

1855-006 SOUTHAMPTON COUNTY
CHANCERY PAPERS

HARRISON'S GUARDIAN VS TRADER and Wife
val 11/1855

other SURNAMES: Peete,
Warren, Cobb,

34. 30 22 20. # 9

Smith Gov.
to { Papers

Frederick Sprigg.

1835 - November

Harrison's Gov

v { Stat. Rules

Trader Corp

Henry T Smith guardian Anna J Harrison
against

Henry B Trader & Martha E his wife formerly Martha E Harrison. Anna J
Harrison & Mary E Trader. Dfts

1852 March 22^d Summons issued returnable to April Rules

" Apr. ~~24th~~ " ret? Not found.

" " 27th Bill filed. Wilson H Darden appointed go. ad litem to Dft.
Anna J Harrison.

" July R. Answer of Trader & wife & Anna J Harrison in person & by go. ad litem
Sen. Rep. to ans. Infant.

" Aug. R. Cause set for hearing as to Dfts Trader & wife & infant

" Sep. " Sup. bill filed making Mary E. Trader Dft. Wilson H Darden appt?
guardian ad litem to Martha E & Mary E Trader

" Nov. " Answer of Dfts. Martha E & Mary E Trader by go. ad litem. L. Rep. &
cause set for hearing. &c

" " Decree for Sale

1853 Feby 26th Report.

" May T. Cont

" Nov. " Decree copy rpt. & cont?

1854 May " Decree &c

1855 Nov. " Decree

Smith George
to Bill.
8
Trader gal.
mm

April Rules 1852 ^{24th} ~~Last Monday~~ 1

To the Honorable Judge of the Circuit Court
for the County of Southampton, in Chancery
sitting:

Humbly complaining sheweth unto
your Honor, your Orator Henning T. Smith
Guardian of Anna J. Harrison. That
James C. Harrison the father of said
Anna J. Harrison died many years ago,
intestate, leaving a widow, and the follow-
ing Children surviving him, to wit: Martha
E. Harrison and Anna J. Harrison. that
the widow has since died. that Martha
E. Harrison has intermarried with a certain
Henry G. Trador. and that your Orator
Henning T. Smith is the legally qualified
guardian of Anna J. Harrison an infant.

Your Orator further shews unto your
Honor that the said James C. Harrison
died seized and possessed of a certain tract
of land situate and being in the County
of Southampton, lying on the Nottoway River
and adjoining the lands of Edwin Harrison's
Heirs, of Merrill J. Davis and others, and
supposed to contain ^{two} ~~three~~ hundred and
eighty acres and estimated to be worth
from One thousand to twelve hundred dollars,
that said Martha E. Trador and Anna J. Har:

children are both infants under the age of twenty
one years, ^{but a majority of persons of age} and that they are the only heirs
of the said James C. Harrison deceased: also
that each child has negroes valued at
about \$2700. and that Henning T. Smith as
the late Guardian of Martha E. and as the
Guardian of Anna J. is indebted to Martha
E. about \$16 and to the said Anna J. in the
sum of about \$~~50~~ ^{\$120}, and this is all the estate
both real and personal to which the said
children are entitled.

Your Orator further shews unto your
Honor, that the said land yields little or
no annual income, that the interest
on the money which the land would bring
if sold, would far exceed the same, that
it is injudicious to divide the same in
kind and that it is to the manifest interest
of all parties to have a sale of the same.

In tender consideration of all which,
and for as much as your Orator is without
remedy save in this Court. To the end therefore,
that Henry G. Trader and Martha E. his wife
and Anna J. Harrison an infant of ^{years of age}, by some fit and proper
person to be appointed by the Court and later
formerly Martha E. Harrison, may be made defendants
to this Bill, and true and unvarious answers
make to all and every allegation therein contained,
as if the same were herein again repeated
and they thereto specially interrogated. that your
Honor, the premises considered, will decree

a sale of the land herein before mentioned, and
an investment of the proceeds in such man-
ner as your Honor shall think most advi-
sable, in pursuance of the act of the General
Assembly in such case made and provided,
and grant unto your Orator such other
and further relief as the nature of his
Case may require and equity dictate.
May it please you

H. T. Smith

County of Southampton, to wit:

This day Henning T. Smith
personally appeared before me, a justice of the
peace in and for the County aforesaid and made
oath that the foregoing bill contains the
truth to the best of his knowledge and
belief. Given under my hand this
day of 27th day of April 1852.

Richd. Barnett J.P.

Smith

#1 & Sup^l Bill
Fraderfal:

1852 Sept. R. L. G.

To the Honorable, the Judge of the Circuit
Court for the County of Southampton, in Chancery
sitting:

Humbly complaining shew unto your Honor,
your Orator Henning T. Smith, that he heretofore
filed in this Court, a Bill against Anna J.
Harrison and Martha E. Trader, and her husband
Henry G. Trader, the object of which was to ob-
tain an order to sell certain lands of the said
Anna and Martha.

He now represents that since the
said Bill was filed, to wit, within the last
six months the said Martha E. has given birth
to an infant, who has been named Mary E.
Trader and who would be the heiress of the said
land if the said Anna J. Harrison and Martha E.
Trader were dead.

He now prays that the said infant Mary
E. Trader may be made a party to this proceeding
and may by a guardian ad litem defend the same,
that the said land may be sold as prayed in the
original Bill and such other and further pro-
ceedings had as the law and equity require,
and he will ever pray &c. &c.

Harrison's Cdr

vs

} answer of
} Trader & wife.

Trader &c

1852 July Rules

The answer of Henry G. Trader, Martha E. his wife
and Anna H. Harrison, infant by Wilson M. Darden
her guardian ad litem and the said Wilson M. Darden
to a bill in Chancery exhibited against them and others
in the Circuit Court of Southampton County by Manning
T. Smith Guardian of Anna H. Harrison.

These defendants having answering to themselves all manner of
exceptions &c. to the said bill, for answer shunts say that
they believe the facts stated in the bill are true, and that
they have no doubt it would be to the interest of the parties
concerned if a sale of the land could be effected, But
they submit their rights of the infant defendant to the
protection of the Court - and having answered pray to be
dismissed &c.

Henry G. Trader
Martha E. Trader

Hertford County }
State of North Carolina } This day H. G. Trader & his wife
Martha E. Trader appeared before me a Justice of
the peace for the said County and made oath
that the facts stated in the foregoing answer
are true. Given under my hand this the first
day of May 1832.

John Lawrence (J.D.)

State of North Carolina.

I, Louis M. Casper, Clerk of the Court of Pleas
and Quarter Sessions of Hertford County, do hereby certify, That John V. Simons
before whom the within affidavit of Henry G. Tucker & wife
Elizabeth E. Tucker was made is an acting Justice of the Peace
for said County, duly Commissioned and Qualified as such.

In Testimony whereof, I have hereunto Subscribed
My Name, and affixed the Seal of my Office
at Winton, this 1st day of May A.D. 1852.

L. M. Casper Clerk

The answer of Wilson H. Borden, the guardian ad litem of Anna J. Harrison, to the Bill of complaint of William J. Smith, guardian of Anna J. Harrison, exhibited in the Circuit Court of Southampton against the said Anna and others.

The said Borden guardian &c says that he well knows the land in the Bill spoken of and the infant and her sister, and is well acquainted with their circumstances.

He accords entirely with the plaintiff, the guardian of the infant that the land will now sell for a sum which will bring in interest more than the rent of the land, that the improvements are decaying and the land declining in value. He states this from the knowledge of the actual rent at this time or public auction and from a knowledge of the sum which it will or least bring, and from the actual state of the plantation which admits his own

He answers further that he is not a relation of any of the parties nor in any way interested in the premises; and merely makes this answer from a desire to accommodate and benefit those whose interests and involved

Wilson H. Borden

Southampton County Court

This day Wilson

H. Darden appeared before me, in the County
of Southampton, for which I am a justice, and
made oath that the facts stated in the fore-
going answer are true.

Given under my hand this the
4th day of May 1852

James Magill (J.P.)

Harrison's son

is } answer of
Anna J. Harrison

Freder J.

1852 July 1st

1852 July 1st

The Answer of Anna J. Harrison, an infant of the age of fourteen years and onond to the Bill of complaint exhibited against her and others, in the Circuit Court of Southampton by Henry J. Smith, her guardian. This defendant, saving & reserving &c for an answer says that she believes the facts stated in the Bill, and believes it would promote her interest, if the land could be sold.

But she is of too tender age to understand her rights and interests and she submits them to the Court and asks its protection.

And having answered she prays to be heard dismissed &c

Anna J. Harrison.

Southampton County, To wit. This day Anna J. Harrison, appeared before me, a justice of the peace for the said County, within the same and made oath that the facts stated in the foregoing answer are true.

Given under my hand this the 4th day of May 1852

James May Jr JP

Smith } Ans. of In front
Hades }

1852 November Rules

The answer of Mary E. Hader by Wilson Darden
her guardian ad litem to the bill of complaint of Hen-
ning I. Smith exhibited in the Circuit Court of South-
ampton against Martha E. Hader &c

The said Mary E. Hader saying and answering all
benefit of exception &c for answer says that she be-
lieves the facts stated in the bill are true; but being
an infant she submits her rights to the protection
of the court, and having answered she prays her case
to be dismissed

Mary E. Hader by her guardian ad litem
Wilson, W. Darden

Smith John Harrison
U.

Trader's

Answer of
Harrison's Trader

1852 November Reel

The Answer of Wilson McRarden, the Guardian ad litem of Martha E. Trader to the Bill of Complaint of Menning F. Smith, guardian of Anna J. Harrison, exhibited in the Circuit Court of Southampton against the said Martha E. Trader and others.

The said Darden guardian says that he well knows the land in the Bill spoken of and the infant and her sister, and is well acquainted with their Circumstances.

He accords entirely with the plaintiff, the guardian of the infant Anna J. Harrison, that the land will now sell for a sum which will bring in interest more than the rent of the land, that the improvements are decaying and the land declining in value. He states this from the knowledge of the actual rent at this time at public auction and from a knowledge of the sum which it will at least bring. and from the actual state of the plantation which adjoins his own.

He answers further that he is not a relation of any of the parties, nor in any way interested in the premises, and merely makes this answer from a desire to accommodate and benefit those whose interests are involved.

Wilson. M. Darden

Southampton County, to wit:

This day personally appears before me a justice of the peace in and for the County aforesaid, Wilson M. Darden, who made oath that the facts stated in the foregoing answer are true.

Given under my hand this 25th day of Oct. 1852.

Joseph D. Gillitt J.P.

Smith g'd'n of
Harrison

U. S.

Trader &als

Answer of

Martha Trader

The Answer of Martha E Traden ^{wife of Henry B. Traden} formerly M
E Harrison. an infant of the age of fourteen
years and more ^{by her next friend Henry B. Traden} to the bill of Complaint
exhibited against her and others in the
Circuit Court of Southampton by Henry
Smith ^{her guardian} This defendant, saving
and reserving ~~to~~ for answer says that she
believes the facts stated in the bill and believes
it would promote her interest if the land
could be sold

But she is of too tender years to understand
her rights and interests and she submits them
to the court and asks its protection and
having answered she prays to be hence dis-
missed

This day Martha E Traden
appeared before me a
Justice of the peace for the said county and
made oath that the facts stated in the
foregoing answer are true Given under
my hand this the 1 day of Nov 1852
Elyah Joyner J.P.

Harrison's M^r

U. S.

Trader's

To be entered

R. H. Baker

Note for record

Nov. 6. 1852.

Harrison's b'dm

v. s.

Trader & wife v. s.

This day this cause came on to be heard on the Bill, the answer of Trader & wife, the separate answer of Martha E. Trader, ~~the~~ answer of Anna J. Harrison, the said Martha E. Trader and Anna J. Harrison being infants over 14 years of age, the answers of the guardian ad litem of the said Martha E. Trader and Anna J. Harrison, in his own proper person, the answer of M. E. Trader by her guardian ad litem, the Replications to the said answers, and the examinations of witnesses, and was argued by

counsel; On consideration whereof it appearing to the Court that the interest of the infant defendants will be promoted by the sale of the land in the proceedings mentioned and the rights of no person be violated thereby, the Court doth order and decree that George W. Rute Rute, Wilson H. Darden & Henry J. Smith, any two of whom may act

who are hereby appointed commissioners for that purpose, make sale of the said land, after posting notice of the time & place of the sale, on the Court House door of Southampton County on a court day preceding the sale, and also at one or more places in the neighborhood, and advertising the same for four weeks, in some newspaper published in the City of Norfolk or Petersburg, on the premises, at public auction, to the highest bidder, on a credit of one and two years, in equal installments unless the same can be sold privately for two hundred dollars and it is further ordered that the commissioners take of the purchaser, bond, with good security, for the purchase money; until the payment of which the title is retained & that they return to the Court the said bonds and make report of their proceedings.

(X)

In Southampton County, January 17. 1853.

On the motion of Harrison D. Moore who is bound in this Court as security for Hemming T. Smith for the faithful discharge of his trusts as guardian of Anna J. Harrison for a new bond with security. It appearing to the satisfaction of this Court that the said Hemming T. Smith has had legal notice of this motion, he was solemnly called, but came not: Therefore it is considered by the Court that he appear here instantly (and enter into a new bond in the penalty of two thousand dollars with sufficient security, (and the said Hemming T. Smith failing to enter into the bond as aforesaid, it is ordered that he be discharged from his office or trust as guardian aforesaid. Whereupon the Court assigned Harrison D. Moore guardian to the said Anna J. Harrison. And thereupon he gave bond (and security according to Law.

Attest,

Teste,

Henry S. Howard, D.C.

Harrison's In

W. S.

Trader & others

To be entered

R H. Baker

No. Term 53

Harrison & Co

V. S.
Traders & Co

This day, this cause came on to be further heard
on the papers formerly read and the report of com-
missioners, George. W. Peete and Thos. J. Smith,
made pursuant to a decree entered herein on the 10th day Nov 1852
to which ~~to which~~ ~~there being~~ no exceptions ~~there as appeared~~
have been filed, & was argued by counsel on consideration ~~being~~
~~and confirmed~~. And the Court, approving the said report,
doth confirm the said report.
~~Made by the said commissioners, of the same in the~~
~~proceedings mentioned, as made by Traders in the report~~
~~mentioned, doth satisfy the same and as it is~~
~~binding and stable.~~

And as to all other matters this cause is continued.

Smiths
as } Jones
Hood 21

To be entered

R. H. Baker
May Co. 1854

1854 May Term

Smith
vs Deer
Hader &c

This day this cause came on for opinion to be heard on the papers formally read and on a copy of an order of the County Court of Southampton herewith filed marked (H) On consideration whereof the Court having satisfactory evidence that Harrison & Moore has been appointed and qualified as the guardians of Anna I Harrison with adjudge order and decree that the Defendant Henry S Hader pay to the said Harrison & Moore guardians of Anna I Harrison one half the amount due on the bond executed on the 1st day of February, 1853 to Commissioner Amos Pette by Henry S Hader with James M Hader & Perry Carter his securities for \$576 payable twelve months after date, and that the Clerk of this Court deliver the said bond to the said Henry S Hader as soon as the said payment shall be made, and the Court doth further adjudge order and decree that the said Harrison & Moore loan out the amount received by them under this decree taking good care or personal security for the benefit of the said Anna I Harrison. But this decree is to be suspended until the said Harrison & Moore execute in the County Court of Southampton County as guardians of the said Anna I Harrison an additional bond with sufficient security in such persons as the said County Court may deem proper conditioned according to law

Smith & Co,
as Secs
Haders wife

To be entered

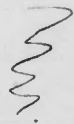
R. H. Baker

Nov. Court 1855.

Smith S^d, &c.

vs

Traders & wife



The Plff Henry J Smith having died since this cause was heard and Henry M Smith having qualified as his Exor on motion it is ordered that the suit proceed in the name of the said Exor, and the infant Defendant Anna J Harrison having attained the age of seven & one year since the cause was heard on motion it is ordered that the suit proceed in her name and the cause come on to be further heard on the papers formerly read, and it appearing to the Court that the moiety of the bond directed to be paid by the Defendant Henry S Traders by the order of the May Term 1854 is still unpaid and that the other bond returned by Commissioners Smith and Peete has become due since this cause was last heard, on consideration thereof the Court doth as judge order and decree that the Defendant Henry S Traders pay to the said Anna J Harrison the sum of \$570 with interest on \$285 part thereof from Feb 14 1854 and on \$285 the balance thereof from Feb 14 1855; and that the clerk of this Court deliver the said bonds to the said Henry S Traders as soon as the said payment shall be made; that so soon as the said Henry S Traders shall pay the said sum above mentioned the said Commissioners Peete convey to him the said tract of land with special warranty; and that the said Henry S Traders and Anna J Harrison pay in equal proportions the costs of this suit

Harrison's gr.

to } Co. Dene
Frader & p

Southampton Circuit Court - November 10th 1855

Henning T Smith guardian of Anna J Harrison
against

Plff

Henry G Trader & Martha E his wife formerly Martha E Harrison
Anna J Harrison & Mary G Trader

Defrs

The plaintiff Henning T Smith having died since this cause was heard and Henning M Smith having qualified as his executor. On motion it is ordered that this suit be proceeded in the name of the said Exor. And the infant defendant Anna J Harrison having attained the age of twenty one years since the cause was heard. On motion it is ordered that the said suit proceed in her name. And the cause came on to be heard on the papers formerly read, and it appearing to the Court that the moiety of the bond directed to be paid by the Defendant Henry G Trader by the order of the May Term 1854 is still unpaid and that the other bond returned by Commissioners Smith and Puts has become due since this cause was last heard. On consideration thereof, the Court doth adjudge, order and decree that the Defendant Henry G. Trader pay to the said Anna J Harrison the sum of \$570. with interest on \$285. part thereof from Feb'y 1st 1854 and on \$285. the balance thereof from Feb'y 1st 1855, and that the Clerk of this Court deliver the said bonds to the said Henry G. Trader so soon as the ^{said} payment shall be made and that so soon as the said Henry G. Trader shall pay the said sums above mentioned the said Commissioner Puts convey to him the said tract of land with special warranty and that the said Henry G. Trader and Anna J Harrison pay in equal proportions the costs of this suit.

A Copy

Teste.

L R Edwards Cg

Received of Henry B. Truder the sum of five hundred & twenty dollars with interest to this day
in full of the within debt. - Nov 15/1855

Witness

Geo. L. Keenard.

Anna J. Hanson

Harrison's Box

to Same Chy

Trades & Wife

1852 April Rules

not found
Wm. L. L. L. L. L.
L. L. L. L. L. L. L.

The Commonwealth of Virginia,

Printed at the "Intelligencer" Office, Suffolk.

To the Sheriff of Southampton County—GREETING:

WE COMMAND YOU, That you ~~take~~ *Summon Henry G. Trader & Martha E*
his wife formerly Martha E Harrison & Anna J Harrison To appear -

~~it~~ ~~be found within your bailiwick, and~~ ~~safely keep, so that you have~~
~~not~~ at the Clerk's Office of our Circuit ~~Superior~~ Court of ~~Law and Chancery~~ for said
County, at Rules to be holden for said Court, on the first Monday in *April next to*
answer all bills in chancery exhibited against them in our said Court by
Samuel J. Smith Guardian of Anna J Harrison

And have then there this Writ.—Witness, LITTLETON R. EDWARDS, Clerk of our said Court,
at the Court House, the 22nd day of *March* 1852, in the 76th year
of the Commonwealth.

L.R. Edwards Clk

The Commonwealth of Virginia,

Printed at the "Intelligencer" Office, Suffolk.

To the Sheriff of Southampton County—GREETING:

WE COMMAND YOU, That you ~~take~~ *Summon Henry G Trader and Martha G*
his wife to appear formerly Martha E Harrison and Anna J Harrison to appear

~~if~~ *be found within your bailiwick, and* ~~safely keep so that you have~~
~~and~~ at the Clerk's Office of our Circuit ~~Superior~~ Court of ~~Law and Chancery~~ for said
County, at Rules to be holden for said Court, on the first Monday in *April next to answer*
a bill in chancery exhibited against them in our said Court by Humming T
Smith Guardian of Anna J Harrison

And have then there this Writ.—Witness, LITTLETON R. EDWARDS, Clerk of our said Court,
at the Court House, the *22^d* day of *March* 18*52*, in the *76th* year
of the Commonwealth.

L. R. Edwards

The Commonwealth of Virginia,

Printed at the "Intelligencer" Office, Suffolk.

To the Sheriff of Southampton County—GREETING:

WE COMMAND YOU, That you ~~take~~ *Summon Henry Trader & Martha &*
his wife formerly Martha & Harrison & Anna J. Harrison to appear

~~is~~ ~~be found within your bailiwick, and~~ ~~safely keep so that you have~~
~~had~~ at the Clerk's Office of our Circuit ~~Superior~~ Court of ~~Law and Chancery~~ for said
County, at Rules to be holden for said Court, on the first Monday in *April next to answer*
a bill in Chancery exhibited against them in our said Court by Henry J
Smith Guardian of Anna J. Harrison

And have then there this Writ.—Witness, LITTLETON R. EDWARDS, Clerk of our said Court,
at the Court House, the 22nd day of *March* 1852, in the 76th year
of the Commonwealth.

L. R. Edwards

I acknowledge receipt of the
note within May 1st 1832
H. G. 17000
Master & Trader

I acknowledge receipt of the note within
May 4th 1832 Wilson, W. Warden

Smith & Co. Jr.
#2 Notice
Trader gal:

Smith & Dr. Hamson

v.

Traders & Co.

Notice

To Henry G. Trader and Martha E. his wife, formerly
Martha E. Harrison and Wilson K. Darden
Guardian ad litem of Anna J. Harrison and
Martha E. Trader.

Take Notice that I shall proceed on
the 25th day of October 1852, between the rising
and setting of the sun, at the house of H. T. Smith
to take the depositions of
certain witnesses

to be read as evidence in the suit now depending in
the Chancery side of the Circuit Court for the County
of Southampton in which I am plaintiff and
you are defendants.

And if from any cause the said
depositions should not be taken, or, being begun,
should not be concluded, at the time and place
above named, the same will be taken or
the taking continued, at such other time
and place as may be then appointed, adjourn-
ing from time to time ^{from} and place to place,
as often as may be necessary.

Oct 1st

1852.

Yrs &c

Henning T. Smith Son
of Anna J. Harrison
by his Counsel.

I acknowledge the sum of the within
notice

H. G. Faden

M. C. Faden

Wilson. W. Warden

Smith & Co

v. 1. 3 Depositions

Traders

1871

The Depositions of George W. Peete and
William G. Warren
taken on the 4th day of May 1852 in Cam-
sater, Southampton, to be read as used
in the presence of Henry J. Smith and
Wilson H. Darden, to be read as evidence
in the suit now depending on the Chancery
side of the Circuit Court of Southampton
in which H. J. Smith is plaintiff and Henry
G. Trader and Martha E. his wife and
Anna J. Harrison & Wilson H. Darden
opondian ad litem of said Anna are de-
fendants

The defendants being first duly sworn
on the Holy Evangelists of Almighty God
depose & say in answer to interrogatories
propounded to them as follows viz:

Question 1st Do you know Martha E. Trader
formerly Harrison and Anna J. Harri-
son, daughters of the late J. C. Harrison?
are they the only children, who survived their
father James C. Harrison, or were there
others? did he have any other children
who left issue?
Did he leave a widow? is she now alive?

Answer - We do - they are the only children
now surviving, their father J. C. Harrison
he had no other children who left
issue - he left a widow who is
now dead:

Question 3^d What would the land belonging to the said Martha E. Strader and Anna I. Harrison, on Notoway river sell for? What is its annual rent? Is it rising or declining in value? Give your reasons for your opinion

Answer - we do not think the place worth more than eight hundred dollars and I Geo. W. Dutton contemplates its purchase, carefully looked at it before the sale, and concluded that that amount was the extent of its value. I have recently learned that the land can be sold for thirteen hundred dollars - and we think it would greatly promote the interest of the heirs of Geo. W. Dutton to sell it for that amt.

Question 4th Would the land bear division well or not?

Give your reasons

~~It is not~~

Answer - we do not think it could be judiciously divided because all the timber, for fencing purposes, is on one side of the plantation. Neither part would be maintainable by itself. And the buildings would be, on one side where there is no timber for repairs or improvement - We think it is daily declining in value, because - as a general rule all land is apt to depreciate from being rented or leased; we do not think the annual rent, worth more than thirty dollars, and that is insufficient to keep up repairs. We are

firmly convinced of the propriety of selling the land.

Geo. W. Dutton

Wm. G. Harrison

Va Southampton Is wit:

I hereby certify that this day personally appeared before me a justice of the peace for the said county within the same in Chancery George. W. Peete and William G. Harrison who gave and subscribed the foregoing depositions, being first duly sworn; and I further certify that H. J. Smith and Wilson B. Darden guardian ad litem of Anna I. Harrison were present at the taking of the said depositions given under my hand this 4th day of May 1852 -

Jonathan Darden, J. P.

Smith Gdn Gr

2 Testimony

Trader gal:

The deposition of Etheldred Warren

taken on the 4th day of May 1852, at
Elijah Soyner's Store in Southampton County
to be read as evidence in the suit now depending on
the Chancery Side of the Circuit Court for the County
of Southampton, in which Hemming T. Smith Guardian
of Anna S. Harrison is plaintiff and Henry G.
Trader and Martha E. his wife and Anna S.
Harrison by Wilson H. Darden her guardian
ad litem are defendants.

The deponents being first duly sworn
in the Holy Evangelist of Almighty God depose and
say, in answer to interrogatories propounded to
them, as follows:

Deposition of Etheldred Warren

Question 1st by plaintiff counsel. Do you know Anna S.
Harrison and Martha E. Trader, formerly Harrison,
daughters of the late C. C. Harrison? Are they the
~~only~~ only children, who survived their father James
C. Harrison, or were there others?

Answer. I know Anna S. Harrison, and
Martha E. Trader formerly Harrison
They are the only children of James C.
Harrison who survived their father

Question 2nd by Same. Did he ever have any other children
who left issue?

Answer. No! none other

Question 3rd by Same. Did he leave a widow? Is she
now alive? ~~He left a widow but~~

Answer. He left a widow but, she
is now dead

Question 4th by Same. What would the land belonging to the said Martha E. Trader and Anna I. Harrison on Rottoway river adjoining the land of Merrill Dairs, sell for? What is its annual rent? Is it rising in value or declining?

Answer. It was advertised & sold at public auction on 29th Dec^r. last & bid in by order of - Mr. Trader one of the parties interested at about \$1200 dollars. I thought then & still think that a very high price & advised the heirs to let it go at that price. I think the land worth about \$1000. It was rented out this year for \$41. & is depreciating in value very fast.

Question 5th by Same. Would it bear division well? or would it be injured by division?

Answer. I do not think it would bear dividing without injury to the heirs, on account of its situation, in regard to rail timber & fire wood &c.

Question 6th by Same. State fully and precisely your reasons for the opinion that the interest of Martha E. Trader and Anna I. Harrison would be promoted by the sale, as well as to the probable decline in the value of the land as the difficulty of dividing it advantageously?

Answer. The buildings are going to decay very fast & there is not timber enough upon the tract to keep up the fences nor fire wood to support the place. I do not think said land will rent the next year for enough to repair the fences, & I therefore think it would be greatly to the interest of the heirs

to have the land sold

And further this deponent sayeth not.

Ethelred Warner

The deposition of Leonard Cobb who after being duly sworn upon the Holy Evangelist of Almighty God and being present & having heard the whole of the within questioning propounded deposeth and sayeth the same and corroborates the opinion that the heirs would be greatly benefited by having the land sold at this time & further this deponent sayeth not.

Leonard ^{his} Cobb
Marl

Virginia Southampton County, to wit,

This day personally appeared before me a justice of the Peace of the County aforesaid at the store of Elijah Ingram in said County Ethelred Warner & Leonard Cobb who gave and subscribed the foregoing depositions being first duly sworn, & I further certify that Wilson H. Darden Guardian ad litem of Anna Harrison was present at the taking of the foregoing depositions.

Given under my hand this 4th day of May 1852

James May Jr. (JP)

Smith's Ldn 34
To J. Testimony
Trader gal:

Came to hand sealed October
27 1852 LRG

The depositions of Eliza Warner & Martha I
Smith

taken on the 25th day of of Oct 1852, at the house
of H I Smith

to be read as evidence in the suit now depending on
the Chancery side of the Circuit Court for the County of
Southampton, in which Henning T. Smith Guardian
of Anna J. Harrison is plaintiff and Henry G. Trader and
Martha E. his wife and Anna J. Harrison and the
said Martha E. Trader by Wilson H. Darden her
Guardian ad litem are defendants.

The deponents being first duly sworn on the Holy
Evangelist of Almighty God depose and say, in answer to
interrogatories propounded to them, as follows:

Deposition of

Question 1st by plaintiff. Did you know the late
James E. Harrison? Do you know the land of which he
died possessed on Wottonway River in Southampton and which
now belong to his children Mrs Trader and Miss Anna
J. Harrison? Did he acquire this land through
his wife or not?

Answer. We knew James E. Harrison, also the land
of which he died possessed; He did not acquire it through
his wife

Question 2nd by same. Do you know Anna J. Harrison
and Martha E. Trader formerly Harrison, daughters of the
late J. E. Harrison? Are they the only children, who survived
their father James E. Harrison, or were there others?

Answer. We do know them; They are the only
children of their father

Question 3rd by same. Did he ever have any other children who left issue?

Answer. He did not

Question 4th by same. Did he leave a widow? Is she now alive?

Answer. He left a widow who is now dead

Question 5th by same. What would the land belonging to the said Martha E. Trader and Anna J. Harrison on Watterway river adjoining the land of Merritt Davis, sell for? What is its annual rent? Is it rising in value or declining?

Answer. It would sell for between \$900 and \$1000 it rents for about \$40. It is declining in value.

Question 6th by same. Would it bear division well? or would it be injured by division?

Answer. It would be injured by division

Question 7th by same. State fully and precisely your reasons for the opinion that the interest of Martha E. Trader and Anna J. Harrison would be promoted by the

sale; as well as to the probable decline in the value of the land as the difficulty of dividing it advantageously?

Answer. The fences & buildings are rotting down very fast and it is declining in value every year. The location of the plantation is such that it could not be divided to advantage, and it would without doubt be much to the advantage of the parties interested that it should be sold. E. H. Warren.

Martha G. Smith

Southampton County to wit
I hereby certify that this day appeared before me a Justice of the peace for the said County at the house of Hemming St. Smiths Etheldred Warren and Martha G. Smith who gave and subscribed the foregoing depositions, being first duly sworn, I further certify that Wilson H. Gordon Guardian ad litem for Martha E. Trader and Anna J. Harrison was present at the taking of the above depositions this the 20th day of Oct. 1852 time 7 hours & 3.25
Joseph E. Gillette J.P.

Smiths gr.
= } Dr Pub.

Truder +^o

1855 May 2^d

COMMISSIONER'S OFFICE, Jerusalem, Va.,
January 1st, 1855.

To Josiah Manvy, a non-resident of this State.

You are hereby notified, that I have fixed upon the 20th day of February next, to take and settle, at my office, the account of the transactions of Henning T. Smith, dec'd, as guardian of Anna J. Harrison, required to be taken by the decree of Southampton Circuit Court, rendered at November term, 1854, in a suit in Chancery depending in said Court, in which Harrison W. Moore is plaintiff, and you and others defendants: at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.
Ja 4-1855 WM. B. R. Comm'r.

City of Petersburg to Wit-

This day personally appeared before me
An Alderman of the City of Petersburg,
H. H. Harris, who made oath that
Commissions Notary of which the annexed
is a copy has been inserted in the
South Side Democrat, a newspaper
published in the City aforesaid, once
a week for four weeks, successively
Given under my hand and seal this
13th day of April 1855 Eight hundred
& fifty five

W. J. Jones
Mayor

Printed Feb 20

1853 Feb 26. Rep. etc.

Narrison's Con:
3 { copy Decue
Trader Jr

In Southampton Circuit Court, November 10th, 1852.

Henning T. Smith guardian of Anna J. Harrison, Plff.

against

Henry B. Trader, & Martha C. his wife formerly Martha
E. Harrison, Anna J. Harrison & Mary C. Trader. Defts.

This day, this cause came on to be heard on the Bill, the answer of Trader wife, the separate answer of Martha C. Trader, the answer of Anna J. Harrison, the said Martha C. Trader and Anna J. Harrison being infants over 14 years of age, the answers of the guardian ad litem of the said Martha C. Trader and Anna J. Harrison in his own proper person, the answer of M. C. Trader by her Guardian ad litem, the replications to the said answers and the examinations of witnesses and was argued by counsel, On consideration whereof it appearing to the Court that the interest of the infant defendants will be promoted by the sale of the land in the proceedings mentioned and the rights of no person be violated thereby the Court doth adjudge, order and decree that George W. Seate, Wilson H. Darden and Henning T. Smith, any two of whom may act, who are hereby appointed Commissioners for that purpose make sale of the said land after posting notice of the time & place of sale on the Courthouse door of Southampton County, on a Court day preceding the sale, and also at one or more places in the neighborhood and advertising same for four weeks in some Newspaper published in the City of Norfolk or Petersburg on the premises, at public auction to the highest bidder on a credit of one and two years in equal instalments unless the same can be sold privately for twelve hundred dollars, and it is further ordered that the Commissioners take of the purchaser bond with good security for the purchase money, until the payment of which the title is retained, and that they return to the Court the said bonds and make report of their proceedings.

A Copy

Teste Henry S. Howard, J.C.

In obedience to the above copy of a decree in the suit
of Smith guardian of Harrison against Trader wife & others
we the undersigned two of the Commissioners appointed
to make sale of the land in the proceedings
in said suit mentioned, report that we did on
the first day of February 1853, sell privately
as directed by the said decree the said land
to Army B. Trader for the sum of two hundred
dollars, payable in one and two
years equal instalments; for which amount
after deducting commissions & cost of sale we
have taken his bonds payable as aforesaid
in one and two years, with James M. Trader &
Perry Carter as his securities, which bonds we
herewith return to Court as directed by
the decree of aforesaid

Respectfully reported

} Commissioners
H. J. Smith
Geo. L. Cole

Amount of purchase	\$1200.00
deduct amt. 3 rd for ch	50.00
	<u>\$1140.00</u>
2 Bonds \$570.00 each	<u>1140.00</u>

Received Nov. 13/1855 of the Clerk of the Circuit Court of Southampton
County the two bonds returned by the Commissioners with the annexed report
amounting to \$570 each one due 1st Feby 1856 and the other the 1st day of
Feby 1855

W. G. Fruder

Harrison's Gov.

to } Order.

Trudeau & Co

At Rules held in the Clerk's Office of the Circuit Court of Southampton County on the last Monday in April (being the 26th day of the month) 1852

Humming T. Smith guardian of Anna J. Harrison

against

Plff

} In Chancery

Henry G. Trader and Martha C. his wife. & Anna J. Harrison Dfts

On the motion of the plaintiff by his Counsel Wilson St. Darden is appointed guardian ad litem to the Defendant Anna J. Harrison to defend her in this suit. And it is ordered that notice be given the said guardian of his appointment by serving him with a copy of this order.

Attest

Teste L. R. Edwards Clk

Harrison Jr

Tractor Jr

Executed Oct. 1/1852 by

delivering him a copy.

J. Wells Shiff.

At Rules held in the Clerk's Office of the Circuit Court of Southampton
County on the 6th day of September 1852.

Henning T Smith guardian of Anna J Harrison
against

Henry G. Trader & Martha E his wife Anna J Harrison &
Mary E Trader

Plff } In Chancery
D

On the motion of the plaintiff by his attorney Wilson H Darden is appointed guardian ad litem to the infant defendants Martha E Trader & Mary E Trader to defend them in this suit. And it is ordered that notice be given the said guardian of his appointment by serving him with a copy of this order

Attest

Teste. L R Edwards *clerk*

Gov. Bond.

Harrison Gov.

~ }

Trader &c

Filed by H.D. Moore Jr. May 20th
1854.

Southampton County Court May 15th 1854.

Harrison D Moore with Lewis Worrell & E. W. Mafsenburg his securities this day entered into an additional bond in the penalty of Eight thousand dollars conditioned according to law, as guardian of Anna J Harrison.

Know all men by these presents that we Harrison D Moore, Lewis Worrell & E. W. Mafsenburg are held and firmly bound unto the Commonwealth of Virginia in the sum of Eight thousand dollars, to the payment whereof we bind ourselves, our heirs, executors and administrators jointly and severally, firmly by these presents. Sealed with our seals and dated this 15th day of May 1854.

The condition of the above obligation is such that if the above bound Harrison D Moore as guardian of Anna J Harrison orphan of James C Harrison dec^d shall faithfully discharge the duties of said office or trust according to law then the above obligation to be void or else to remain in full force and virtue.

Signed, sealed and acknowledged
in the presence of the Court }

Harrison D Moore (Seal)
Lewis Worrell (Seal)
E. W. Mafsenburg (Seal)

Copy.

Teste.

J R Edwards