

1855-009

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JAMES LENOW'S ADM'R VS. FRANCES LENOW'S
ADM'RS et al
1855

other surnames: Doles
Joyner, Edwards,
Hood, Holland

40 22.

Lenors adm.

to } Papers.

Lenors adm.

Linors adm

Stat. Rules

Linors adm?

Colk - - -	\$ 7.34
Exh'ts - -	698
Shff - - -	3.50
Cow - - -	12.00
	\$ 29.70
W. Far - -	75
	\$ 30.45

In Southampton Circuit Court.

Allen Edwards admr. James Senor

against

Joseph P. Holland & John M. Holland admrs with the will annexed of Francis Senor. d'c.
Patrick Dole & Harrison Jayner.

1854 Jan'y 18th Summons issued returnable to February Rules

" Feb'y R. Summons ret. Caused.

" Mar. " Bill filed & decree nisi to Df's.

" Apr. " Bill taken for confessed

" " (Last Monday) Cause set for hearing &c.

" Nov. 8th Ansr. of Df's. Hollands. Rep. Decree for Acct.

1855 Mar 31st Rept.

May 8th Decree &c.

Senow's adm.

as $\frac{1}{3}$ Bill

Senow's adm's &

1854 March Rules.

To the Honorable Richard B. Baker judge of the
Circuit Court of Southampton County.
In Chancery.

Humbly complaining sheweth unto your honor, your
complainant Allen Edwards admr. of James Senow decd.,
that "Frances Senow of Southampton County, Virginia,
departed this life sometime in the month of May
1850, after having duly made and published her
last will and Testament, whereby she gave to James
Senow, your Complainant, intestate, one thousand
dollars, on these conditions; "that as a law suit was
then pending in the Court of Appeals in which Jacob
Senow was plaintiff and the said Frances Senow
defendant, should judgment go against her, then
the amount of the judgment is to come out of
the one thousand dollars abovementioned". That since
the death of the said Frances Senow the said suit
referred to in said will, has been decided by the
Court of Appeals against the said Jacob Senow,
and consequently her estate will not have to pay any
thing. All of which will appear from a copy of the
Decree of the Court of Appeals in said suit herewith filed
as an exhibit marked A.

"That the will of the said Frances Senow was
duly admitted to record in the County Court of
Southampton County on the 15th day of July 1850, as
will appear from a copy of said will herewith filed
as an exhibit marked B; And W^m D. Wood the
executor therein named having refused to take upon
himself the burthen of the execution thereof, administra-
-tion on her estate with the will annexed was granted
to Joseph S. Holland and John M. Holland who
made oath, and entered into and acknowledged bond
in the penalty of six thousand dollars conditioned
according to law, with Patrick Dole and Harrison

Joynes their securities, as will appear from a copy of said bond herewith filed as an exhibit marked C.

That since the death of the said Frances Senow, the said James Senow has departed this life intestate, and at the July term of the County Court of Southampton County 1853, administration on his estate was granted to your complainant who qualifies according to law.

Your complainant further states that assets more than sufficient to pay all the debts and legacies of the said Frances Senow, came into the hands of her said admr.; That her debts were but trifling and have long since been paid off, and that there are now abundant assets in the hands of her said admr. applicable to the payment of the aforesaid legacy. But the said administrators did not pay to the said James Senow in his lifetime the said legacy, and although, since his death, your complainant has frequently applied to them for payment of the same, they have on various pretexts refused to do so.

In tender consideration of the premises and in as much as your complainant is without remedy save in this honorable court, to the end therefore that justice may be done, it is prayed that Joseph S. Holland and John M. Holland admrs. with the will annexed of Frances Senow decd. Patrick Doler and Harrison Joyner be made parties defendants to this bill, and that the said parties may full answer make to all and singular the premises, fully and particularly, as though the same were repeated and they specially interrogated. That the said Joseph S. Holland and John M. Holland admrs. as aforesaid shall say whether there are assets in their hands applicable to the payment of the aforesaid legacy; that all necessary accounts

may be ordered; and that the said Joseph S. Holland and John M. Holland admrs. with the will annexed of the said Frances Senow decd. shall pay to your complainant the said legacy of one thousand dollars with interest thereon from the time when they ought to have paid it; and if they are not able to pay the same, that Patrick Doler and Harrison Joyner shall be compelled to do so; And that such further and general relief may be given him as equity and the nature of the case may require; And that Subpoenas may issue and they will ever pray &c.

Cobb p. g.

6th

\$6.18

Shft

2.00

Saw W

15.75

23.93

The Answer of Joseph S. Holland and John M. Hol-
land executors of Francis Lennow Sr., to a Bill filed against
them by Helen Edwards ad. of James Lennow ad.

These respondents saving & excepting v: for Answer to so much
of said Bill as they are advised it is material for them to
answer, say that they are the executors of Francis Lennow Sr.
who by her last will did bequeath a legacy of \$1000, upon
the conditions therein expressed, but they do not admit that
the difficulty arising out of that Condition^{as stated in writ}, or the condition itself
has happened. The exhibit filed shows that Francis Lennow was
no party to that suit. It will be necessary to detail the
circumstances of that suit before the terms of the condition
of the payment of the said legacy is rendered. There was
a suit as that exhibit shows, pending in the court of St. Hampton
by Jacob Lennow v. Jas. & Joseph Lennow, ^{which was the suit referred to by the Francis Lennow in the will} the object of which was
to subject the interest in Remainder of Joseph Lennow a security
for James, in certain other slaves of Francis Lennow, to the payt.
of a debt due Jacob, on which interest Francis Lennow claimed
by purchase of Joseph. The issue in that court was that this
interest be sold to pay the debt of ^{to said} James Lennow; and for
this an appeal was had & remitted as is stated in the Bill.
Now the Condition of the said will is obvious enough, Francis
Lennow meant to say, that if she in any wise lost that interest
in the said other negroes, ^{if} the same should be made to pay
the debt of James Lennow, that in any such event the value
of such interest should be taken for the \$1000 legacy - your
respondents state, that there is now pending in the Circuit Court
of Isle of Wight a suit springing out of this same suit in the
Court of Appeals to recover this ~~same~~ same interest, or the
negroes which were allotted as Joseph Lennow's on the death
of Francis Lennow - and if that suit should be decided on an
appeal taken for the said same interest then in Isle of Wight
in favor of the respondents, that it will occasion the loss of
the said interest of Joseph Lennow, to Francis Lennow's estate, which
they say is the real condition designed by the said testator and is

The said will referred to: That is to say, if ~~the~~ ^{if she should} ~~the~~ ^{the} Interest should be left to her, or ^{if she should} be made to pay the
 debt due from James Lenox, that then in such event, the same
 should be deducted from the legacy; and your respondent state
 that if the appeal taken in the ^{said} ~~the~~ ^{case} now pending in the court
 above referred to, brought by Chamberliff & Rayland ~~against~~ ^{vs} ~~them~~ (the
 pretended purchasers under the decree of the court in Dr. Hampton
 of which the exhibit ~~(with the will files)~~ shows the result of, in
 the Court of Appeals or the Appeal thereon taken) - shall be decided
 against the respondents as executors of Frances Lenox, then will be a
 loss to the estate of Frances Lenox ~~of the~~ ^{of this interest}, & the same
 eventually will be made to pay ~~the debt~~ ^{the debt} of James Lenox due
 to Jacob Lenox. - This suit of Chamberliff & Rayland ~~vs~~ ^{vs} ~~them~~ was
 brought to recover the Interest: but your respondent alleges ⁱⁿ ~~the~~ ^{the}
 intention of the said condition, and it has not yet happened, &
 when it shall, they are ready to discharge the obligation resting
 on them growing out of said will &c. All of the above statements
 will be made to appear, by the records of the said suits & of the deed
 from Joseph Lenox to Frances Lenox conveying the said Interest
 in the said down negroes - by copies thereof, if the same shall be
 required. They further say that James Lenox is otherwise indebted
 to the estate of Frances Lenox which also, should be deducted
^{from} the said Legacy - & having answered pray hence &c -

Joseph Holland
 Mrs. R. Holland } Execs
 of James Lenox &c

Joseph Holland
 Mrs. R. Holland } Execs
 of James Lenox &c

The above is read
 by me W. W. Southwell
 for the
 A. W. Southwell
 atty for defts.

1854 November Term

Seniors adm.
27 3 Decm
Seniors adm. & L

To be entered
R. H. B.
Nov. Co. '54

Senow's admr.

vs

3 Decree

Senow's Bond

The bill of the complainant having been taken for confidee at the rules as to the defendants Patrick Woles and Harrison Jyner and they still failing to appear and answer, this cause this day came on to be heard on the bill, answer of the defendants Joseph S. Holland and John M. Holland admrs with the will annexed of Francis Senow dec^d? filed this day by consent, replication thereto, and exhibits; and was argued by Counsel, on consideration whereof the Court, without deciding any of the principles in the case, doth adjudge, order and decree that a Commissioner of this Court take an account of the transactions of ~~Joseph S. Holland~~ and John M. Holland admrs. with the will annexed of Francis Senow dec^d? and also an account of the legacy given to James Senow by the last will and testament of ^{the said} Francis Senow dec^d? as well as an account of any debts which may be due from the said James Senow to the estate of the said Francis Senow, which accounts the said Commissioner shall report to this Court with any matters specially stated deemed pertinent by himself, or which he may be required to do by either of the parties.

Summs *admn*

to } Co. Order

Summs *admn*

525.
6
3270

155.00

3270

9510

525

9

Southampton Circuit Court, November Term, 1831.

Allen Edwards, adm^r. James Turner

Deft^s }

against
Joseph S. Holland & John M. Holland adm^s with the will annexed of Francis Lenox dec^d. Patrick Dolan & Harrison Joyner. Defts }

The bill of complainant having been taken for confessed at the rules as to the defendants Patrick Dolan & Harrison Joyner and they still failing to appear and answer, this cause this day came on to be heard on the bill, answer of the defendants Joseph S. Holland and John M. Holland adm^s with the will annexed of Francis Lenox dec^d filed this day by consent replication thereto, and exhibits, and was argued by counsel. On consideration whereof, the Court without deciding any of the principles in the case doth (re)judge, order and decree that a Commissioner of this Court take an account of the transactions of Joseph S. Holland and John M. Holland, adm^s with the will annexed of Francis Lenox dec^d; and also an account of the legacy given to James Lenox by the last will and Testament of the said Francis Lenox dec^d as well as an account of any debts which may be due from the said James Lenox to the estate of the said Francis Lenox, which accounts the said Commissioner shall report to this Court with any matters especially stated deemed pertinent by himself, or which he may be required to do by either of the parties.

Jest^r,

Henry S. Howard, D.C.

Seniors adms
by J. W. C. C.
Seniors adms

Entered by Consent
J. W. C. C.
J. W. C. C.

To be entered
R. H. B.
May Co. 1855.

1855 May. Term

Senor's admr

vs

Senor's admr.

This day This ~~Case~~ came on to be again heard on the paper formerly read, and on the report of Commissioner Cobb made in pursuance of a decree rendered at Nov. term 1854, to which report exceptions have been filed by plaintiff and defendants, and the court, by consent of parties, overruling said exceptions; doth confirm the same, and the court, by like consent, doth adjudge, order & decree that Joseph S. and John M. Holland admrs. with the will annexed of Francis Senor dec^d, pay out of their own estate to Ellen Edwards admr. of James Senor dec^d, the sum of \$362.³⁶/₁₀₀ with interest from June 17th 1851, and that they also pay to the said plaintiff his costs expended in this suit, (lawyer fee excepted) and liberty is hereby reserved to the plaintiff to apply to this court for further relief in case this decree should be unavailing.

The Commonwealth of Virginia To the Sheriff of ^{Isle of Wight} Southampton County.
Greeting. We command you to summon Joseph S Holland & John M Holland
advers with the will awarded of Frances Senow dec^d

to appear at the Clerk's Office of our Superior Court of Southampton County 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 them dothers in our said Court by Allen Edwards
advers of James Senow dec^d

And have then there this writ. Witness Littleton R Edwards Clerk of our said
Court at the Courthouse this 18th day of January 1854 in the 78th
year of the Commonwealth

L R Edwards Clk

Excused by delivering a true copy of
the writing to Jos S Holland also one of the
same to John Mc Holland on the 28th of January
1854
L. S. Edwards D^r
For J Hall Esq

Seniors ad^t

To Zephaniah Chy.

Seniors ad^t

1854 February Rules

Colt. 1854

See over ad.

to } Sum. bly

Simon's ad.

1854 February Rules

Cobb pg

Executed on Harrison Rogers
Feby. 14th 1854 by delivering to him
a Copy.

I. C. Edwards Depy
for S. Wells

Executed on Patrick Cobb
Jany 30/1854 by delivering to
him a Copy.

C. T. Wells Depy.
for S. Wells shffl.

The Commonwealth of Virginia To the Sheriff of Southampton County Greeting.
We Command you to summon Patrick Dles Harrison Joyner

to appear at the Clerk's Office of our Circuit Court of Southampton County 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 them ^{there} by in our said Court by Allen Edwards admr. of
James Senow dec

And have them there this writ Witnesses Littleton R Edwards Clerk of our said Court at
the Court house this 18th day of January 1854 in the 78th year of the Common-
wealth.

LR Edwards lb

Lenon's arm.

of common notice
Lenon's arms.

Feb 20th 1855.

Commissioner's office
Jerusalem Va Jan^y 1st 1855.

To Joseph S. and John M. Holland adms. with the will annexed
of Frances Senow dec^d. -

You are hereby notified, that I have fixed upon the 20th day
of February next, to take and settle, at my office, an account
of your transactions as adms. with the will annexed of Frances
Senow dec^d, and also an account of the legacy given to
James Senow by the last will and testament of the said Frances
Senow dec^d, and also an account of any debts which may
be due from the said James Senow to the estate of the said
Frances Senow, which accounts were required to be taken
by a decree of Southampton Circuit ^{Court}, rendered at Nov. term
1854, in a suit in chancery depending in said Court, in
which Allen Edwards adm. of James Senow dec^d is plaintiff,
and you & others are 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.

Wm W. Cobb Comm

Senous' adms
27 { Comm notice
Senous' adms

July 28th, 1858

Executed on each by
delivering a copy of the
within notice

J. C. Edwards Dept.
for G. Kello Shiff.

Shiff. fee 3.00

Commissioner's Office,
Jerusalem, Va. Jan^y 1st 1858

To Allen Edwards adm^r. of James Senow dec^d. plaintiffs,
and Patrick Holes and Harrison Dogner others, defendants.

You are hereby notified, that I have fixed upon the 20th day
of February next, to take and settle, at my office, the accounts
required to be taken by a decree of Southampton Circuit
Court, rendered at Nov^r. term 1854, in a suit in
chancery depending in said Court in which you
are parties, plaintiffs and defendants. At which
time and place you are required to attend.

Given under my hand as Commissioner of the
said Court, the day and year just aforesaid.
Wm. W. Cobbourn

#545.

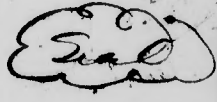
Southampton County Va April 12th 1843-

One day after date I promise to pay to the order of Frances Lewis Five hundred & forty five dollars. for value received.

This Note is executed in the place of one which I am informed by H. Lewis has been lost. amount between four and five hundred dollars, and the only note which she holds of mine - should said note ever be found then this ~~one~~ to be void -

Witness

Thos. J. Davis

James Lewis 

Rec^d this 30th day of August 1848 of
James Senow the sum of One Hundred
& seventy four dollars & forty Cents in part
of the within Bond
Witness
Thos. C. Davis
James Senow
Mark

James Senow

Not

\$545

due 10 Oct 1848

"

Admitted to the Census

1850

Oct. 31 1855

Vol. 10, 1855

Lenow's adm.

27 3

Lenow's adm.

Commissioner's Report.

Filed Mar. 31st 1855.

"The Estate of James Senow dec^d.

In account with Joseph E. & John M. Holland adms^{rs} of F. Senow.

1851

June 17	By amount of legacy given to James Senow by the last will and testament of Frances Senow dec ^d , due this day.		1000 00	
" "	To amount of note due from James Senow to Frances Senow, with interest included to this day.	637 64		
" "	By Balance due James Senow	362 36		
		1000 00	1000 00	
" "	By Balance due brought down \$ with interest thereon from this day till paid.		362 36	

The Commissioner reports that Allen Edwards adms^{rs}. of James Senow dec^d, excepts to the above account, because the note due from James Senow to Frances Senow, and which is allowed in the foregoing account, is a mere promissory note, not under seal, and being executed by James Senow to the said Frances Senow on the 12th day of April 1843, and payable one day after date, was barred by the statute of limitations at the time of the death of the said Frances Senow, which event took place sometime in the month of June 1850, and consequently could not have been recovered by law from the said James Senow at the time of her death. The Commissioner, although he has allowed it in the foregoing account for the purpose of showing the balance due on the said legacy in the event that it should be adjudged to be a proper set-off, desires to express no opinion as to whether it is proper that the said note should be allowed

as a set-off to the said legacy, but states that if it should not be allowed, the amount due the estate of the said James Snow from the adms of Francis Snow decd. will be \$1000. with interest from June 17th 1857. The note above referred to is returned with this report. The counsel for the defendants also objects to the foregoing account because he maintains that interest ought not to be charged on the said legacy until the termination of the suit referred to in the will of Francis Snow decd., which was decided in the Court of Appeals on the 2nd day of February 1852. The Commissioner at his request reports that if this view is correct, then the balance due the estate of James Snow decd. from the adms aforesaid will be \$341.92 with interest thereon from the 2nd day of February 1852 till paid.

The Commissioner reports that Joseph S. and John M. Holland adms. with the will annexed of Francis Snow decd., appeared before him and admitted that there were sufficient assets of their testator in their hands to pay the legacy given by their testator to James Snow, provided it should be decided that it ought to be paid at this time, and it is therefore deemed unnecessary to report any account of their transactions as adms aforesaid.

Respectfully submitted
W^m. W. Cobb Comm

Snow's adms.

or

Snow's adms &c

Commissioner's office,
March 15th 1855.

In pursuance of the decree rendered in the above cause at the November term of the Circuit Court of Southampton County 1854, the undersigned after giving the parties interested due notice of the time and place of taking said accounts, has made up the foregoing account which is herewith returned with the decree and notices.

Comrs fee \$12.00
Charged to the Plff.
Sheriff's fee —

Respectfully submitted
W^m. W. Cobb Comm

Lesons am

→ } Ex. with bill

Lesons am

(at)

In Southampton Circuit Court.

Jacob Senor
against
James Senor and Joseph Senor

Plff.

Defo.

A Copy of the ^{decision} ~~judgment~~ of the Court of Appeals in this cause was received by the Clerk of this Court in the vacation thereof the 21st day of November 1853 and is in these words "Virginia. At a Court of Appeals held at the State Courthouse, in the City of Richmond on Monday February 2^d 1852.

James Senor and Joseph Senor
against
Jacob Senor

Appels.

Appre

Upon an appeal
from a decree pronounced

ed by the Circuit Superior Court of Law and Chancery held for Southampton County on the twelfth day of November 1846 in a suit in which the appellee was plaintiff and the appellants &c were defendants.

This day came the parties by their counsel: whereupon the transcript of the record of the decree aforesaid and the arguments of counsel having been maturely considered, the Court is satisfied by the pleadings and proofs in the case, that the bond of sixteen hundred dollars, in the bill and proceedings mentioned, had been reduced prior to the first of September 1840 by payments to about the sum of seven hundred dollars: that on the day last mentioned a new bond (whether executed by James Senor or Joseph Senor does not distinctly appear) for the said balance of seven hundred dollars was delivered by the said Joseph to the appellee Jacob Senor and accepted by the latter, in satisfaction and discharge of the said balance. And that the said bond of sixteen hundred dollars was thereupon surrendered by the said Jacob to the said Joseph. And that thereafter and prior to the institution of this suit, the said bond of seven hundred dollars was fully satisfied by payments made by the said James and Joseph. The Court is therefore of opinion, that the said Circuit Superior Court erred in adopting the special statement of the Commissioner as the basis of its decree and in rendering a decree against the appellants for the balance reported in ^{said} statement and in ordering a sale of the property attached, and that it ought instead thereof, to have confirmed the original report of the Commissioner and dismissed the bill. The Court is also further of opinion, that notwithstanding James Senor was regularly proceeded against as an absent defendant, and therefore according to the decision of this Court in the cases of Blath against Howland, South Sept. five hundred and seven, and of Barber and Company against Pannell &c South Gratton, four

hundred and forty two, had no right to appeal to this Court on account of any error in the decree against him: yet that as Joseph Senor filed his answer under the permission of the Court and thus entitled himself to the privileges of a home defendant, and succeeded, in the opinion of this Court, as above indicated, in proving a defence which was in no respect personal, but established the satisfaction and discharge of the joint obligation on which the suit was founded, the appeal of the said Joseph necessarily brings under review, the propriety of the whole decree, and devolves upon this Court the duty of correcting and reversing it, in favour as well of the said James as of the said Joseph: Therefore it is decreed and ordered that the said decree be reversed and annulled, and that the appellee do pay unto the appellant Joseph Senor his costs by him expended in the prosecution of his appeal aforesaid here. And this Court proceeding to pronounce such decree as the said Circuit Superior Court ought to have pronounced, it is further decreed and ordered, that the original report of the Commissioner be confirmed, and that the bill of the appellee be dismissed and also, that the said appellee, do pay unto the appellant Joseph Senor his costs by him about his defence in the said Circuit Superior Court expended.

Which is ordered to be certified to the Circuit Court of Southampton County.

Appellant Joseph Senor's costs
in the Court of Appeals

\$50.02

Attest

Teste J Allen c.o"

Attest

Teste L R Edwards c.k

Copy (B.)

Frances Lenows Will

Lenows adm

Er. with bill

Lenows adm.

In the name of God. I Frances Lenor of the County of Southampton and State of Virginia do hereby make this my last Will and Testament (revoking all others) in manner and form following.

- 1st. I desire that all the perishable part of my estate be sold as soon after my decease as practicable, and out of the proceeds thereof all my just debts be paid.
- 2nd. I give to my son James Lenor, now of the State of Tennessee One thousand dollars, but on these conditions, that as a law suit is now pending in the Court of Appeals at Richmond in which Jacob Lenor is plaintiff and I am defendant, should judgment go against me, then the amount of that judgment is to come out of the one thousand dollars above mentioned as given to my son James Lenor and his heirs forever.
- 3rd. I give to my son Joseph Lenor also of the State of Tennessee one dollar to him and his heirs forever.
- 4th. I give to my son Jacob Lenor also one dollar to him and his heirs forever.
- 5th. All the remaining part of my estate of whatever kind I give to my two daughters Henrietta Holland and Louisa Holland to be equally divided among them and their heirs forever.
- 6th. My grand daughter Frances Louisa Lenor the daughter of James Lenor having spent a part of her time with me, I freely give to her all that she has received in whatsoever way or kind, and no charge is to be made against her or her Father for the same -

Lastly I hereby constitute and appoint William D. Hood my Executor of this, my last Will and Testament. In Witness whereof I have hereunto set my hand and affixed my Seal this 30th day of July 1849.

Signed, Sealed and acknowledged
to be the last Will and Testament.

Frances^{her} Lenor (Seal)
make

of Frances Lenor

In presence of

A. S. M. Burges

Saml Kello.

At a Court held for the County of Southampton the 17th day of June 1850.

This last will and Testament of Frances Lenor dec^d was proved by the oath of Samuel Kello a subscribing witness thereto. And at a Court held for the said County of Southampton on the 15th day of July 1850 the said last Will and Testament of Frances Lenor deceased was then day proved by the oath of A. S. M. Burges a subscribing witness thereto to the same and

having been before proved by the oath of Samuel Kello another subscribing witness thereto,
was ordered to be recorded. And Mr D Hood the executor therein named having refused
to take upon himself the burthen of the execution thereof, on the motion of Joseph S. Holland
and John M Holland who made oath thereto, and entered into & acknowledged bond in
the penalty of six thousand dollars together with Patrick Dolis and Harrison Joyner.
Securities, certificate is granted them for obtaining letters of administration on the estate
of the said Francis Senow deceased with the will annexed in due form.

Teste

L R Edwards *clerk*

Attest

L R Edwards *clerk*

Seniors ad

2 } Ex: with bill

Seniors ad.^s

(6)



KNOW ALL MEN BY THESE PRESENTS, That we *Joseph S Holland*
John M Holland Patrick Dole Harrison Joyner

are held and firmly bound unto the Commonwealth of Virginia, in the sum of _____
Six thousand _____ Dollars; to the
 payment whereof, well and truly to be made, we bind ourselves, and each of us, our, and
 each of our heirs, executors, and administrators, jointly and severally, firmly by these
 presents: Sealed with our seals and dated this *15th* day of *July*, 1850

The Condition of the above Obligation is such, That if the said *Joseph S Holland*
John M Holland *admon: with the will annexed* ~~Executor~~ of *Frances Lenox* deceased, do make a
 true and perfect inventory of all and singular, the goods, chattels, and credits of the said
 deceased

which have or shall come into the hands, possession or knowledge of *them*
 the said *Admon:* _____ or into the hands or possession of any other person or
 persons, for *them* _____ and the same so made, do exhibit to the County Court of
 Southampton, at such time as *they* _____ shall be thereto required by the said
 Court, and the same goods, chattels and credits _____
 do well and truly administer according to Law, and make a just and true account of *their*
 actings and doings therein, when thereunto required by the said Court; and further, do
 well and truly pay and deliver all the legacies contained and specified in the said Will, as
 far as the said goods, chattels and credits _____ will extend,
 according to the value thereof, and as the Law shall charge—then this obligation to be
 void, or else to remain in full force.

Signed, Sealed, and delivered }
 in open Court.

J. S. Holland



John M Holland



Patrick Dole



Harrison Joyner



Attesty. Teste. L R Edwards Lib



Printed at the Intelligencer Office, Suffolk, va.



Senors

v. } Copy Records

Senors

Senors as:

v. } Filed by Riffs Council
1835 Jan 26th

Senors as:

(1)

At a Circuit Superior Court of Law and Chancery for Southampton County holden at the Courthouse of the said County on the twelfth day of November one thousand eight hundred and forty-six.

Be it remembered, that heretofore, to wit, on the tenth day of November 1841 came Jacob Lenox by his counsel and sued out of the Clerk's Office of our said Circuit Superior Court of Law and Chancery a Subpoena and decree nisi against James Lenox, Joseph Lenox and Frances Lenox, which Subpoena and decree nisi together with the endorsement and return thereon made is in the following words and figures, to wit,

"The Commonwealth of Virginia: To the Sheriff of Southampton County. Greeting: We command you to Summon James Lenox, Joseph Lenox and Frances Lenox 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 December next to answer a bill in chancery exhibited against them in the said Court by Jacob Lenox. And unless they shall answer the said bill within two months thereafter the Court will take the same for confessed, and decree accordingly. And this they shall in no wise omit under the penalty of £100. And have them there this writ."

Witness Littleton R. Edwards Clerk of our said Court at the Courthouse this 10th day of November 1841 in the 66th year of the Commonwealth

L R Edwards clk

Endorsement - To attach the monies, debts and effects of the defendants James Lenox and Joseph Lenox in the hands of the defendant Frances Lenox, so that she be restrained from paying, conveying away or secreting the debts by them owing to, or the effects in her hands belonging to the said James Lenox & Jacob Lenox until the further order of the Court.

Teste

Parker & Douglas Jr. q

L R Edwards clk

Return - Executed by delivering a true copy, to Frances Lenox. November 24/1841.

James Lenox & Joseph Lenox no inhabitants -

Jesse Drury Dep. of
Thos. Brethlow Shff."

And at another day, to wit, At Rules held in the Clerk's Office of the said Circuit Superior Court of Law and Chancery on the first Monday in December 1841 came the plaintiff Jacob Lenox by his counsel and filed his bill in chancery against James Lenox, Joseph Lenox and Frances Lenox, which bill is in the following words and figures to wit -

"To the Hon. Richard H. Baker Judge of the Cir. Supr. Court of Law & Chancery

in and for the County of Southampton. Humbly complaining sheweth unto your Hon. your orator Jacob Lenox of the County of Southampton, that James Lenox and Joseph Lenox are justly indebted to him in the sum of one thousand six hundred dollars, due by bond bearing date the 20th day of June, 1838 and payable three years after date, which bond your orator charges cannot now be filed in this suit, because the said Joseph Lenox has clandestinely and unlawfully obtained possession of the same and has either destroyed or now conceals it. Your orator would represent to your Hon. that the said James Lenox and Joseph Lenox have removed from the Commonwealth of Virginia & are now residents of the State of Tennessee, and by so residing out of the State of Virginia, and by evading the process of the Court, have put it out of the power of yr. orator to obtain a judgment and satisfaction of his ^{just} claim & demand. Your orator would shew unto your Honour that the said Joseph Lenox one of the parties to the bond herein before named & described, is entitled at the death of his mother Frances Lenox to one fourth part in value of certain land & slaves which was bequeathed to the said Frances Lenox for life, remainder to the said Joseph Lenox & others, all of which will more fully appear by the last will & Testament of Henry Lenox herewith filed and prayed to be taken as a part of this bill. Your orator also charges, that the aforesaid tenant for life Frances Lenox holds in her hands this interest of Joseph Lenox, which he hopes & believes will be enough to pay & satisfy his demand. Your orator prays therefore that the said James Lenox, Joseph Lenox and the said Frances Lenox the tenant for life as aforesaid may be made defendants hereto, with apt & proper words to charge them; and that they answer the premises: that the said James Lenox and Joseph Lenox may say oath if they are not justly indebted to your orator by the bond herein before named & described. That the said Frances Lenox the life tenant as aforesaid, may truly set forth and declare, what effects she holds in her hands as tenant aforesaid under the will of Henry Lenox & the increase of the slaves if any. And that the defendants may be restrained from paying away, or parting with the same by sale, conveyance or otherwise, or from secreting, conveying or disposing of in any manner of the same, or any part thereof, until the demand of your orator with legal interest, & the costs of this suit shall be satisfied, by the further order of this Court, and that your Hon. will be pleased to grant such other further general relief, touching the premises, as may be equitable & just, and that yr. Hon. would grant to yr. orator the Com. writ of Sp. commanding the Defs. to stand to & abide such order & decree as to yr. Hon. may seem just & proper & yr. orator will ever pray &c.

Saml. J. Douglas
H. C. Parker } p. 9.

Exhibit.

I Henry Lenox of the County of Southampton and State of Virginia do hereby make my last Will and Testament in manner and form following that is to say -

Item. I lend to my wife Frances Lenox my plantation whereon I now reside during her natural life. Item. I do loan her a negro man Jerry and his wife Hannah also during her natural life with their two children -

Item. I also lend her my carriage with two cream horses only during her natural life

Item. I give and bequeath also to her fifty barrels of corn and two thousand pounds of fodder and five thousand pounds of bacon.

Item. I lend to her two stills of her own choice with worms and tubs and all my empty barrels. Item. I give and bequeath to her one thousand dollars to her and her heirs forever.

Item. I give and bequeath to my son James Lenox my plantation known by the name of Beales place to him and his heirs forever. Item. I give and bequeath to him two hundred dollars to him and his heirs forever.

Item. I give and bequeath to my son Joseph Lenox my plantation named Berlin formerly Vassers place with all the adjoining land included in that body to him and his heirs. Item. I give and bequeath to him the sum of one thousand dollars to him and his heirs forever.

Item. I give and bequeath to him also two stills next choice with worms and apparatus. Item. I give and bequeath to my son Jacob Lenox the whole of my Diles tract of land with all the land adjoining the same to him and his heirs.

Item. I also give and bequeath to my son Jacob Lenox the sum of five hundred dollars to him and his heirs. Item. I also give him the tract of land which I purchased of the heirs of John Powers. Also two tracts or parcels of land which I purchased of Samuel Powers to him and his heirs.

Item. I give and bequeath to him one still and worm next choice.

Item. I give and bequeath to my daughter Henrietta Lenox all my land lying in Franklin County N.C. to her and her heirs. Item. I also give to her five hundred dollars to her and her heirs.

Item. I give and bequeath to my daughter Louisa Lenox after the death of my wife the plantation whereon I now reside with all the lands in that body.

Item. I give and bequeath to her the sum of five hundred dollars to her and her heirs.

Item. I give and bequeath to her my best clock which is now in my house to her and her heirs.

Item. I give and bequeath unto my niece Martha Williams my plantation which I bought of Amos Drury to her and her heirs. Item. I give and bequeath to her two hundred dollars to her and her heirs forever.

Item. I desire after the decease of my wife Frances Lenox I wish that all the

property I did lend to her to be equally divided between my children Joseph Lenor, Jacob Lenor, Henrietta Lenor and Louisa Lenor - Item, I give the land which I purchased of the heirs of John Pond deceased to my daughter Henrietta Lenor - Item, I give and bequeath to my son Joseph Lenor provided he pays to Henrietta Lenor and Louisa Lenor one hundred dollars each, the plantation at Round hill near the forks of the road with all the land adjoining that tract, to him and his heirs - Item, I desire after my decease all the rest of my estate both real and personal of what nature or kind soever it may not be in her's particularly disposed of to be sold to the highest bidder and after paying all my just debts the balance to be equally divided my children Joseph Lenor, Jacob Lenor, Henrietta Lenor and Louisa Lenor. And lastly I do hereby constitute and appoint my wife Frances Lenor my Executrix of this my last Will and Testament. In Witness whereof I have hereunto set my hand and affixed my seal this 14th day of January 1833.

Signed, sealed and delivered

Henry Lenor

In presence of

Jos. Wellons

Shugars Linn

Jos. A. Darden

At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 2^d day of April 1833.

Joseph Lenor

Appellant

against

James Lenor.

Appellee

Upon an appeal from an order of

the County Court of Southampton made on the 18th day of March 1833 refusing to admit to record a certain writing bearing date the 14th day of January 1833 as the true last Will and Testament of Henry Lenor deceased.

This day came the parties by their attorneys and divers witnesses were sworn and examined and sundry papers and proceedings of the County Court of Southampton respecting a writing bearing date the 14th day of January 1833 offered for proof in the said County Court as the will and testament of Henry Lenor deceased read and the parties aforesaid by their counsel fully heard - It seems to the Court here that the said Henry Lenor deceased at the time of executing the writing aforesaid dated the 14th day of January 1833 was of sound and disposing mind and memory and that he was under no undue influence and that the same was duly executed and attested according to law, and that the order of the said County Court is erroneous -

Therefore it is considered by the Court that the same be reversed and annulled, and that the said writing of the 14th of January 1833 be recorded here as the last Will & Testament of Henry Lenor deceased, and that the appellant move against the appellee his costs by him in this behalf expended - Just. James Rochelle Esq. Atty. Genl. L. R. Edwards Esq. And the defendants James Lenor and Joseph Lenor not having entered their appearance and given security according to the act of Assembly and the Rules of this Court and its appearing by satisfactory evidence that they are not inhabitants of this Country. It is ordered that the said defendants do appear here on the first day of the next Term and answer the bill of the plaintiff: and that a copy of this order be forthwith inserted in some newspaper published in the Town of Petersburg for two months successively and posted at the front door of the Courthouse of this County - And at another day, to wit. At Rules held in the Clerk's Office of the said Circuit Superior Court of Law and Chancery on the first Monday in February 1842 came the defendant Frances Lenor by her counsel and filed her answer to the plaintiffs bill, which answer is in the following words and figures, to wit -

To the Hon. Richard H. Baker Judge of the Cir. Supr. Court of Law & Chan. for the County of Southampton. Answer of Frances Lenor to a bill of complaint exhibited against her and others by Jacob Lenor - This defendant, saving and reserving to herself, now and at all times hereafter, all manner of benefit and advantage of exception to the errors, inconsistencies & imperfections in the Complainant's said bill of complaint contained, for answer thereto, or to so much thereof as she deems it necessary for her to answer - Says. That the bond of \$1600.00 mentioned in the complainant's bill was reduced by payments made in September 1840 to \$700.00 for which amount Joseph Lenor executed a new bond to Jacob Lenor - that when this new bond was executed the old one was torn up by Jos. in the presence of Jacob. This new bond for \$700.00 was left by Jacob Lenor with this defendant, and about the 24th of last May (1841) Jacob Lenor called on this defendant and desired her to give him the bond, saying at the same time, that he intended inclosing it to Joseph and James Lenor - that this defendant gave him (Jacob Lenor) the bond, saw him write a letter, fold the bond in it, and hand it to a servant with directions to give it to Mr. Linn the post-master: And this defendant afterwards learned from Mr. Linn that he received the letter, and had sent it on. This defendant further says that she has understood, but does not know of her own knowledge, that afterwards Jacob Lenor received checks from Joseph and James Lenor or

one of them: one for about \$370.00 and another for about \$200.00: and this defendant says that she herself has paid to Jacob Lenox about \$470.00 in part of the bond for \$1600.00. This defendant, for further answer says, that the only property of which she is in possession, in which Joseph and James Lenox or either of them, have an interest consist of the following slaves, who were allotted to this defendant as dower in her dec. husbands estate, to wit. Hannah, and her child Delila, Frederick, Judy and Sally, Bob, who was one of the slaves allotted to her has since died. there are also two others Jane and Mink who were born since the division took place. This defendant denies that she is in possession of any land in which Joseph and James Lenox or either of them have any interest, and for further answer says, that the only land allotted to her as dower in her husbands estate, consisted of two plantations, the one on which she now resides, which is devised in her husbands will to Louisa Lenox, and the other known as the store tract, containing about 100 acres which is devised in her husbands will to Joseph Lenox. That sometime since, this defendant joined Joseph Lenox in a deed of conveyance of the last mentioned tract to one J. C. Outland for valuable consideration, which deed of conveyance is now on record in the Clerks Office. And this defendant having answered, prays hence to be dismissed the Court with her reasonable costs in this behalf expended.

W. S. Goodwyn Atty

Southampton County to wit: This day personally appeared before me a Justice of the Peace for the County aforesaid Frances Lenox and made oath that the facts contained in the above answer are true to the best of her knowledge and belief. Given under my hand this 20th day of January 1842.

Jos. Cobb J.P."

To which answer the plaintiff replied generally.

And at another day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 2nd day of April 1842. On the motion of the Defendant Joseph Lenox by Counsel who is ^{not} an inhabitant of this County and against whom the plaintiff has proceeded to a decretal order in the mode prescribed by law against absent defendants the Court doth order that the said defendant be permitted to file his answer, on paying down or giving security for the payment of such costs as may be incurred by him or awarded against him in this suit. Provided however that the attachment said forth in this cause shall not thereby be discharged.

And at another day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 5th day of April 1842. William D Hood of this County comes into Court and undertakes for the Defendant Joseph Lenox that he shall satisfy and pay

all such costs as may be incurred by him or awarded against him in this suit, or that he the said William D Hood will do it for him. Whereupon the said Joseph Lenox pursuant to leave given on Saturday last filed his answer. Which answer is in the following words and figures to wit.

"To the Honorable Richard A. Baker Judge of the Circuit Supr. Court of Law & Chancery for the County of Southampton: The separate answer of Joseph Lenox to a bill exhibited in this Court against him Frances Lenox and James Lenox by Jacob Lenox. This respondent saving to himself &c. for answer to so much of said bill as he is advised it is material for him to answer, says that the charge contained in the Complainants bill, that this respondent fraudulently got possession and kept the bond of 1600 \$ due the complainant by James Lenox and this respondent is absolutely and unqualifiedly false. There was such a bond, but this respondent solemnly avers that it was wholly and fully discharged by James Lenox the principal. This respondent calls for full and strict proof of every allegation in the complainants bill, and is advised that he must produce such proof before he has any claim against this respondent or any other person. Such proof he has not and cannot produce, for as this respondent has before said it does not exist. Your respondent might here stop but without admitting any claim in any way of the said Complainant, will go on and shew to you to your honor, not by way of proving that he is not bound in any way to said Jacob Lenox but by way of discharging himself from the imputations thus cast upon him by the said Jacob Lenox, that James Lenox did discharge the said bond and the manner in which said bond was paid - and files with this answer Statement marked A. shewing every payment made him - all of which payments can be fully proved when it shall become necessary. but as the complainant, has produced not the slightest evidence of his charges, this respondent is advised that he is bound to produce no evidence or do any thing else, until the Compt. shall sustain his charges by evidence, and having answered he prays to be hence dismissed &c. Jos. Lenox.

Southampton County to wit. This day Jos. Lenox personally appeared before me a Justice of the Peace for the County aforesaid and made oath that the foregoing answer contains the truth to the best of his knowledge and belief. Given under my hand this 1 April 1842.

Carv Bowery

- Statement A.

"Payments made by James Lenox on a \$1600 bond Executed to Jacob Lenox 20 June 1838 - three years after date -

1839
Oct. 26. Remitted to J. M. Holland the half of 100 fl V^a bill. The corresponding } Dollars.
half enclosed to Jacob Lenor. } \$ 100.

1839 Paid by Frances Lenor in presence of Shugart Sam in R. Drury's }
L. N. Branches notes & cash } 475.

1840
Sept 1st. Paid by Joseph Lenor in presence of J. P. Holland, Frances Lenor }
\$ 240.
\$ 815

On this day Sept. 1. 1840 Joseph Lenor made a settlement with Jacob Lenor and took in the bond of \$1600 and handed him over James Lenor's note for \$750 payable on the 1st Sept. 1841. in the presence of Frances Lenor.

Spring of 1841. Remitted J. Sam the half of a 100 fl V^a Bill the }
corresponding half to Jacob Lenor. } 100.

May 1841. Check on V^a Bank sent by Beatson & Co. of New }
Orleans to Jacob Lenor's address } 150.

1841 Oct. Check on Bank sent to Jacob Lenor by John Womble of Richmond } 367.

1841 Oct. Check on Bank sent to Frances Lenor by John Womble of Richmond. }
Sent to her by Jacob Lenor's request made to Joseph Lenor in presence }
of John M. Holland } 120.

Remitted by James Lenor to J. M. Holland which was also paid }
over to Frances Lenor at the request of Jacob Lenor } 14
\$ 751.

And at this same Term to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 8th day of April 1842. This cause was continued till the next Term.

And at another day to wit. At Rules held in the Clerk's Office of our said Circuit Superior Court of Law and Chancery on the first Monday in April 1842. the plaintiff by his Counsel replied generally to the answer of Joseph Lenor. And on the motion of the said plaintiff this cause was set for hearing as to the defendant Frances Lenor.

And at another day to wit. At Rules held in the Clerk's Office of the said Circuit Superior Court of Law and Chancery on the first Monday in July 1842. On motion of the plaintiff by Counsel, this cause was set for hearing as to the defendant Joseph Lenor.

And at another day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 3rd day of November 1842. On the motion of the defendants Joseph Lenor and Frances Lenor by Counsel it is ordered that unless the plaintiff

shall take necessary steps to mature this cause for a hearing as to the defendant James Lenor by the next term, this cause shall stand dismissed as an act of this day.

And at another day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 8th day of April 1843. This cause was continued till the next Term.

And at another day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 2nd day of November 1843. This cause was continued till the next Term.

And at another day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 6th day of May 1844. On the motion of the plaintiff by Counsel leave was given him to amend his bill and the cause was sent to the Rules for that purpose.

And at another day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 8th day of November 1844. This cause in which the plaintiff appears to have proceeded in the mode prescribed by law against absent defendants against James Lenor who still failing to appear and answer the plaintiff's bill, is taken for confessed as to that defendant. thereupon came on to be heard on the bill, answers of the defendants Frances Lenor and Joseph Lenor replication, trusts, exhibits, examination of witnesses and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree, that Commissioner Goodwyn take an account of the payments made by either of the defendants on account of the bond of sixteen hundred dollars in the proceedings mentioned, and make report to this Court with any matters specially stated deemed pertinent by himself or which may be required by either of the parties to be so stated.

And at another day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 2nd day of May 1845. This cause was continued till the next Term.

Commissioners Report.

"Commissioners Office. September 16th 1845.
Lenor.

v. }
Lenor }

Pursuant to an order of the Cir. Sup. Court of Nov. 8th 1844. the parties interested had due and proper notice to attend at the Commrs. Office on the 18th March 1845 for the purpose of taking the account therein required. By consent

of Counsel on both sides, the account was postponed to the 23^d April, at which time in consequence of the absence of John M Holland, a material witness who had been summoned to attend to attend, the account was continued to this day. The only testimony laid before the Com. independent of the record consists of the affidavits of A. S. H. Burges & A. Riddick and the deposition of John M Holland taken before the Com. which are herewith filed.

The Commissioner therefore begs leave to report, that the bond for Sixteen hundred dollars mentioned in the proceedings was reduced, in a settlement between Joseph and Jacob Senor to the sum of Seven hundred dollars, for which amount Joseph Senor executed a new bond to Jacob, and short time afterwards, Joseph Senor paid to Jacob the sum of two hundred dollars in part of said last mentioned bond. On the 6th October 1841, the sum of three hundred and sixty seven was remitted to Jacob Senor, by John Womble of Richmond, by order of James Senor, and at the same time the further sum of One hundred twenty dollars was sent by the same to Frances Senor, at the request of Jacob Senor leaving a balance of thirteen dollars principal due on said bond on the 6th Oct. 1841.

The Commr. states specially that there was no evidence before him to show that any other debt was due Jacob Senor by James or Joseph Senor, than the bond of \$1600. and therefore he was bound to presume that the payments made by Joseph & James Senor, or their order, were made on account of said bond, or rather on account of the bond for \$700. to which the former was reduced in the settlement above reported - nor was there any evidence before him to shew at what time any of the payments were made, with the exception of those made by Womble of Richmond - All of which is respectfully submitted - W. S. Goodwyn Comr - Commr. fee \$5.00 charged to Frances Senor. W. S. Goodwyn Comr."

The following affidavits and deposition were filed with the said report -

"The undersigned affirms to the best of his recollection, that in the year 1839 he paid to Jacob Senor eighty or ninety dollars or thereabouts, on a bond due to James Senor and left for collection in the hands of the said Jacob Senor - and further he is unable to depose as relates to any monies paid on the aforesaid account of James Senor. A. S. H. Burges

The undersigned affirms to the best of his knowledge that in the year 1839 or 40, Jacob Senor presented a draft of One hundred & fifty dollars to me from some house in New Orleans & wished it cashed, I declined doing so - further I know not. A. Riddick

Subscribed & sworn to before me. Tho. Reddy J. P.

Deposition of John M Holland taken before W. S. Goodwyn Comr. at his Office in Jerusalem on the 16th September 1845 to be read as evidence in a certain matter of account before said Comr. between Jacob Senor Plff. and James Senor, Joseph Senor and Frances Senor Deft.

The deponent being duly sworn says - I was present at Mrs. Frances Senor. I think in 1842 - but am not positive as to the time - with Jacob Senor and Joseph Senor - Jacob asked his mother Frances Senor, to pay off the bond of \$700. which he had over to Capt. Murphy: Mrs. Senor replied that if he had made a bond and given it Capt. Murphy, he the said Jacob might pay it himself that she would have nothing to do with it - that she expected to have to pay Mrs. Rebecca Stephenson the sum of \$100. security money, for him: Jacob Senor replied that she should not pay it, that his brother Joseph Senor might write to Mr. Womble of Richmond to send her \$120. out of the \$500. which he had in his hands due him - Mrs. Senor some month or two afterwards received a check from Mr. Womble of Richmond for \$120. which I collected for her - In the fall of 1847 after Joseph Senor had returned to the West, he wrote me a letter enclosing \$13 or 14 \$ - I think \$14 - as the balance due Jacob Senor, stating in his letter that Mr. Womble had charged about that amt. for Commr. - And the amt. which had first sent Mr. Womble would want about that amt. of paying the debt due Jacob - I paid over the amt. sent to Mrs. Frances Senor under the instruction of Joseph in his letter. Jns. M. Holland

Subscribed and sworn to before me this 16th day of Sept. 1845 -

W. S. Goodwyn Comr

That part of the above deposition which relates to the letter sent by J. Senor to the deponent excepted to because the letter itself could not be produced if produced and cannot contents cannot be spoken of unless proof that it has been lost. P. & C. for Plff."

The following exceptions were filed to the foregoing report -

"Senor. v. Senor - Exceptions by Plff. to the report of Commr. Goodwyn made in this cause according to an order entered Nov. 8th 1844 -

The report of the Commr. is excepted to because it is not sustained by the evidence in the cause - It has taken as the basis of the act the principle that the bond given Sept. 1st 1840 for \$700. closed all matters of account and that he could not look behind the settlement alleged to have taken place at that time, and pursuant to this principle he has not required proof of the payments ~~by which~~ it is stated the original bond was reduced to \$700. but has assumed the execution of that to be conclusive in this respect. The proofs are not such as to justify the Comr. in affirming the conclusiveness of the settlement made Sept. 1st 1840 - The principle adopted by the Commr. in making up the account is objected to, also because the Defendant, has set up no such defence, but on the contrary states in his answer the manner in which the \$1600. bond was discharged - The report is excepted to also because the Commr. has improperly placed the credit for \$200. on the \$700 bond when in truth it was applied to the payment of the original \$1600. bond

The Commissioner also filed a Special Statement marked, O, in the following words and figures, to wit:

Lenox
} Commissioner's Office - Nov 10th 1846.
Lenox

Pursuant to an order of Court recommending, the report of the Comr. made under the order of Nov. 8th 1844. The Comr. begs leave to report the following.

James Lenox and Joseph Lenox

In account with Jacob Lenox

To amt of bond due Jacob Lenox 20 th June 1841	\$1600. 00
By amt paid 20 th June 1841	\$450. 00
" " "	200. 00
" " "	100. 00
	<u>750. 00</u>
" bal. due	850. 00
" Int. thereon from 20 th June 1841 to 6 th Oct. 1841	<u>19. 83</u>
" Amt due 6 th Oct. 1841	869. 83.
" Amt. two drafts paid through Wm. H. W. W.	\$487. 00
" " paid Mrs. Lenox.	<u>14. 00</u>
	<u>501. 00</u>
To bal. due James & Jacob Lenox	\$ 368. 83
with Int. from 6 th Oct. 1841. Respectfully Submitted.	

W. S. Goodwyn Comr

And now at this day to wit. At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the day and year first herein aforesaid, to wit. on the 12th day of November 1846. This day this cause came on to be further heard on the papers formerly read and on the exceptions to the report of Commissioner Goodwyn under a decree pronounced at November Term 1844 and on the special statement of the said Commissioner marked, O, which special statement the Court doth confirm. On consideration whereof the Court doth adjudge, order and decree that the defendants James Lenox and Joseph Lenox pay to the plaintiff Jacob Lenox the sum of three hundred and sixty eight dollars and eighty three cents with interest thereon from October 6th 1841 till paid and his costs by him in this suit expended. And the Court doth further adjudge, order and decree that the Sheriff of Southampton sell to the highest bidder for cash, after giving thirty days notice of the time and place of sale, the undivided interest of Joseph Lenox, being one fourth part, in the slaves and their increase to wit. Hannah, Delilah, Frederick, Indy, Sally, Jane and Ann. held by Frances Lenox as her dower in the slaves of her deceased husband Henry Lenox and out of the proceeds pay the whole

debt interest and costs. But the plaintiff is not to have the benefit of this decree until he shall have entered into bond with sufficient security in the Clerk's Office of this Court in a penalty equal to double the money decreed to be paid to the plaintiff with such condition as the Law directs in the case of absent defendants.

The following evidence was filed in the cause.

The deposition of Jesse Drury taken agreeable to the annexed notice, on the 26th day of October 1843 between the rising and setting of the sun on said day, at the house of Simon Murfee to be read as evidence in a suit depending in the Circuit Superior Court of Law and Chancery for the County of Southampton on the Chancery side thereof wherein Joseph Lenox is plaintiff and James Lenox, Joseph Lenox & Frances Defendants.

In the year 1841 a writ came to my hands as deputy sheriff against James Lenox, Joseph Lenox & Frances Lenox, in favour of Jacob Lenox for the benefit of Simon Murfee, returnable to the first Monday in September, on Tuesday preceding I executed it on Joseph Lenox and Frances Lenox, at which time I had a conversation with Jacob Lenox, in which he stated that he owed his brother Jacob money and intended to settle with him, before he went away but that there was not a good understanding between them - he offered me five or ten dollars to go with him to Franklin to see his brother Jacob and settle their matters, which I declined - he then remarked that as Jacob had sued him he might get it by law.

Question by Jacob Lenox. Did you infer from the conversation with Joseph Lenox that he and Frances Lenox owed me other monies than the bond alluded to above?

Answer. I did. he remarked to me that he was ready to pay him his proportion of his father's estate, and had an account made up for settlement - I advised him to go and see his brother Jacob and pay him as he was in want of money.

Jesse Drury

The above was written by Jesse Drury and sworn to before me this 26th day of October 1843 at the house of Simon Murfee between the rising and setting of the sun. Given under my hand and seal this day and date as before written

Jas. W. Murfee (J.P.)

This deposition is excepted to for want of notice as to both Jos. & James Lenox - It is also excepted to, as being no evidence against James Lenox. Jos. Lenox's declarations and conversations are not evidence against James Lenox.

Cholmon Ridley Counsel for Defts

The deposition of Simon Murfee, Lydia Murfee and Elizabeth A. Oliver taken this 28th day of October 1843 between sun rise and sun set at the residence of Simon Murfee agreeable to the annexed notice, to be read as evidence in a suit depending in the Circuit Superior Court of Law & Chancery for the County of Southampton on chancery side thereof Jacob Senor plaintiff. James Senor. Joseph Senor & Frances Senor Defendants

The deposition of Simon Murfee-

This deponent saith that in the year 1839 Jacob Senor put into his hands a note executed by James Senor & Joseph Senor for the sum of Sixteen hundred dollars made payable to Jacob Senor and on demand in June 1841, this deponent returned said note to Jacob Senor some time in the year 1839, he often heard Jacob Senor say that he had left said note in the hands of his mother Frances Senor but he always said to me it was not settled - this deponent says that in the last week in August 1841 Joseph Senor came to his house and asked him to take a walk to themselves & while in conversation, Joseph Senor stated that he and his brother James had sent hundred dollars to Richmond Subject to Jacob Senors order it being money they owed him - This deponent says while in conversation he asked Joseph Senor where the note for Sixteen hundred dollars was which Jacob left with his mother - he said we have got it Sir. The deponent asked him if he got it from Jacob - he said we have got it. The deponent asked him if it had been paid - he said it makes no difference - we have got in possession - Further this deponent saith not - J. Oliver.

The above was taken and sworn to before me this day at the house of Simon Murfee. Given under my hand Seal this 28th Oct. 1843. H. J. Smith (J.P.)

The deposition of Lydia Murfee-

1st question by P^lff. Did Joseph Senor come here in the month of August 1841?

Answer - He did.

2^d question by P^lff. Did Joseph Senor ask Simon Murfee to take a walk with him?

Answer - He did. and they walked out together.

3^d question by P^lff. Did you or did you not hear Simon Murfee ask Joseph Senor on their return when near the house where was the note of Sixteen hundred dollars which Jacob Senor left with his mother?

Answer - I did hear Simon Murfee ask Joseph Senor where was the note of Sixteen hundred dollars which Jacob Senor left with his mother?

4th question by P^lff. What was Joseph Senors answer to Simon Murfee?

Answer. Joseph Senor said, we have got it Sir.

And further the deponent saith not.

Edith X Murfee
mark

The deposition of Eliza A. Oliver.

1st question by P^lff. Did or did I not put in your hands in the year 1838 a bond against James Senor & Joseph Senor for sixteen hundred dollars made payable to me?

Answer. You did & I afterwards returned it to you.

2^d question by P^lff. Did Joseph Senor come to this place in August 1841?

Answer. Yes Sir.

3^d question by P^lff. Did Joseph Senor & Simon Murfee take a walk during his stay here?

Answer - They did.

4th question by P^lff. Did you see them in conversation when absent from the house?

Answer. I saw them apparently in conversation but not near enough to hear what was said I being upstairs. And further this deponent saith not - Eliza A. Oliver.

The foregoing deponents first being sworn to answer questions as might be propounded answered as above. Given under my hand Seal this 28th Oct. 1843. H. J. Smith (J.P.)

These depositions are accepted to for want of notice to James & Jacob Senor. They are also accepted to because J^r Senors conversations are detailed - they are no evidence against James - Simon Murfee deposition is also accepted to because it details the statements & conversations of Jacob Senor the P^lff. Sholson & Ridley Counsel for Defts.

May 1844. A notice thro' the papers is now filed - the defendants had attorneys & agents in this State. But even according to the notice, these depositions cannot be read - the notice is to take depositions on the 26th Oct 1843 & to continue from day to day - these are taken 28th Oct. & there was no continuance by the Justices - Ridley & Sholson.

The depositions of Mrs Frances Senor & Shugars Linn taken before me William D Hood a Justice of the Peace for Southampton County pursuant to notice, and hereto annexed at the store of A. J. Vellins & Co. at Berlin, between the hours of sunrise and sunset, of the 20th of August 1844 to be read as evidence in a Chancery suit, now pending in the Circuit Superior Court of Law and Chancery for Southampton County Va. in which Jacob Senor is plaintiff and Joseph Senor is Defendant -

Mrs. Shugars Linn being first duly sworn deposes and says - that some three or four years ago I was called on by Jacob Senor to credit a bond amounting to sixteen hundred dollars executed by James & Joseph Senor to Jacob Senor. and did endorse on said bond a credit of four or five hundred dollars - I also received the half of a hundred dollar bill from Joseph Senor some time after, which I was requested to pay over to

Jacob Senow as a credit to the above bond which I did and have said Senow's receipt now in my possession -

Question for the Defendant - Did you or did you not receive a letter about the latter part of May 1841 from Hannah the house maid of Mrs. Senow directed to Joseph Senow of Tenn. Answer. I did and mail the same

Thurgood Sain

The deposition of Mrs. Frances Senow being duly sworn deposes that Jacob Senow brought a bond to me amounting to sixteen hundred dollars executed by Joseph and Jas. Senow requesting that I would take care of it, on which I afterwards paid him between four and five hundred dollars which Mr. Sain credited, and I continued to retain it in my possession for some time after, until a settlement took place between Jacob and Joseph Senow at my house, when Joseph took in the sixteen hundred bond, and executed a new bond for seven hundred dollars, which I was requested still by Jacob to retain, as he did not wish his wife to know that the original bond had been reduced to so small an amount, at the same putting a cross mark on it by which I might distinguish it, and Joseph Senow some short time after paid over to Jacob Senow the sum of two hundred dollars - Jacob after this called on me for the bond last put in my possession, stating that he intended to enclose it to Joseph Senow, hoping it would induce him the sooner to settle it off, and enclosed it at my house, with directions to give it to my house maid Hannah for her to deliver it to Mr. Sain who was then P. M. at Berlin requesting him to mail it, this was on Friday preceding the Monday on which it was mailed - the cause of its being delivered to Hannah was, that I was about to leave home to attend an association, which was then holding in Kanesburg. I think in the latter part of May 1841.

Frances X Senow
mark.

The foregoing depositions were taken before me at the place and time aforesaid
Wm D. Hood, J.P.

The deposition of John Womble of the City of Richmond taken before me Ch. Maurice Smith a Notary public for the City of Richmond this 10th day of October 1844 between the hours of 12 O'clock A.M. and 3 O'clock P.M. at the store of the said John Womble, in the City aforesaid, to be read as evidence, in a suit in Chancery, now depending in the Circuit Superior Court of Law & Chancery for the County of Southampton between Jacob Senow & James Senow and others -

The deponent John Womble being first duly sworn on the holy Evangelist, deposes and saith as follows, in answer to the following interrogatories -

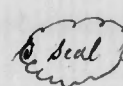
1st question by Wm P. Munford Counsel - State the transaction between yourself and James Senow of Tennessee respecting a draft for \$500 transmitted to you by him in 1841.

Answer - In June 1841, I received a letter from James Senow of Tennessee enclosing a draft drawn by Benjamin Mosby on David Anderson Junior of Richmond, Virginia for \$500. at four months, from the 1st of June which said draft was paid in Bank of Virginia on the 4th October 1841. and on the 6th of October 1841. I made a statement of the account with said James Senow and also forwarded a duplicate to Jacob Senow of Southampton, and remitted to the said Jacob Senow of Southampton a check drawn by the Bank of Virginia, on the Branch Bank of Virginia at Norfolk for \$367. and at the same time forwarded to Mrs. Frances Senow of Southampton, a check drawn by the Bank of Virginia, on the Branch Bank of Virginia, at Norfolk for \$120. which two amounts added to \$13 my charge of commission and postage amounts for the manner in which the \$500. received on the above alluded to draft, was disposed of. All of which was done by directions or directions received from James Senow, either by letter or in person. All of which will more fully appear by reference to the paper marked, A, containing duplicate letters and accounts and hereto annexed -

2^d question by same. State whether the original instructions of James Senow respecting the payment to Jacob Senow of \$500, was subsequently countermanded by the said James Senow?

Answer - It was either by letter or in person? And further this deponent saith not.
Jno. Womble.

The foregoing deposition was taken, sworn to, and subscribed at the time and place mentioned in the caption, before me, a Notary Public for the City aforesaid.



Given under my hand and seal of Office this 10th day of October 1844 -
Ch. Maurice Smith Notary Public.

The following is a copy of the paper marked, A, and referred to in the foregoing deposition -
" Mr. James Senow.

1841

In account with John Womble

Octo 4.	By this amount received from D. Anderson Jr. on your	}	\$500.00
	draft Bk. of Va.		
" 6	To postage & commissions	}	\$13.00
"	Check in favor of Mrs. Frances Senow on		

Bank Va. Norfolk 120.00
 " Check in favor Jacob Lenor on Bk. Va. Norfolk 367.00
 \$ 500.00 \$ 500.00

Mr. James Lenor. Richmond 6th Octo. 1841.

Rich Pond Indorse

apc. in full. Showing the whole amount in my hands paid agreeable to your directions.
 Very respy. John Womble.

Mr. James Lenor.

1841 In A/c with John Womble
 Octo. 4 By this amount received from D. Anderson Esq. on } \$ 500.00
 your draft Bk. of Va.
 " 6 To postage & commissions \$13.00
 " Check in favor Mrs. F. Lenor on Bk. of Va. Norfolk 120.00
 " Check in favor of Jacob Lenor Bk. Va. Norfolk 367.00
 \$ 500.00 \$ 500.00

Mr. Jacob Lenor. Richmond 6th Octo. 1841.

Franklin Depot. So. Ampton Cty. Va.

Sir. Above you have a Statement of apc. with James Lenor in full. I herin enclose you a check on the Bk. Va. at Norfolk, payable to your order for three hundred & sixty seven Dollars (\$367) the balance of the apc. due say \$120.00 is enclosed to your Mother Mrs. F. Lenor, Berlin P. O. So. Ampton County Va. all of which is in conformity to the orders of Mr. James Lenor.
 Very respy. John Womble

Mrs. Frances Lenor

Richmond Oct. 6. 1841.

Berlin P. O. So. Ampton County Va.

Madam. At the direction of Mr. James Lenor I now enclose herin a check Bk. Va. Norfolk, payable to your order for one hundred & twenty Dollars
 Very respy. John Womble

And afterwards in the vacation of the Circuit Court of Southampton County (to which Court the records and papers of the late Circuit Superior Court of Law & Chancery, have been transferred) to wit on the 24th day of November 1853 a copy of the decision of the Court of Appeals in this cause, was received by the clerk of the said ^{Circuit} Court and is in these words to wit.

" Virginia: At a Court of Appeals, held at the State Courthouse, in the City of Richmond on Monday February 2^d 1852.

James Lenor and Joseph Lenor

against
 Jacob Lenor

Appels:

Appes. } Upon an appeal
 from a decree pronounced

ed by the Circuit Superior Court of Law and Chancery held for Southampton County on the twelfth day of November 1846 in a suit in which she was plaintiff and the Appellants &c. were defendants.

This day came the parties by their Counsel: Whereupon the transcript of the record of the decree aforesaid and the arguments of Counsel having been maturely considered, the Court is satisfied by the pleadings and proofs in the cause, that the bond of sixteen hundred dollars, in the bill and proceedings mentioned, had been reduced prior to the first of September 1840 by payments to about the sum of seven hundred dollars: that on the day last mentioned, a new bond (whether executed by James Lenor or Joseph Lenor does not distinctly appear) for the said balance of seven hundred dollars was delivered by the said Joseph to the said Appellee Jacob Lenor, and accepted by the latter, in satisfaction and discharge of the said balance And that the said bond of sixteen hundred dollars was thereupon surrendered by the said Jacob to the said Joseph - And that thereafter and prior to the institution of this suit, the said bond of seven hundred dollars was fully satisfied, by payments made by the said James and Joseph - The Court is therefore of opinion, the said Circuit Superior Court erred in adopting the Special Statement of the Commissioners as the basis of its decree and in rendering a decree against the Appellants for the balance reported in said Statement, and in ordering a sale of the property attached, and that it ought instead thereof, to have confirmed the original report of the Commissioners and dismissed the bill - The Court is also further of opinion, that notwithstanding James Lenor was regularly proceeded against as an absent defendant, and therefore according to the decisions of this Court in the cases of Platt against Howland, Smith & Light, five hundred and seven, and of Barber and Company against Pannell & Smith Graham, four hundred and forty two, had

no right to appeal to this Court on account of any error in the decree against him: yet that as Joseph Lenox filed his answer under the permission of this Court, and thus entitled himself to the privileges of a home defendant, and succeeded, in the opinion of this Court, as above indicated, in proving a defence which was in no respect personal, but established the satisfaction and discharge of the ^{joint} obligation on which the debt was founded, the appeal of the said Joseph necessarily, brings under review, the propriety of the whole decree, and devolves upon this Court the duty of correcting and reversing it, in favor as well of the said James as of the said Joseph: therefore it is decreed and ordered that the said decree be reversed and annulled, and that the appellee do pay unto the appellant Joseph Lenox his costs by him expended in the prosecution of his appeal aforesaid here. And this Court proceeding to pronounce such decree as the said Circuit Superior Court ought to have pronounced, it is further decreed and ordered, that the said original report of the Commissioner be confirmed, and that the bill of the Appellee be dismissed, and also, that the said Appellee, do pay unto the appellant Joseph Lenox his costs by him about his defence in this said Circuit Court expended - Which is ordered to be certified to the said Circuit Court of Southampton County.

Appellant Joseph Lenox's costs
in the Court of Appeals } \$50.02.

A Copy.

Teste. J Allen cc "

A true copy of the record

Teste.

S. R. Edwards cc

Clerks fee for this copy of the Record \$5.64 f.

S. R. Edwards cc