of May Term 1844 to which report there is no exception and was argued by Counsel: On consideration whereof the Court confirming the report of Commissioner Goodwyn doth by consent of parties adjudge, order and decree that Commissioner Goodwyn take a further account of the transactions of Benjamin Griffin upon the estate of Richard Barrow and make report thereof to Court with any matters specially stated deemed pertinent by himself or which any of the parties may require to be so stated

Attest

Teste.

L R Edwards Clk

Berrans & Co:

2

Berrans & Co

Jas. T. Claud & Co: Theo: Berran
is dead, and said Berrans estate
is in the hands of J. B. Hines
officer - Benj. Griffin officer and
& Co: Richd Berran is dead &
Robt. G. Griffin his exec:

Richd Berrans estate has no
representation

Quit. to be reviewed in name of
Hines officer & Co: of Theo: Berran

2

R. G. Griffin Exec: of B. Griffin & Co.

2

& Co: of -

Richard Berran

Barrow 2.

m 7

Barrow 1

Linn

Nov. 1846

To be entered

12. 14. 13.

Barrow 1
in
Barrow 2 } Recd.

This day this cause came on again to be heard on the papers formerly read and on the report of coun. Goodwyn made in, obedience to an order of Nov. Term 1845, to which there was no exception and was argued by counsel. On consideration thereof the court ~~affirming~~ and confirming said report, with adjudge order and decree, that Robert G. Griffin Executor of Benjn. Griffin, who was administrator of Richard Barrow dec'd. do out of the assets of his testator in his hands to be administered pay to the said Saml. B. Himes Esq. and as such adm'r. &c. of Theophilus Barrow dec'd. the sum of \$308. 27, with interest on \$208. 57. past thereof from 30 Mar. 1845 till paid, and the costs of this suit -

c

6.5.6

Barrows adm

v. Zappa in Chy.

Barrows adm

1843 February Rules

Executive

W. A. Strick of
W. S. Smith of

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Benjamin Griffin late Sheriff and
Committee of the estate of Richard 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

February — next, to answer a Bill in Chancery exhibited against *him* in
the said Court by *Joseph T. Land adm^r of Theophilus Barrow dec^d*

And unless *he* shall answer the said Bill within ~~four~~ ^{two} 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 *18th* day of
January 184*3*, in the *10th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Barons adm:

7 3 Notice

Barons adm.

Benjamin Griffin late Sheriff & committee of the
estate of Richard Brown decd.

You are hereby notified, that pursuant to a
decree of the Circ. Sup. Court of Southampton
pronounced at its May Term 1844. I shall on the
21st day of September next, at the Comm. office
in Jerusalem, proceed to take the account
therein specified, at which time and place
you are required to attend with the necessary
papers.

W. L. Goodwyn

Commr.

July 26th - 1844-

Barrow adm.

3rd Pomer. Notice

Barrow adm.

March 21st 1846

Recd Notice: Feb 10 day of March 1846

Robert G. Griffin

At home 13 Hines st

Barrow adm.

v³/₄ Power Notice

Barrow adm.

March 21st 1846

Commissioners office

Feb: 17th 1846

Samuel B Wines sheriff of Southampton County and
adm: de bonis non of Theophilus Barrow, and also adm: de
bonis non of Richard Barrow, and Robert B Griffin Esq:
of Benjamin Griffin decd: You are hereby notified
that pursuant to an order of the Circ-Sup-Court, for the
County of Southampton, made on the 10th November 1843, I
shall, on the 2^d day of March next, at the Commissioners
office in Jerusalem, at 10 O'clock, proceed to take the account
therein required. at which time and place you are requested
to attend with the necessary evidence.

W. S. Goodwyn
Comr: in Chancery

Barrows adm:
2 } Comm:
3 } Report
Barrows adm:

1824 October 2^d

Estate of Richard Barrow decd:

In account with Benj. Griffin Shff & Com millie

1841			Dr		Cr		Ref
June	17	By J. ex. Blunt's bond.			600	82	
Nov:	22	" Cash recd: of C. Butts			10	35	
"	"	" " of E. Harris			15	14	
June	30	To paid Clerks & Sherriffs tickets.	12	36			
July	3	Do " do do "	6	06			
Decr:	20	" " W. C. Parker atty	21	12			
		Comms: on \$626.31	31	31			
			70	85	626	31	
					70	85	
Decr:	31	By balance due Estate			555	46	
1842							
Jan:	1	To paid P. Edwards for S. J. Douglas	45	00			
"	"	" " A. & et Woodward act:	1	06	46	06	
Decr:	31	By balance due Estate			509	40	
1843							27.77
Jan:	1	To paid A. Woodward	"	53			
July	21	" " Clerks & Shff. tickets	16	68			
Nov:	4	" " J. S. Gibson atty	20	00	37	21	
Decr:	31	By balance due Estate			472	29	
1844							25.47
Jan:	16	To paid W. C. Parker atty	25	00			
"	"	" " J. W. Parker notes & Int	116	44	141	44	
		Interest on bal: of 1843					23.61
Decr:	31	By bal: due Estate			330	85	
		Int brot. down -			79	85	
"	"	Balance due Estate			410	70	
		with Int on \$330.85, from this day till paid					

Respectfully Submitted
W. S. Woodward

Comm: fee \$2.50. chd: 3

To J. T. L. Land. adm: 3

W. S. Woodward Com

Comm:

Barrons adm:

i } Cons: Report—

Barrons adm.

March 24/1846

debt may be
entered for the
sum reported by the
Comer.

R. H. B.

The Estate of Richard Barrow decd.

In account with Benjamin Griffin late Shff & Administrator

			Cr.	Dr.	Int-
1844					
Decls:	31	By bal: due Estate p. last report	330 85		79 85
1845		To price of halson & Thomas atty		25 00	
		" " John Muncasters adm:		5 00	
		" " Poston & Williamson atty		20 00	
		" " W. C. Poston "		25 75	
		" " Sundry Chtrs & Shffs tickets		42 53	
		" " Comm: fees for this & former report		4 00	
Decls:	31	By bal: due Estate		208 57	
			330 85	330 85	
"		By balance due Estate but drawn	208 57		
		" Int on bal: of 1844	19 85		
		" Int act: but drawn	79 85		
"	"	Balance due Estate	308 27		
with Int on \$208.57, paid thereof from this day till paid					

Com missioners office Jerusalem
March: 20th 1846

The Commissioners beg leave to report the above account
pursuant to an order of the Civ: Sup: Court, herin enclosed

Respectfully submitted

H. S. Broderick
Commr:

3

Barrows adm

W. } Copy Record

Barrows adm

(B)

At a Circuit Superior Court of Law and Chan-
-cery for Southampton County holden at the Court
house thereof on the 3rd day of November 1842 -

Be it remembered that hitherto to wit the 19th day of February 1839 Ben-
-jamin 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 T. Claud administrator of Robert T.
Musgrave dec^d. Charlotte Musgrave, Edwin Harris & Stewart Harris an infant
by the said Edwin Harris his next friend & John A. Person admor. of his late
wife Polly Hill Harris by their Counsel sued out of the Clerk's Office of the
Circuit Superior Court of Law & Chancery for Southampton County a
Subpoena and decree nisi against Joseph T. Claud administrator
of Theophilus Barrow dec^d. and as Executor of Jane T. Claud dec^d. and
Benjamin C. Waller & 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 Southampton
County, Greeting: We Command you that you summon Joseph T. Claud
admor. Theophilus Barrow dec^d. and as Exec^r. of Jane T. 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 exhibit-
-ed against them in the said Court by Benjamin Griffin late Sher-
-iff of Southampton to whom the Estate of Richard Barrow dec^d. was
committed for administration Peter Edwards and Narcissa his wife Eliz-
-abeth Harris, Joseph T. Claud admor. Robert T. Musgrave dec^d. Char-
-lotte Musgrave, Edwin Harris & Stewart 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 them then thus writ. Witness, Littleton
R. Edwards, Clerk of our said Court, at the Court house, the 19th day
of February 1839, in the 63rd year of the Commonwealth.

L. R. Edwards Clk

"Sheriff's Return. Executed D. H. Drumgoole Depty L. D. Mabenburg 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 plaintiff by their Counsel &
filed their Bill against the Defendants, which bill is in the following words & figures
to wit -

To the Honorable Richard St 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 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 Narcissa his wife who was formerly Barrow and sister of the whole blood of the said Richard Barrow Joseph T. Leland, admor^r 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. Charlotte Musgrave, Edwin Harris, and Newit Harris an infant under the age of twenty one years by Edwin Harris his next friend, John A. Persons admor^r & distribute of Polly Hill Harris, his late wife, brothers and sisters of the half blood, Elizabeth Harris, mother of the said Rich^d Barrow, and Mary T. Rose widow & legatee of John T. Barrow, brother of the whole blood, Plaintiffs, that the said Richard Barrow on the 23rd day of January 1827, executed a deed of gift, for the following slaves to his son Theophilus Turner Barrow an infant of ten years to wit Pierre Isham, Mary, George, and Remy, 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 and 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. Leland, 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. Leland her Exor^r as will appear by an authenticated copy filed with & prayed to be taken as a part of this bill. Temperance Leland, who has since intermarried with

and is now the wife of Benjamin C. Waller, maternal aunt, that the said Joseph T. Leland qualified as admor^r 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^r of the said Jane P. Leland together with the said Benjamin C. Waller & Temperance his wife are prayed to be made defendants hereto, with apt & proper words to their 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 specially 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^r of Theophilus Barrow of his actings and doing 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 Barrow was entitled, to the said Estate as survivor heir, & distributee of his son the said Theophilus, that his admor^r may render an account, and that, and grant such other further and general relief touching the premises, as to your honor may seem consistent with the rules of equity and good conscience, & that the Commonwealth, out of Virginia may issue commanding &c. And your complainants will ever pray &c

Parker P. 99

(Exhibit)

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 & State aforesaid have given granted and by these presents do fully give and grant unto the said Theophilus T. Barrow his heirs and assigns forever the five following negroes Pierre, Isham, Mary, George and Remy this day

allotted to me as adm^r of my de^d wife Elizabeth Barrow formerly
Elizabeth Claud. In witness whereof I have hereunto affixed my hand
and seal this 22^d day of January 1827.

Signed, sealed and delivered

Richard Barrow

in presence of

Joseph T. Claud } Southampton County In the Clerk's Office 19th February 1827

Saml Drury

This Deed of Gift was proved by the oath of Joseph

Robt T Musgrave

T. Claud Samuel Drury and Robert T Musgrave

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 proceedings of the day.

Teste James Rochelle CC

Attest

Teste L.R. Edwards CC

(Exhibit)

I Jane P. Claud of the County of Southampton do make and publish
my last will and testament as follows. Item 1st I wish all my property of any
description to be sold and my just debts to be paid & the balance disposed
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 granddaughter Elizabeth
Jane Waller - It is my wish that this legacy should remain
in the hands of Joseph T. Claud 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 grand children.

Southampton County March 30th 1835 we the undersigned
hereby certify that Mrs Jane P. Claud whilst in 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. Claud 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.

James T. Newton

Mark

Mark

Mark

Southampton County Court.

This day personally appeared before me
Ro T Musgrave a Justice of the Peace for the County aforesaid Jane
Newton. Mackay Turner and Martha Newsum and have acknow-
-ledged the signatures to the within certificate. Given under my hand
this 30th March 1835.

Ro: T. Musgrave J.P.

At a Court held for the County of Southampton the 20th day of April 1835.
A writing purporting the nuncupative will of Jane P. Claud de^d was
produced in Court by Joseph T. Claud. 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 &
Mackay Turner two of the witnesses thereto and ordered to be recorded.
Administration with the will annexed is granted Joseph T. Claud who
made oath and together with Robert T. Musgrave and Peter Edwards his
securities entered into and acknowledged a penalty of three thousand dollars
according to Law.

Teste James Rochelle CC

Attest

Teste L.R. Edwards CC

(Exhibits)

Southampton County Court November 21st 1837

On motion it is ordered the estate
of Richard Barrow de^d be committed to the hands of Benjamin Giffin
Shriff of this County for administration according to Law.

Teste L.R. Edwards CC

Southampton County Court November 11th 1830.

On the motion of Joseph
T. Claud 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, conditioned as the law directs. Cer-
tificate is granted him for obtaining letters of administration on the estate
of Theophilus T. Barrow de^d in due form.

Teste L.R. Edwards CC

Southampton County Court November 20th 1837

On the motion of
Joseph T. Claud who made oath and together with Benjamin Williams
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 lcl

Southampton County Court. December 18th 1837

On the motion of John A Person who made oath and together with Peter Edwards his securities 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 T Person deceased in due form

Teste L.R. Edwards lcl

Whereupon a Subpoena & decree nisi was awarded against the defendants returnable here to September Rules next. which Subpoena & decree nisi with the return thereon made is in these words & figures to wit. -

The Commonwealth of Virginia, To the Sheriff of Southampton County, Greeting: We Command you that you summon Joseph T. Claud Exr. &c of Jane P. Claud dec'd and as administrator 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 Shff. of the County of Southampton for administration. Peter Edwards & Narcissa his wife Joseph T. Claud admor: Robert T Musgrave dec'd Charlotte Musgrave Edwin Harris & Fanny Harris an infant by Edwin Harris her next friend John A Person admor: 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 nowise omit, under the penalty of \$100. And have then there this writ. Witness, Sir Merton R. Edwards, Clerk of our said Court, at the Court-house, the 5 day of August 1839, in the 64th year of the Commonwealth.

"Sheriff's Return"

L.R. Edwards lcl

Executed on Benja C Waller & wife Joseph T. Claud not found.

Will M. Grant Deputy of James M. Appling Sheriff.

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 defendants Joseph T. Claud on the motion of the plaintiff by Counsel another

Subpoena & decree nisi was awarded against the said Defendant Claud returnable here to October Rules next. which Subpoena and decree nisi together with the return made thereon is in these words & figures to wit. - The Commonwealth of Virginia, To the Sheriff of Southampton County, Greeting: We Command you that you summon Joseph T. Claud Exr. &c of Jane P. Claud dec'd and as administrator 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 & Narcissa his wife Joseph T. Claud admor: of Robert T Musgrave dec'd Charlotte Musgrave Edwin Harris & Fanny Harris and infant by Edwin Harris her next friend John A Person admor: of Polly Still 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, Sir Merton 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 lcl

"Sheriff's Return Executed. Wm. Schell Depy of J.M. Appling 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 & filed their Answer to the plaintiffs bill, which answer is in the following words & figures to wit: The Joint answer of Joseph T. Claud admor: of Theophilus T. Barrow and Executor of Jane P. Claud, and Benjamin C. Waller & Temperance his wife - To the Bill of Complaint exhibited against them by Benja. Griffin and 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 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 Decd of Gift referred to in the Complainants bill was duly executed and proven 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 sometime 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 circumstances that will be intro-
 -duced 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 T. Cloud qualified as adm^r. upon his estate and
 as such prepared himself of the estate of said T. Barrow, said Cloud
 begs 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. said Cloud also qualified as receiver of James T. Cloud as
 is charged in said Bill. Benjamin C. Waller also intermarried with Tem-
 -perance Cloud in January 1828. Your Respondents aver that these
 are all the material facts of the case, they therefore pray to be hence dis-
 -missed, with their reasonable costs by them in this behalf expended &c

J^s T. Cloud adm^r T. T. Barrow
 Benj. C. Waller

Southampton County to wit:
 This day J^s T. Cloud and Benj^c 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 J.P.

Exhibit 3

Theophilus Barrow a minor

In account with Joseph T. Cloud Guardian

		Dr		Cr
1829				
June	To 1 pr shoes 5/3 3 yds cloth at 1/6	1	62	
	" 2 yds. kersey for cloak @ 3/-	1	00	
	" 1 Hat 12/- 3 yds cotton cloth at 9/-	2	38	
	" 1 pr shoes 6/-	1	00	
	" paid John V. Mason att ^r	2	50	
Decr	25 By the hire of Peter this year	"	"	15 00

3

By hire of Isham this year

1830
 By balance due the ward
 To 5 yds cloth at 1/6 knif 9th Hat 3/-
 " 3 yds cotton cloth 9th pr shoes 7/-
 By hire of Peter this year and Isham
 To Commisions on receipts
 By Interest on last balance to this day

"	"	2	50	
		17	30	
		9	37	
		8	13	
		1	87	
		1	13	
		"	"	49 50
		2	49	
		"	"	48
		58	11	
		5	71	
Decr	23 By balance due the ward	"	"	52 40

The Estate of the said Minor dec^d

In Account with Joseph T. Cloud adm^r

		Dr		Cr
1831				
	To paid B. C. Waller for Coffin	15	00	
	" " Howell Harris Constable	8	70	
	" " Doct ^r Musgraves acct	14	75	
	" " Ino McGee "	3	75	
	" " Tuition and books last year	2	25	
	" " Clerks tickets	70		
Decr	25 By the hire of Peter and Isham	"	"	41 25
	" " Ready and Mary	"	"	8 42
	To Commisions on receipts	2	48	
	By interest on last balance to this day	"	"	3 14
				106 21
				117 63
	By balance due the Estate	"	"	57 58
	To paid Jane Clouds Ewon ^r pr Receipt	3	64 47	
	" " Wm Davis do "	1	76	
	" " Clerks tickets	71		
	" " R. H. Baker att ^r	25	00	
	" " Doct ^r Musgraves acct	3	75	
	Amounts carried forward	39	5 69	57 58
	Amounts brought forward	39	5 69	57 58
	By Peter 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 Commissions on receipts	20	91		
" Commissions for retained	1	50		
" Clerks do	1	50		
			475	83-
			419	60

Decr 25 By balance due the Estate \$ " " 56 23

with interest thereon from December 25th 1831 till paid

Respectfully Submitted

Jos Cobb Comr

At a Court held for the County of Southampton the 16th day of Sept 1833.

This Account Current and Master Commissioners Report of Joseph T. Claud Guardian to and administrator of Theophilus Barrow d.^d

Having been returned from more than two months and no exceptions being taken thereto was confirmed and ordered to be Recorded

Test James Rochelle Clk

A Copy

Test L R Edwards Clk

To which answer the plaintiffs replied generally.

And at another 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 without deciding the principles in the cause doth adjudge order and decree that Joseph T. Claud administrator of Theophilus T. Barrow d.^d render before Commissioner Cobb an account of his transactions as administrator of said Barrow showing the number and probable value of the slaves which account the said Commissioner is directed to examine state and settle and 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 admin: ^g } In Chancery
 & }
 Claud Exor: ^g

The following parties attended agreeably to notice filed to wit.
 Joseph T. Claud, & John A. Persons. 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 J. T. Claud admin: the defendant, settled an account of his transactions, as admin: for the year 1831 & 1832 under an order of the Court, and the parties were willing this account should not be disturbed the Comr: there-fore takes the balance due on that settlement in this report.

The Estate of Theophilus T. Barrow d.^d
 In Account with Joseph T. Claud admin:

			Dr	Cr
1832				
Decr	31	By balance due from report	-	53 24
1833		By him Negroes this year	-	32 00
				85 24
		To Commissions off		1 60
Decr	31	By balance due the estate	"	83 64
		" Int on the balance of 1832 \$ 3.19		
1834		By him Negroes this year	79 75	
		To Coms. off	3 98	75 77
Decr	31	By balance due the estate \$ 3.19	"	139 41
		" Interest on the balance of 1833 5.01		
1835		By him Negroes this year	130 00	
		To Commissions 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 him Negroes this year		167 75-
		To Comms on ditto	8 38	
		" paid sundry tickets	8 19	
		" " Dock Barham ad	3 00	
		" " J. A. Williamson	1 00	
				450 66
				20 57
Decr	31	By balance due the Estate Com ^r forward \$ 17.76	"	430 09.

1836			Dr	Cr	Interest
Decr 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 Court 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 bal. of 1836		" "	" "	25.80
	To Court on Receipts		9 50		
	" paid Doct. Barham acct		15 00		
				789 81	60.53
				24 50	
Decr 31	By balance due the Estate		" "	765 31	60.53
	" Interest on the balance of 1837		" "	" "	35.98
1839	By Negro hires this year		" "	281 00	
	To Court on ditto		10 05		
	" paid J. A. Williamson acct		1 00		
	" " Doct. Beakman "		1 50		
				966 31	
				12 55	
Decr 31	By balance due the estate	§	" "	753 76	96.51
	" Interest on the balance of 1838		" "	" "	45.91
1840	By Negro hires this year		" "	204 92	
	To Court on ditto		10 24		
	" J. A. Williamson acct		2 00		
	" A. Dorw "		2 00		
				1158 68	
				14 24	
Decr 31	By balance due the Estate	§	" "	1144 44	142.42
1841	" Ints on \$953.76 bal. of 1839		" "	" "	57.22
Jan	To paid A. Dorw acct		2 00		
	" " Doct. Barham "		5 25		
	By Negro hires for this year		" "	190 25	
	To Court 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 from that date
 till paid, and the further sum of § 173.49 due for Arth. Negro
 hire with interest thereon from that date are paid say December
 31st 1841.

Comp^d fee. Augt 17th - 3 hours

Respectfully Submitted
 Jere Cobb Comr.

" 21. 8 do
 Charged to the admn: § 11.00

due John Indkin 3.50

for executing 7. notices

Jere Cobb this day made oath
 before me to the justness of the above fee bill.

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

Isam 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 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 was
 exceptions. and was argued by counsel. On consideration whereof
 the Court not being satisfied as to the fact, whether Richard
 Barrow survived his son Thersophilus 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 said side of this Court to
 ascertain whether the said Richard Barrow did or did not
 survive his son the said Thersophilus 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 -

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 in the Law side of this Court of the issue made up in this cause by a decree of the fall term 1841 was received filed in this cause on the 3rd day of November 1842 and is in the words of 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 & Marcia his wife, Joseph T. Claud admo: of Robert T. Musgrave dec^d. Charlotte Musgrave, Edwin Harris & Aunt Harris, an infant by Edwin Harris his next friend
John A. Persons admo: Polly Hill Harris his late wife Elizabeth Harris and Mary T. Rose

Plffs

against
Joseph T. Claud Esq: &c of June Claud dec^d. and as admo: of
Theophilus T. Barrow dec^d and Benjamin Waller and Temperance
his wife

upon an

issue out

of Chancery

Defts

This day came the parties by their attorneys and thereupon came a jury to wit: William G. Clements, William Prince, Saml H. Holland, John Parker, William Lawrence, Selah Ellsworth, Henry B. Vaughan, Joel Vick, Orson 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 T. Barrow survived and outlived 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. 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 3rd 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 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 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, brother nor sisters or any of their descendants the Court doth order, adjudge, and decree that this 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 a 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 and Marcia his wife, one sixth to Joseph T. Claud admo: of Robert T. Musgrave who was assignee of Henry Barrow, one sixth to Edwin Harris admo: with the will annexed of Elizabeth Harris or sixth to Robert T. Musgrave admo: of Thomas Barrow dec^d the said Marcia Henry and Thomas being uncles and aunts 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 admo: of Polly Hill Persons late Harris his wife, one twelfth to Aunt Harris, the said Charlotte Edwin Polly and Aunt 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 Waller and Temperance his wife and the other half of said moiety to Joseph T. Claud Esq: &c of June T. Claud. the said Temperance being aunt of the said Theophilus Barrow and the said June T. being grand mother of said Theophilus on the maternal side and make reports to the Court. And the Court doth further order, adjudge and decree that Joseph T. Claud admo: of Theophilus Barrow render before a Commissioner of this Court an account of the hires 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.

(1)

Plaintiffs Evidence. } Southampton County October 1st 1840.

The Deposition of Anthony Woodward & Nancy A Woodward, his wife, was this day agreeable to notice, duly and legally given: taken before me, Wm L Everett a Justice of the Peace for the County aforesaid at the school house on Joseph T. Claude's land between the hours of 9 o'clock A.M. and 6 o'clock P.M. to be read as evidence for the Plaintiff 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. Claude Exor. of Jane Claude dec'd and admr. of Theophilus Barrow dec'd and Benjamin B. Waller and Temperance his wife are defendants. And Benjamin Griffin Shuff of Committee of the Estate of Richard Barrow dec'd. Peter Edwards and Narcissa his wife, Joseph T. Claude admr. of Robert T. Musgrave dec'd. Joshua Leigh & Charlotte his wife. formerly Charlotte Musgrave, who was formerly Charlotte Harris, Edwin Harris and Hewitt Harris and infant by Edwin Harris his next friend. John A. Person admr. of Polly Hill Harris his late wife and Mary T. Ross Plaintiffs. The said Anthony Woodward being first sworn on the Holy Evangelist of Almighty God, deposes and saith as follows (Viz)

That in the year 1829, and I think in the month of October, Richard Barrow came to my house then living on Nathaniel Jones plantation in the County of Southampton near Baunches 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. Barrow remained at my house all night and in the morning enquired the way to Capt Aubin Middleton and went off in that direction: I have never seen nor heard from him since.

Quest. by Mr. J. A. Person for 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.

Quest. by Peter Edwards. Was it late in the fall when Barrow came to your house?

It was and I think in October but I am not certain,

Quest. by Mr Goodwin Counsel for Defts: Do you think that Mr Barrow was intoxicated when he left your house Mrs Woodard?

Answer? No Sir I did not.

Quest. by the same. Mr Barrow said nothing to you when he left your house when he was going or what he intended doing?

Answer No Sir I asked no questions of that nature & received no information from him.

Quest. 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 sayeth not. Signed by him October 17th 1840.

Anthony Woodard

Stacey. A Woodard being first sworn in the holy Evangelist of Almighty God deposeth and sayeth as follows (Viz)

That she was present at the time Rich^d Barrow 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, Quest. by plffs: Do you know any thing about a Camp meeting which took place in Northampton County about the time Rich^d Barrow was at your house. or did you hear Rich^d Barrow speak of a Campmeeting?

Answer I do not recollect that I did.

Quest. by P. Edwards. Mrs Woodard when you dressed Rich^d Barrow's wound's 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.

Quest. by Mr Goodwin for Defts. Mrs Woodard how large was the wound you speak of having dress^d on Rich^d Barrow's head.

Answer I suppose it was three or four inches square.

Quest. by same How deep did the wound seem to be?

Answer. It was not very deep. about 1/2 inch deep. the wound smelt very bad: which I suppose was for the want of dressing.

Quest. by J. A. Person 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 sayeth not. Signed by her October 17th 1840.

Ann A. Woodard.

John R Woodard being first sworn in the holy Evangelist of Almighty God deposeth and sayeth as follows.

Rich^d Barrow came to my father Anthony Woodard's house in the fall of 1829. about dark, remained all night and left the next morning and said that he was going to Capt. Middleton. No questions being proposed to the witness further this deponent sayeth not.

John R Woodard
I do hereby certify that the depositions of Anthony Woodard & Andy A Woodard and John R Woodard a 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 V. Everett

Defendants Evidence }

The Depositions of Pinching Martin. David John-son, John Flythe William Powell Pinching Powell taken & heard as evidence for the Defendants in a Ch^l suit now pending in the Circuit Superior Court of Law & Ch^l in Southampton County in which Benjamin Griffin Sheriff & Committee of the estate of Rich^d Barrow dec^d. Peter Edwards and Stacey his wife Joseph T. Claud adm^r of Robert T. Musgrave dec^d. Joshua Leigh & Charlotte his wife formerly Musgrave who was formerly Charlotte Harris. Edwin Harris & Newit 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 are plaintiffs and.

Benjamin B. Waller & wife Temperance. Joseph T. Claud Esq^r of Jane B. Claud dec^d and adm^r of Theophilus Barrow dec^d are Defendants. Pinching Martin having been first duly sworn in the holy Evangelist of Almighty God deposed as follows.

Mr Martin setteth that as well as he recollects that the first time he saw Richard Barrow was about the Spring 1829. and he further states that the last time he Rich^d Barrow was seen was about the 23rd of October 1829. And the witness says that he Richard Barrow was seen by him the same day about 10 o'clock in the night at the Campmeeting ground. & the witness

says that he Richard Barrow has never been seen or heard of since.

Winching 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 Roberson came to John Flythe and as soon as Richard Barrow arrived at Flythe. Thomas Roberson said that he could whip him & the said Roberson commenced fight with the said Richard Barrow and they were separated & after being separated, the same Thomas Roberson struck him the said Richard Barrow one violent blow over the head & after that he the said Thos. Roberson gave him the said Richard Barrow a second blow with a barrel stave 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 October the day not recollected.

Question by the same. how long after the fight before he left the neighborhood.

Answer by the witness. not more than three or four days.

William Powell
mark

John Flythe 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 fall 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 Flythe was absent from home and the witness says. when he got home the servant of D. Roberts was creeping 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 not seen him since and the witness says that Thomas Roberson 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 at Roberson the he rained such a

rapus 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 horse & also the hat cap & cloak which he used to wear.

John Flythe

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. but 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 Sykes & Elisha Flythe and 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 in the premises where the said Richard Barrow lived. the above the witness says he saw - in the four part of the year afterwards the witness says he saw him in the month of October and that he has not seen him since.

David P. Johnson
mark

Winching 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 tumbled & also his clothes with a considerable stain 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.

W. Powell

The foregoing Depositions of Winching Martin David P. Johnson John Flythe William Powell and Winching Powell. 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 Baylins Depot on the P.R. Rail road in Edwards 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

Septimus Darden Jr.

Adjourned until Monday nine o'clock
August 29. - 1840.

Septimus Darden Jr.

Southampton County February 6th 1840

The Deposition of William B Siles of Southampton County N.C.
was this day taken before me, in Edward Beaton Store house at Boykins
depot in the County of Southampton N.C. agreeable to notice regularly
delivered to the plaintiff to be read as evidence in a suit now depen-
ding and undetermined in the Circuit Superior Court of Law and
Chancery for the County of Southampton, wherein Benjamin Griffin Shiff
and Committee of the estate of Richard Barrow de^d. Peter Edwards and
Marissa his wife. Joseph J. Clauld admor. of Robert T. Musgrave de^d.
Joshua Leigh and Charlotte his wife. Edwin Harris and Nimit Harris
infant by Edwin Harris his next friend. John A. Person admor. of Pelly Still
Harris his late wife Elizabeth Harris and Mary J. Rose are Plaintiffs.
And Benjamin C. Waller and his wife Temperance and Joseph J. Clauld
Exor. of Jane Clauld de^d & adm. of Theophilus Barrow de^d are
defendants. The said deponent William B. Siles first being sworn
as the law directs deponeth and saith as follows, (to wit)

Richard Barrow lived in my neighbourhood about seven years
ago - and suddenly disappeared from his dwelling - and the neigh-
bourhood some time 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 disappearing &
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 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 Rich 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.

Quest. Cont. by Plffs. Witness do you recollect to have ever mentioned
to any individual, the conversation which took place between Rob-
-inson & yourself, relative to the supposed murder of Rich 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: Quest. Plffs. Cont. Did you see the wounds that were
inflicted by Robinson on R. Barrow, and what induced you to be-
-lieve 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 stone and quilt frame.

Quest. 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 Quest. by Plffs. Cont. At what precise time was the disap-
-pearance of Barrow?

Answer. The last time he was seen in our neighbourhood was on
this day at the Camp-meeting at Gims meeting house.

Quest. Cont. by same Witness was it generally believed, that the
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 Rich Barrow have a great many
neighbours and was the neighbourhood thickly settled around him,
Yes they were very thickly settled.

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

Nothing to know that all his clothes were left in the house.
Answer. I did not see his trunks opened and the only clothes I saw was a coat, waistcoat, cap, shoes & clock.

Witness. Just by the same was Barrow a provident careful man? was he a money making man or a spend thrift?

Answer. Barrow seemed to make money until a disagreement with Mr Odom his landlord, and afterwards I do not think he made much but I believe him to be a careful man.

Just by the same Witness. Did you ever hear of Barrow being alive after his disappearance from your neighbourhood?

Answer. I don't think I ever did.

Just by the same. Witness was there ever any impression in Barrow's neighbours from which he disappeared that he was alive after his disappearance.

Answer. No there never was.

Just by the same. Witness. Did Rich^d Barrow ever 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 assuredly have heard of it.
Question by Defendants.

Witness. Did you fully understand the depositions from the plaintiff relative to your ever mentioning to any individual before to day, the conversation which took place between Robinson and your self relative to the supposed murder of Rich^d Barrow.
Answer. I did not understand it.

Question 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 encounter.

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

Just by the same. Did you see Rich^d Barrow after he was wounded? and what did he say to you relative to his acquaintance with Robinson.

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

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

Answer. Mr Odom asked me to assist him to carry Barrow's property up stairs.

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

Answer. I never saw Richard Barrow near any other hat than the cap before alluded to during my acquaintance with him.
Question by the same. Did Richard Barrow have any other than the one found on entering his house? did you find his horse wandering about the plantation?

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

Question by the same. Do you ^{not} think that Barrow would have left home to go any distance without taking his horse?

Answer. No I do not.

Question by P. P. Witness. Were you a near neighbour of Richard Barrow's, 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 says etc not signed by him and acknowledged this 6th 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 in by him - Given under my hand this 6th February 1840.

Wm L. Overitt J.P.

The deposition of John B. Odom, John Wade and James B. Barnes was this day taken before me Wm L. Overitt a justice of the peace for the County of Southampton, agreeable to notice duly given, in Edward Beaton's store house at Bay View 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 depending in Circuit Superior Court of Law and Equity.

Chancery for the County of Northampton wherein Benjamin Griffin Sheriff and Committee of the Estate of Richard Barrow dec'd and others are Plaintiffs and Joseph T. Bland Esq. Jane Bland dec'd and others are defendants. the said John B. Odom being first sworn on the Holy Evangelist of Almighty God. deposeseth and saith as follows (viz) October 2^d 1828

That Rich^d Barrow resided on a plantation of my father in the year 1829. near Odom's 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 Barrow's house. where said Barrow was present at the Camp Meeting and during the meeting suddenly disappeared 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 Robert Ridley Esq. Defts Counsel. Mr. Odom had Mr Barrow been speaking of leaving his residence before the expiration 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
Quest. cont by same Was any inventory taken of Barrow's 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 containing the whole of his property with the exception of his horse which as I understood died in the neighbourhood previous to taking the inventory

Quest by same Do you recollect any conspicuous articles of clothing, that was found when the inventory of Barrow's 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

Quest. by same. Had Barrow 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 have frequently seen him wear. I could not speak positively as to the identity of the hat

Quest by same. Did any person in the neighbourhood undertake ^{to account} for the sudden disappearance of Barrow.

Answer. The general impression of the neighbors 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. Quest. 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 roused. and then he was a turbulent malicious man. who it was thought was not too good to take private and secret advantage

Quest. by the same What were Barrow's 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 drinking about the tavern.

Quest. by Mr. Peter Edwards for the plff. Mr. Odom you will please state what was the state of Richard Barrow's mind before and about the time he disappeared?

Answer. he was in the habit of drinking freely, and appeared at some times to be dissatisfied, which I suppose was owing to his drinking to excess and being out of employment but I believed him to be perfectly rational and sane.

John B. Odom

James B. Barnes being sworn on the holy evangelist of Almighty God. deposeseth and saith as follows. (viz)

That he went to a Camp Meeting at Fines Meeting house near Odom's 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 Odom's Tavern to get a drink of grog and in our way we met a man by name Robertson and I asked him when we could get some brandy. & he informed me if we would walk to his house, we got it there we did so, and on our arrival at Robertson's discovering Robertson's face to be scratched I asked him what was the matter, and he answered me and said that in the evening before he met with Richard Barrow and had a fight with him near the Camp ground and that Barrow struck him with a staff 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 also. Robertson then said let him be an old acquaintance or not he was a damned rascal and that he intend to kill him.

he Just. being proposed by the plaintiff

Mr. J. Edwards Just for Defts. Just. Did you see Richd Barrow when you went to his house

Answer I did not.

October 2nd 1840

James B. Barnes

John A. Wade being sworn on the Holy Evangelist of all mighty God. deposes and sageth 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 blacksmith 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 mad with. he answered with you, and I have cleaned Barrow up and I intend to clean you up!

Just by Peffs Mr Wade what was the general character of this man Robertson and was it the general impression of the neighbors that he murdered Richd Barrow.

Answer. I believe him to be a very vicious man and these were the impressions of the neighbors. And further this deponent sageth not

October 2nd 1840.

John A. Wade

I do hereby certify that the depositions of John B. Odom 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 2nd day of October in the year 1840.

William L. Corvitt JP

Copy

Teste J. R. Edwards lsb

Barrow adw.

vs

Barrowi adw.

} Note by Plff's counsel.

This suit is brought by Thos. Barrow adw. against Richard Barrow adw. to recover a small amt. (some 114 hundred dollars) the whole estate of R. Barrow. Thos. Barrow was the son and heir of R. Barrow. Thos. Barrow died in 1830 - R. Barrow removed from Southampton in 1829 & has never been heard from since the fall of 1829.

Some years ago, the adw. of Richard instituted suit, against adw. of Thos. Barrow claiming his est. upon the ground that Rich. survived Theophilus, and was entitled as heir. Testimony was taken on both sides, and finally an issue awarded to try the fact whether Richard survived, or not Theophilus; that issue was tried by a jury, who found that "Theophilus survived & outlived his father Richard". The adw. of Richard thereupon failed in his suit, and the estate of Thos. has been divided among his heirs.

Notwithstanding this decision against Richard adw. by which it was ~~ascertained~~ that Richard did not survive Theophilus but that "Theophilus survived & outlived Richard", I was then for him to Rich.^d, the adw. of Richard refuses to surrender Richard's estate to the adw. of Thos. - upon the ground, that in the first suit, the issue was on the adw. of Rich.^d while in this suit it is on the adw. of Theophilus.

It is submitted that the question is the same. that it has once been litigated between the same parties before a competent tribunal, & the record of the former suit is filed & relied upon. ~~Respectfully~~ - G. H. T. or

It is believed that the note on the other
side of the plaintiff's counsel contains
a fair statement of the facts of the
case —

The counsel for the ~~defendant~~ ^{defendant} and however
contradicts, that the finding of the jury
in the case of Richard & Perceps's
representative, against the ~~admiror~~
of theophilus Borrow, is not correct
here against the defendant
in this case. In that case
the affirmation, need to be
established, by the plaintiff
& the same facts rest upon
the plaintiff in these —
the proceedings of Decree
in the case of General Hounwin
have been adopted by the courts.

James
in
Borrow
} Part of
Counsel

and the conclusion to which
they arrive is this, that whatever pro-
perty is vested in one person, it must
follow the law of distribution &
descents after his death unless some
other person can show satisfactorily
that a different disposition ought
to be made — Here the property ought
to be recovered as in the Richard Borrow
case to be distributed among his heirs
and representatives, unless the plaintiff
can show that the non recovered —
In the former case the presumption
of law, without other evidence, was
in favor of the ~~plaintiff~~ ^{defendant} in this it is
also in favor of the defendant, and it
behoves the plaintiff to submit it

W C Parker
counsel for defendant