1850-004 SOUTHAMPTON COUNTY CHANCERY PAPERS

CARR'S ADMINISTRATOR VS. CLAUD

s/1850

other SURNames: Barrett

27.

Curs admr.

v } Papers.

Edmd

Carrs adm

v. } Stat: Rules

Claud

Lohn	ℳ 2.34
Kost	1.00
Darl.	17.41
	ℳ 22.75

Richard M. Carr administrator of Patience Carr dec^{d}

against

Philip J. Claud

1849 June 29th Subp^{a} &c issued.

" Aug: Rules. Subp^{a} returned executed.

" October . Bill filed.

" Dec^{r} . Answer of Defts. Genl. Rep: &c

1850 Febry " Cause set for hearing &c

" May 7. Decree.

Claims on

to } Bill

Clauses

1849 October Rules

To the Hon Richard H Baker, Judge of the Circuit Superior Court of Law and Chancery in Chancery sitting.

Carr adm^x
vs
Cleland curator
} bill

Humbly complaining shows unto your Honor your orator Richard H. Carr that in the year 1842 Patience Carr, being possessed of some personal estate and being an idiot, was committed together with all her estate to the care, management and control of Phillip I. Cleland who was appointed by the County Court of Southampton as her curator, and who from time to time made returns to the said Court of an account current of the expenditures made for the proper support & maintenance of the said Patience Carr, until about the year when she departed this life — that nothing subsequent thereto (viz) in the your orator was duly and legally appointed by the said County Court administrator of all the goods, chattels & effects of the said Patience Carr.

Your orator further shows to your Honor and expressly charges that the said Cleland in his account currents before mentioned has made divers mistakes and omissions manifestly to the injury of the estate of the said deceased Patience Carr as well as exorbitant charges. Which acting, and doings of the said Cleland are contrary to equity and good conscience, and tend to the manifest wrong and injury of your Complainant in the premises.

In consideration whereof and for asmuch as your orator is remidiless at law and only relievable in equity, therefore your orator humbly prays that your honor will make Philip S. Bland a party defendant to this bill of compel him as full and perfect answer make to the allegations therein contained as if he had been thereunto more fully and specially interrogated, and that your honor would refer the account currently before mentioned to a Commissioner in chancery, so that your complainant may have an opportunity by the production of evidence to discharge and falsify the same, and that your honor would grant unto your orator general relief the premises considered, as equity may dictate and the nature of his case may require. — and as in duty bound he will ever pray &c

Kindred

pq

Claim

ads 3 answer and exhibits

Com adm

1849 December Rules

The answer of Philip S Blanca to a bill in chancery exhibited by Richd ellc Carr admr of Patience Carr in the circuit superior court of law and chancery for Southampton against him

This defendant protesting ne for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering says, That it is true he was appointed curator of Patience Carr who was a person of unsound mind that she was possessed of some estate the profits of which were wholly inadequate to her support being infirm on a small sum of money and upon qualifying soon after his appointment, That soon after he took charge of the estate Patience Carr was delivered of a child (a twin) which increased the expense of her maintenance

That in the year 1847 he returned an account of his transactions as her curator to the county court of Southampton settled by a commissioner of that court and that previous to that settlement the county court of Southampton had directed him to expend sixty dollars per annum for five years of the principal of her estate for the support of the said Carr which was allowed by the commissioner in the said settlement all of which will more fully appear by reference to the said account and order which are herewith filed marked A and B and prayed to be taken as parts of this answer

That in the year 1848 he returned another account of his transactions as curator of the said Carr settled by the commissioner of the county court of Southampton That the said county court of Southampton again by its order obtained previous to the said settlement directed him to expend the sum of fifty dollars out of the principal of the said Carr

estate which was allowed him in the settlement by the commissioner of that court all of which will more fully appear by reference to the said account and order which are herewith filed marked B. and D. and prayed to be taken as parts of this answer

This defendant for further answer say that he was aware of the fact that he had no right to expend more than the profits of the estate except by the direction of a court of equity that with a full knowledge of that he applied to the court which upon a full statement of the condition of the said Palience Carr and her estate made the orders above referred to

That the said Palience Carr was in such a condition that it was necessary to employ a nurse for her and child that it was necessary to feed and clothe them and he puts upon that this honorable court will find upon an inspection of the accounts which he has returned and the balance found due which he has always been ready to pay that so far from being extravagant in his expenditures that it was barely sufficient to afford a meagre and scanty support for the said Palience Carr and her child, and having fully answered he prays to be hence dismissed with his costs &c

Philip J. Claud

Counsel for defendant

Southampton County to wit

This day Philip J Claud personally appeared before me a justice of the peace for the county aforesaid and made oath that the facts set forth in the above answer are true so far as he knows and believes given under my hand and seal this 20th day of Nov 1843

James D Bryant J.P. (seal)

Barradm: a

ē } dcas

Claud:

To be entered
R. W. Baker
Jacq Co. 1850

1850 May 7.

Ent?

Carr adm:
v
Blanch

Decree

May Term 1850

This day this cause come on to be heard on the bill, and exhibits, answer of the defendant Blanch and examinations of witnesses, and was argued by Counsel On consideration whereof the Court, by consent of parties, doth adjudge order and decree that Philip J. Blanch pay to Richard M Carr, admr: of Patience Carr: decd: the sum of four hundred sixteen dollars and 88/100, with Int ~~from~~ on three hundred eight dollars and 88/100 from the 25th Decr: 1848 till paid and on one hundred eight dollars from the 25th Decr: 1843 till paid together with the costs of this suit-

10526

Warrs dum

& 3 Offs Cing

Clark

1849 August Rules

Executed

Wm R. Parker Sh of

J. Dundas Bly

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon Philip J. Cloud executor of
Patience Carr

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in August next, to answer a Bill in Chancery exhibited against him in the said Court by

Richard M. Carr admor. Patience Carr dec'd. &c

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 29 day of June 1839, in the 73rd year of the Commonwealth.

L R Edwards Clk

[*One Copy to be delivered each Defendant.*]

I acknowledge service of the within notice

Philip Claud

Capn Wm
& 3 others
(Claud)

Philip P Bland

Sir

Take notice that I shall on Saturday the 13th of April next proceed to take the depositions of Sally Carr and Maria Bland to be read as evidence in a certain suit now depending in the circuit superior court of Southampton county in which you are ~~plaintiff~~ defendant and I as administrator of Patience Carr dec'd am plaintiff at the office of Levi P Kindred between the hours of sunrise and sunset

April 5th 1830

Yours
Richard C McCarr

Carr
vs 3 notice
Adams

I acknowledge service of the within notice
Richard M. Carr

Richard & M Carr administrator of Patience Carr dec'd

Sir

Take notice that I shall on the 16th of April next proceed to take the depositions of Martha A. Eland and others in Jerusalem at the Office of Wm B. Shands between the hours of sunrise and sunset to be read as evidence in a certain suit now depending in the circuit court of Southampton on the chancery side in which you are plaintiff and I am defendant

Yours &c
Philip S. Eland

April 15th 1850

Carr
vs
Depositions
Clara

Returned April 16. 1850

The Depositions of Martha A Clana and others Taken at the office of Wm B Shands in the town of Jerusalem on the 15th of April 1850 between the hours of sunrise and sunset according to notice duly given to be read as evidence in a certain suit now depending in the circuit superior court of law and chancery for the county of Southampton between Rice M Carr plaintiff and Philip I Clana defendant

The Deponent Martha A Clana having been first duly sworn on the holy evangelists of Almighty God deposes and says as follows, That for about the first twelve months after Philip I Clana qualified as curator of Patience Carr he furnished her with no provisions but for the following years he furnished her with flour, meal, bacon, sugar and coffee regularly every year

Question by plaintiffs Counsel was there not a certain quantity of Pork set aside in Philip Clanas smoke house for Patience Carr at killing time which was furnished from time to time in bacon

Answer I do not know

Question by the same would you probably have seen this arrangement if it had been made

Answer I should not

Question by the same have you any idea of the quantity of provisions furnished by Philip Clana

Answer I have not

Question by the same what is your age

Answer about fifteen years old

Question by the same are you certain sugar and coffee was furnished the two last years

Answer I am but do not recollect how much

Question by the same when did Patience Carr live

Answer In her mothers family

Question by the same Did not Patience Carr work in Philip Cland's family at diffent Times such as sowing, weaving, &c

Answer she did sometimes I do not know how often and further this deponent saith not

Martha A Cland

The deposition of Davis Barrett Taken at the same Time and place according to notice to be made in the same case This deponent having been first duly sworn on the holy Evangelists of Almighty God deposes and says as follows

Question by defendant's counsel did you know Philip Cland and Patience Carr

Answer I did

Question by the same what do you think it was worth to support Patience Carr a year

Answer

apart the time not less than Eighty dollars and the balance Sixty

The plaintiff's Counsel objected to this answer

2nd Qu. by plaintiff's Counsel Do you Know that Phillip L. Cland supplied Patience Carr? Ans. I do not — I know nothing at all about the quantity of provisions furnished

2nd Qu. by same Do you Know where Patience Carr lived?

Ans. She lived at her mother's —

And further this deponent saith not —

Davis Barrett

Somerset Shore County to wit

The above depositions was sworn to and subscribed before me a justice of the peace for the said county at the time and place above mentioned given under my hand this 6th day of April 1850

Jno P Nicholson J P

Case

Deposition

Kelauea

Returned April 16. 1850

Application
Louis
Pd
Le Claud

Deposition of Sally Carr taken at the office of Isaac I Kindrick in the Town of Jerusalem on the 13th of April 1850 between the hours of sunrise and sunset agreeable to notice duly given to be read as evidence in a certain suit now depending in the circuit superior court of law and chancery for Southampton County between Richard H Carr admr of Paliene Carr as Philip Blanks curator the deponent having been first duly sworn by the holy Evangelists of Almighty God deposes and says as follows

That in the year 1842 Philip Blanks purchased some articles for Sally Carr with whom Paliene Carr lived from the time of his grandfathers death as curator until the death amounting to the sum of twelve dollars. That he furnished no provisions this year In the year 1843 Philip Blanks furnished nothing for the subsequent years up to the time of the death of Paliene Carr which happened in February 1849 he furnished about nine hundred pounds of pork a year and corn each year the quantity not recollected but corn was furnished

Question by defendants counsel

What year were you sold out under a deed of Trust

Answer About the latter part of the year 1842

Question by the same

Was all your property sold

Answer All my property was sold either under the deed of trust or under execution

Question by defendants counsel Did not Philip Blanks support Paliene Carr while she lived with you

Answer he found her in corn, meat, and some sugar and coffee but not enough sugar and coffee for Paliene Carr and the two last years no sugar and coffee

Question by defendants counsel what year

was the child of Paliince Carr born

Answer in the year 1843

Question by the same. who supported this child

Answer the child was supported by the provision which was furnished by Philip Clana

Question by defendants counsel did not Philip Clana hire a negro for Paline Carr and child

Answer he did hire a negro girl for them for two years one year paying five dollars and the other six dollars

Question by defendants counsel who had wood cut and hauled for Paline during the year

Answer Philip Clana had some wood cut and hauled along with others

Question by defendants counsel did not Philip Clana furnish you at different times with fish

Answer he once furnished me with a half barrel of salt fish and at other times with small quantities say a dozen at a time

Question by defendants counsel did not Philip Clana furnish Paliince Carr and child with clothing

Answer he furnished her with three calico dresses worth about twelve cents a yard and thirty yards of cotton cloth worth six and a quarter cents per yard

Question by plaintiffs counsel Did Philip Clana ever pay you any money for the board of Paliince Carr

Answer nothing in the way of money

Question by the same what quantity of corn do you think was furnished when corn was furnished at all

Answer between three and four barrels

Question who furnished you with a house to live in

Answer. James Clana and further this deponent saith not

Sally her ✕ mark Carr

Deposition of Maria Clana Taken to be read as evidence in a suit now depending in the circuit superior court of law and chancery for Southampton county between Richd M Carr Admr of Paliince Carr dec'd and Philip Clana This deponent having been first duly sworn on the holy evangelists of Almighty God deposes and says as follows That she knows the same facts deposed to by her mother Sally Carr

Question by plaintiffs counsel what do you suppose was the value of the sugar and coffee furnished by Philip Clana

Answer not more than five dollars in all. I lived near Paliince Carr

Question by plaintiffs counsel did not James Clana and Richard Carr furnish wood to Paliince Carr

Answer they did furnish about half

Question by plaintiffs counsel did not Paliince Carr work at times for Philip Clana

Answer she did by weaving and sewing and further this deponent saith not

Mariah ✕ Clana

Southampton County, to wit

The above deposition was taken, sworn to and subscribed before me a justice of the peace for the aforesaid county on the 13th of April 1850 given under my hand and seal this 13th day of April 1850

Jno O Nicholson [Seal]

Carnes adm

v } Exhibits with bill answer of Defts.

Claud

Accounts - 5 & 76)

Patience Carr a lunatic

In account with Philip J Cloud her curator

		Dr.		Cr.	
1842					
	By cash received from Richard Darden			₰98	16
	To Cash paid Sally Carr for board	60	00		
	" Commissions on ₰98.16 at 5 pr. cent	24	90		
	" Balance	413	26		
		₰98	16	₰98	16
Dec 31	By Balance brought down			₰413	26
1843	By interest on ₰413.26 at 6 per cent			24	79
	" hire of negro Abram this year			50	00
	To Cash paid for board this year	60	00		
	" cash paid Nancy Pope account	2	00		
	" Commissions on ₰74.79 at 5 pr. cent	3	73		
	" balance	422	32		
		₰488	05	₰488	05
Dec 31	By Balance due the Ward			₰422	32
1844	" Interest on ₰422.32 at 6 per Cent			25	33
	To Cash paid for board three of nurse	65	00		
	" Commissions on ₰25.33 at 5 pr. Cent	1	26		
	" balance	380	39		
		₰447	65	₰447	65
Dec 31	By balance due the Ward			380	39
1845	" Interest on ₰380.39 at 6 per Cent			22	82
	To Cash paid for board this year	50	00		
	" Commissions on ₰22.82 at 5 pr. Cent	1	14		
	" Balance due	352	07		
		₰403	21	₰403	21
Dec 31	By Balance due the Ward			352	07
1846	" Interest on ₰352.07 at 6 pr. Cent			21	12
	To Cash paid for board this year	60	00		
	" cash paid Bishop Smith	13	25		
	" Commissions on ₰21.12 at 5 pr. Cent	1	05		
	" balance due	298	89		
		373	19	373	19

Decr	31	By amount due the Ward				298	89
1847		. Interest on $298.89 at 6 p.Cent				17	93
		To Cash paid for board this year			60	00	
		. Cash paid Clerks tickets				44	
		. Commissions on $17.93. at 5 p.Cent				89	
		. Cash paid Wm B Shands attor. fee			5	00	
		. Commissioners fee returned			2	00	
		. Balance due.			248	49	
					316	82	316 82
Decr	31	By Balance due the estate of the Ward				248	49

with Interest on the whole thereof from the 31st December 1847 till paid

Wm B. Shands Com

The Commissioner would state specially that P. J. Clauds the Curator exhibited before him an order from the County Court of Southampton allowing him to expend Sixty dollars per annum for five years.

Wm B. Shands Com

At a Court held for the County of Southampton on the 20 day of March 1848. This account of Philip J Clauds curatorship of Patience Carr was returned and ordered to lie one Term for exceptions. And at a Court held for the County aforesaid on the 17th day of April 1848. the said account having lain one Term and no exceptions being filed was confirmed and ordered to be recorded

Teste. J.R. Edwards cc

A Copy Teste J.R. Edwards cc

Patience Carr a lunatic.

In account with Philip J. Clauds her curator.

			Dr.		Cr.	
1847						
Decr	31	By balance due by former settlement			248	49
1848		" Cash from A.W. Bishop			20	66
		" Cash on board from H. J. Smith			104	00
		" interest on last years balance			14	90
		To Cash paid Sally Carr for board	50	00		
		" Cash paid for bacon for P. Carr	15	00		
		. Cash paid Clerks tickets	1	94		
		. Cash paid Wm B Shands attr. fee	5	00		
		. Commissions on $124.66 at 5 p Cent	6	23		
		. Commissioners fee returned	1	00		
		. Balance	308	88		
			388	05	388	05
Decr	31	By balance due the estate of Patience Carr			308	88

with interest from this date till paid

Respectfully Submitted

Wm B. Shands Com

At a Court held for the County of Southampton on the 16 day of April 1849. This account of Philip J. Clauds Curatorship of Patience Carr was returned and ordered to lie one Term for exceptions. And at a Court held for the County aforesaid on the 21 day of May 1849 the said account having lain on Term and no exceptions being filed was confirmed and ordered to be recorded

Teste. J.R. Edwards cc

A Copy Teste. J.R. Edwards cc

Carns adv.

vs } Exhibit answer of Defr.

Bland

Clks fee $4.72 cts.

Southampton County Court - March 20th 1848.

On motion of Philip J Eland Ordered that he be allowed to expend sixty dollars per annum for five years out of the principal of Patience Carrs estate for her support &c.

Teste J R Edwards CC

Southampton County Court - March 20th 1849.

On the motion of Philip J Eland late curator of Patience Carr - Ordered that he in his account hereafter to be rendered be allowed fifty dollars out of the principal of the said Patience Carrs estate expended for her support &c last year

Teste J R Edwards CC