

1856-009

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARHAM and Wife et al VS. BRIGGS' ADM'R. et al
Barham's admr & al vs Briggs' admr & al

11/1856

Other SURNAMES: Holmes,
Warren, Branch, White,
Faison, Southall, Morris,
Rollings, Booth, Boothe,
Southall, Merritt, Bevan,
Holms, Pretlow, Bailey,
Holloway, Atkins, Boykin,
Butts, Ricks, Denegre,
Rawlings, Nicholson, Griffin,
Eldridge, Everett, Devany,

Barham Midge H^y

3 Papers

Booth H^y

35 Sep. Bill filed H^y

Nov. Lfr. Mells' ans. B.R. H^y

6 Jan. - Lfr. South at Midge. H^y B.R.
Peter Booth. Lfr. Branch Midge. E.
Marriage Midge. Henry Hawkins sec.
John Booth. Lfr. B.R. Sec.

March. Set for hearing as to rights Booth.

Nov. 3rd. Lfr. Boykin & John
Warner

Apr. R. Sp. on Boykin. not returned

Oct. Leave for James Holmes wife
to come. Leave sent to the Midge.

May. Lfr. Holmes wife. G.R. VC

June. On Bond. John Warner &
Boykin active.

Sept. Set for hearing as to Holmes wife.

Oct. Death of Pigg. Pussilla suggested
& Cont.

1837 Apr. Lfr. Lfr. in the name of A.D.
Barham acc. Lfr. Pussilla Warham &
Death of John Diney suggested
& Cont.

Oct. 25. Sec. fa. ip. Lfr. Lfr.

1838 Apr. Ans. of Branch acc. & of
White. acc. rep. H^y

Dec. Lfr. Lfr. for account.

1839 Lfr. Death of T. N. Branch
Suggested H^y

July 16. Report.

1840. Oct. 6. Sec. fa. ip. Lfr. Lfr.

1841. Apr. Lfr. Lfr.

Oct. Cont.

1842. Apr. Cont.

Oct. Cont.

Apr. Lfr. Lfr.

1843. May. Lfr. Lfr.

Sept. Sec. fa. ip. Lfr. Lfr.

Nov. The marriage of Elizabeth
Branch with T. N. Branch & death
of Branch suggested. & the arrival
of John Booth to lawful age also
suggested.

1845

May. T. Lfr. Lfr. for division
& distribution of money &
negroes.

Barham wife

v. } Papers

Booths adm.

1847 November Term
Final decree

S.S.C. d d l.

Barham d wife d

in } Bill.

Booths En^d d

Marion d Charles

1835 Aug 15th

Ex^o



To The Hon^d. Richard H. Baker, Judge of the Circuit
Superior Court of Law and Chancery for the County
of Southampton, sitting in Chancery.

Humtly complaining shews unto your Honor, your Comp^{ts},
Nicholas J. Barham and Priscilla his wife, Peter ~~Booth~~
an infant of tender years, by the said Nicholas J. Barham his
next friend and.

That in the year 1827 Peter Booth, of the County of Southampla
departed this life having duly made and published his
last will and testament, which was duly admitted to probate
by the County Court of Southampton and its execution under-
taken by Wm Briggs and Henry Briggs two of the Executors
therein named, all which will more fully appear by refe-
-rence to copies of the said will of the latter testamentary
herewith exhibited as parts of this Bill - That the said
Henry Briggs departed this life and admin on his estate
was granted to Francis M. Boykin, and with the consent
of the said William Briggs, his power as Ex^r were revoked
by the County Court of Southampton in due form of law
and the unadministered estate of the said decedent
with the will annexed was committed to Edward Butts
Sheriff of the County of Southampton. - Your

Compl'ts state that the said Peter Booth was never lawfully married, and your Compl't Priscilla, ~~was~~ acknowledged by him as his child at all times - that in his will he describes her as his daughter Priscilla Holmes: that she has since intermarried with your Compl't Basham: Your Compl'ts state that John & Peter Holmes, named in the said will were children of your Compl't Priscilla by a former marriage and grand children of the said ^{Peter Booth}, that except her & her said child his next of kin, were his brother John Booth & the children of his sister Patsey Warren, who had departed this life long before him, to wit, Eliza M. Warren, who had an illegitimate child named Julia Ann Warren, an infant, which Eliza intermarried with Lewis A. Branch and died since the death of the said Peter Booth, Peter B. Warren is now a convict in the Penitentiary in Richmond.

John Warren, Hannah Warren who intermarried with Wilkins White, had issue a son named ^{White} and died ^{since} before the said Peter Booth, the Testator, Susan B. Warren who intermarried with Henry Fairson, and Hannah J. Warren, who intermarried with John Holmes - That the said John Booth brother of the said Peter Booth since his death, hath departed this life intestate and William ^{and has since died and administration de bonis non on the said John Booth's estate has been in due form granted to John Denegre} ^{Ricks} has duly qualified as his adm^r. That his children

and heirs at Law are his children Polly to Booth wife of John W. Southall, Henry Booth, Peter Booth, Elizabeth Booth, wife of Lewis A. Branch, Patsey Booth wife of Edwin Morris, Anna Booth wife of Henry Rollins, and John Booth who is an infant -

That the said John Holmes has departed this life of tender years, unmarried intestate and without issue - That your Compl'ts are advised & claim, that they ^{said Priscilla} ~~are~~ entitled under the said Peter Booth's will subject to the charge of raising and educating the said Peter ^{Holmes}, his brother being dead, without charge, ^{& to the} use of the Testator's ^{except specifying gen. legacies} chattel estate until the 1st day of January 1845, that this bequest includes the money and choses in action of said Testator, which she has reason to believe amounts to a very large sum, over and above the money legacies in the said will bequeathed - That, altho the said Testator in the 15th ^{clause} of his will directs, that his Executor shall put ~~the~~ money due him out at interest, she is entitled to the interest annually accruing thereon. That neither the Executor, nor the Adm^r. de bonis nor have paid her any portion thereof, altho it now amounts to a large sum. Your Compl'ts further state, that in the division which the Testator directs to take place of his estate on the 1st day of

January 1845. The devise, that no part of his estate shall be sold until the date of 1845, Jan^y. 1st and then an equal division of his negroes to be made, one third to his daughter Priscilla for life, one third to Peter & one third to John Holmes, to them & to their heirs forever. that the said testator is silent as to what disposition is to be made of the large sum of money which he knew he possessed, or of the proceeds of his other chattel estate, in words. Your complacents claim that taking the whole will together, it is obvious that he intended the division which he directed to be made of his negroes, also to include his other chattel estate which included his money - but the said adm^r. with the will annexed & the said Ex^r. have refused to pay to your Compt^s Barkham and wife the interest on the money loaned out annually accruing, and the children of the said John Booth and Patsey Warren, claim that in 1845, they will be entitled to the whole of his estate except the negroes and the lands devised on the ground that as to the residue of his estate, the said testator died intestate. Your Compt^s insist that the said testator did not intend to die intestate as to any part of his estate, and has not died in that condition as to the most valuable portion of his Estate, and this they think is apparent on the face of the will - they

they leave to state, that the several parcels of land devised to his nephews, were all the land which he owned except the manor plantation of which they were not parcel - that to four of the daughters of John Booth he bequeathed one thousand dollars, to four daughters of his sister he gave the same sum, to be presently paid which has been done - to his brother John Booth, he gave all that the said John owed him, & to Peter B. Warren son of his sister he made a similar bequest, these specific legacies have been given up - the children of his sister, were all of age at the time of making his will, his brother John Booth was an old man, his wife, his brother John Booth was an old man, and nearly all of his children were of full age - while his daughter was a widow, and her two children, the favourite subjects of the testator's bounty, were of very tender years, he sets apart a fund ample in its amount, for the support and comfort of his daughter, and charges on it the raising and education of his grand children. He prescribes the time when the sale and division is to be made,

devises to his "family" his land on the death of his two
grand children, saying nothing of such limitation of
his slaves, money, or perishable estate. Your Compts can
not believe that your Honor will consider that the testator
died intestate as to his money & other personal estate except
his negroes, which constituted as value more than
all his estate besides - that it is important that there
should be a judicial decision of the rights of the
parties under the will, that there should be a
settlement of the adm^r ac^t, a payment to your
Compts Barkham and wife of the interest which
has accrued on the money loaned out, and that
the money should be loaned or invested under the
direction and order of this Court. all which they wish
done, but it cannot be effected without the aid
of this Court sitting in Equity. in tender consideration
whereof, and forasmuch as y^r. Compts are remedie
= l^y at law and only releivable in Equity. I. the end
that the said Francis M. Boykin Adm^r. of Henry Briggs
de^d. W^m Briggs, Edward & Bullock administrators ^{de bonis mort} of the Estate
~~of the said deceased~~ ^{Shiff and Com^r} of Peter Booth de^d. with his

will annexed, Benjamin Dewany ^{as adm^r of the estate of}
John Holmes de^d. John Demore ^{de bonis mort} adm^r. of John Booth
de^d. John W. Southall and Polly W. his wife, Scuis St.
Branch and Elizabeth his wife, and the s^r. de^d. ~~de^d~~
^{adm^r} of his wife Eliza M. de^d. Henry Boothe, Peter Boothe
Edwin Morris and Patsey his wife, Henry Rollings and
Anne his wife, and John Boothe an infant by some
fit person as Guardian ad litem. Julia Ann Warren
an infant by some fit person as her Guardian ad
litem, Peter B. Warren by ^{his Com^r}
John Wearner, Wilkins White ^{adm^r} of his de^d. wife
Deana Lati Warren, ^{white their son, an infant}
by a Guardian ad litem, Henry Faison and Susan
B. his wife and ^{James} John Holmes and Hannah J. his wife,
may be made Defendants hereto and compelled to
answer the allegations hereof fully and unequivocally
they pray the Commonwealth writ of Sp^e. directed &
that your Honor will decree that the said Boykin and
Briggs render an ac^t. of the transactions of Henry
and William Briggs as Ex^rs. of Peter Booth de^d.
that Edward & Bullock ^{do render an account of}

his acting as ^{Administrador de bienes} ~~Admin.~~ of the ~~estate~~ ^{Barham & wife} estate of the said decedent,
 that he pay to your Honors, the interest which has accrued
 on the money due to the said Peter Booth after payment
 of his debts since his death, and that your Honor will decree
 to whom and in what proportions the negro slaves, the
 money due, and the proceeds of the sales of the testator's other
 personal estate shall belong on the 1st day of January
 1845, and grant them genl. & special relief in the
 premises, as may be consistent with Equity & the nature
 of their case, & they will pray &
 Mason & Claiborne for pliffs.

S.S.C. d.d.

Barham drafts d.

in 3 Bills.

Booth's Exr's d.

Mason & Claiborne

1835 Aug 15th

Exr.

Munitt & Mipo

no.

} Dittion

Branch & Co.

To the Hon^{ble} Richard H. Bates Judge of the
Circuit Superior Court of Law and Chancery
for the County of Southampton.

The Petitioners of Eliza M. Branch & Lucia Ann his
Wife Late Lucia Ann Munnitt. Represents to your Honor
that at the last Term of this Court. a decision in
the suit of Bootham & Wife vs. Brothers. &c. &c. it was
pronounced for the division of the slaves
belonging to the Estate of Peter Booth dec'd. and
also for the payment of the Balance due from
Edwards Bulls, the adm. ac. bonis of Peter Booth
dec'd on his account current to those entitled -
a copy of the said decision is herewith as a
part of this Petition.

That your female Petitioner Mother, was
Eliza M. Branch, one of the administrators of Peter
Booth. That she died before Peter Booth, leaving
your Petitioner Lucia Ann her only child and
she was entitled, therefore instead of her Mother.

That in the decision referred to, the Court decreed
Edwards Bulls adm. ac. bonis non of Peter Booth
pay to William L. Munnitt. Shff & Com^{rs} of Eliza M.
Branch the sum of \$1538.83. with interest on \$247.32
past thereof from 31st Dec. 1844 till paid - and it
was further ordered and decreed. That one half
of one third of the slaves of Peter Booth. should
be so divided as to allot one sixth thereof to Wm.
L. Munnitt Shff. & Com^{rs} of the said Eliza M. Branch.
- That from a mistake of the fact - that Peter
Booth survived the 2^d Eliza, the above decree was
pronounced - when it should have been in favor
of your Com^{rs}.

Your Petitioner pray your Honor to allow them
to be made parties, in this case of Bootham & Wife
vs. Brothers &c. &c. and that your Honor will,

also I would so much of the case of May Term.
1845. as respects the payment of money & the allot-
ment of slaves to Eliza M. Branch. Adm. - and
also the same to your committee - as the
attributions of Peter Booth are - I grant, to
your petitioners and other signers
as fully may accrue.

Answer of Wm. L. Grant to the foregoing petition
states that he admits the facts stated in
the above petition - and consents that the
allegation in the case, as prayed in the
petition may be made - he has not
doubt that the female corselet, is the daughter
of Eliza M. Branch - that Eliza M. Branch
died before Peter Booth & that Lucia Ann
Minnitt is entitled to the benefit of that
portion of the ~~of~~ case of 1843 - (May Term)
which is made in favor of Eliza M.
Branch. Adm. - I pray the Court to so
order & award, showing answer prays
the same. dismissed.

Nicholas J. Barkham Esq.

vs. } Answer.

Edward Batts Esq.

Hodges & Hallinan

Oct. 30th 1835

To the Honorable Richard W. Baker, Judge of
The Circuit Superior Court of Law and Chan-
cery for the County of Southampton, in Chancery
Sitting.

The ~~defendant~~ answer of Edwards Batts, ad-
m'r or de bonis non, with the will annexed, of
Peter Booth deceased, to the bill of Complaint
exhibited against him and others, in this Honora-
ble Court, by Nicholas J. Barkham and others,
Complainants.

This defendant, having and recurring to
himself all manner of advantages of exception
to the many errors and insufficiencies in the said
bill of Complaint contained, for answer thereto,
or to so much thereof as ^{he is} ~~they are~~ advised it is
material for him to make answer unto, an-
swers and says - That he admits to be true the
facts stated by the complainants in relation to his
appointment of adm'r de bonis non as aforesaid,
so far as they are charged with reference to him-
self; that by virtue of that appointment he has
received into his hands a large sum of money
belonging to the estate of his testator Peter Booth,
for which he is prepared to render an account
when ^{ever} he shall be required to do so by the Court;
that he feels no interest in the controversy concern-
ing the construction of the will of the said testator,

either with respect to the person entitled to the principal sum in his hands as aforesaid, or ^{to} the interest which is now, or may hereafter become, due thereon; and therefore he hopes that the Court will proceed to a final settlement of the subject in order that he may be enforced to no further suits respecting it. And this defendant, having answered &c. by notes taken &c. prays to be hence dismissed with his costs in this behalf sustained.

Rodger Althinson,
Proponent.

Edward Butts and &c.
Peter Butts decd

Southampton County, to wit: This day appeared before the subscriber, a Justice of the Peace for the said County, Edward Butts, who made oath that the facts contained in the foregoing answer are true and correct to the best of his knowledge and belief. Given under my hand this 30 day of October in the year 1835.

N. C. Justice (J. B.)

Nich? S. Barkham Sal.

vi. *June* Mewer.

John W. Southall Sal.

1835. Dec. 28th.

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

The Joint and separate executors of John W. Southgate and Polly W. his wife, Henry Booth, Peter Booth, and a beneficiary by Lewis N. Branch his committee and real guardian ad litem, the said Lewis N. Branch and Elizabeth his wife, Edwin Morris and Patsy his wife, Henry Hollings and Anna his wife, and John Booth, an infant by Lewis N. Branch his guardian ad litem, to the title of Complaint exhibited against them and others, in this Honorable Court, by Nicholas J. Barham and others, ~~the~~ Complainants.

These defendants, saving ~~with~~ ^{to} ~~themselves~~ ^{themselves} all manner of benefit or advantage to the many errors and insufficiencies in the said bill of Complaint contained, for answer thereto, or to so much thereof as they are advised it is material for them to answer unto, answer and say - That they do not believe and therefore deny that the construction given to the will of the testator Peter Booth, in respect to the fund directed by him to accumulate in the hands of his ex'or, is such a one as the plain and legal inference from the said will authorizes to be drawn; or that it in any wise comports with what the testator himself would have directed had his intention been fully and explicitly indicated therein; that in regard to the sum of money now in the hands of his ex'or, they believe are advised and therefore contend that the said testator died intestate, as the same is nowhere disposed of in his said will, and by consequence devolves upon his legal distributees; and that the

A. J. Barham
v. Zenscar
James Holmström

1836 April 18th

To The Honorable Richard H Baker Judge of
The Circuit Superior court of Law and Chancery
for the county of Southampton in Chancery sitting

The joint & Separate answer of James
Holmes and Hannah J. his wife late Hannah ~~William~~
to The bill of complaints exhibited against them by
Nicholas J. Barham and Pissella his wife and Peter
J. Holmes an Infant by Nicholas J. Barham his next
friends -

These Respondents saving and reser-
ving to themselves all right of exceptions to The
various errors and misstatements of The plaintiffs
bill and for answer to so much thereof as they
are advised is necessary or proper they should
say is true as alleged that this Respondent has
intimated with Hannah J. Maanen daughter of
Patsy Maanen who was sister of Peter Booth dec'd &
The Testator named in plaintiffs bill and they
further say in right thereof as heir at Law of
sd. P. Booth they claim The portion cast on them
by The Law of decents and Intestacy, Inheritance
to That part of said Testators estate of which
he died Intestate after The first day of January
1845, and which your respondents are advised
must at That time revert to The Representatives of
sd. P. Booth as appts unadministered and not other-
wise disposed of by The Testator and of course
subject to The Law of Intestacy & distributions
These responses say that The Testator provided an
ample fund in The hands of Pissella Holmes for
the maintenance and education of Peter & John
Holmes in The second clause of his will, and these
respondents are advised and have believed that
in The loan made by The Testator to his daughter
Pissella of all his chattel estate, it was with mean

by The Testator, nor does it in Law, embrace his money
and debts due him at that time by Bond, as they are
advised money does not pass by Grant of all ones
goods & chattels, and the bonds due the Testator are
chosen in action, not embraced in said comprehension
in Term, (and not so embraced) The plaintiffs, not
being able to reconcile the conflicting clauses
of Testator will Set the 2nd & 15th clauses, and not
being entitled, to the use of the money under the
Term, chattel; They are not entitled, to the inter-
est there of, for if entitled to the interest, they
are entitled to the use, under the second clause
as & the 15th, must be a dead letter, & yr
respondents therefore pray that such decree may be
reversed in this cause as may define their interests
in the money accumulating as Interest money on
the debts due the Testator, the principal of which
it is not to be paid until 1st of January
1845. and will further occur & decree as to its
judgment may appear just & lawful in all
other matters touching the premises, and hav-
ing answered fully & fairly so far as they are ad-
vised to in a copy, pray to be dismissed with their
cost, and for which they will so pray &c

Wray p. d. 3

James Holmes
Hannah S. Holmes

Southampton County Set 3

This day appeared before me
a justice of the peace for the county aforesaid, James
Holmes & Hannah his wife & made oath that the facts as
set forth in the foregoing answer so far as stated on their
own knowledge are true & so far as relates to the statements
made on the knowledge of others they believe to be true
given under my hand this 15th day of April 1836
Can. Bowers,

Branch adon
of Branch
L.

White adon of
limp white
adon!

Barlow L.

Barlow L.

1838 April 3^d

to the Judge of the Circuit Sup. Ct. of Law & Eq.
for S^c caption - The joint and separate answer
of Lewis M Branch answer of his late wife Eliza
M Branch, and of William White answer of
his late wife Leiana White to the bill of
complaint in the said Court exhibited by,
them and others by Nicholas J Barkham
and others complainants -

These defendants say & for answer
say that they do not admit that the con-
struction given to the will of the testator
by the court is correct, in respect to the
fund directed by him to accumulate
in the hands of his executor; and that it
is not such an one as the plain legal
inference from the said will appears
to be or and, or is in any wise con-
sistent with the intention of John Wootch
the testator - that in regard to the money
in the hands of his executor, they
are advised and believe it to be
true that he died intestate, and the same
is no where disposed of in his said
will, and by consequence devolves
upon his legal distributees; and that
~~the~~ intent which may accrue thereon
before the year 1845 awaits the direction
to be given to the principal, or is
to be distributed among the various heirs
of the testator according as it may
become and even anterior to that time.
The said defendants further say that
if the Court shall deem itself competent
to remove a sum with regard to the
right of the parties, to the fund ordered
by the testator to abide with his representa-
tives till 1845, and which can't come
into possession until after that period
they ask that their several proportions

in the same may be adjusted and that
the interest to which they are respecting
entitled may also be decided not
only so far as they may prove out
of the claims of the testator with which
the complainant's will purports to refer
but also out of such other clauses
or may confer upon them rights in
contingency, should any such con-
sideration be found to exist, &
the contingency be shown to have
happened. And having answered
they pray leave to be dismissed with
their costs sustained &c.

Signed
Lewis W Branchhead
of Eliza M Branch
Wilkins White Adm

So. Superior County, W. This day came
before the undersigned justice for said
County, Lewis W Branch and Wilkins
White, who made oath that the facts
contained in the said answer are
true and correct so far as they appear
upon their own knowledge & that so far
as they appear upon the knowledge of
others they believe them to be correct.
Given under my hand and seal this
4 day of Apr. 1838—

Leifolt J. P. (D)

Is the Judge of the Circuit Sup. Ct. of Cal. by
for Southampton County. The separation
of Lewis Branch ~~and~~ ^{from} the estate
of Peter B. Warren to the pile of costs in
said Court exhibited against him & others
by Nicholas, Warham, &c.

The respondent for answer, says
that the course he has put upon the case
of Peter Booth by the Judge Nicholas, is wholly
inconsistent with the intention of
the testator and in opposition to the
manifest intention of Peter Booth
- He acknowledges his commitment of
the estate of P. B. Warren and refers
to the answer of Southall & others in
this case and makes the same a
part of his answer - He says, he
is willing the Court shall pronounce
a decree in the cause to settle
the rights of all the parties. What
the intent to which the said ~~Booth~~
Warren may be entitled may be
ascertained, not only so far as they may
grow out of the claims of the testator,
with to which the said parties to refer,
but also out of such other claims
as may confer upon him rights in
contingency, should any be found
to exist - and has answered
he prays, he be so decreed
with his reasonable costs in

His behalf sustained in
(Signed)

50. Aupton Tex. This day came before
the undersigned justice in said County,
Loring M. Branch who made
oath that the foregoing agreement is
true so far as depends on his
own knowledge and that so far
as depends on the knowledge of
others he believes it to be true.
Given under my hand and
seal as justice in said County
this 23rd day of June 1838 —

William B. Briggs and *L. B.*

to the County of ~~Jefferson~~

This return is to be filed by
court of parties —

Signed

A. A. Kline p. 2

McClain vs. Kline

June 25, 1888

Peter R. Waring

Corn

W. A. Ryan

W. A. Ryan

Barham & wife
vs Zboly Order

Brown's ad. &c

Executed on Lewis N Brown
L Dec. 3/1835 by delivering
to him a true copy

3 Simmons Dep. of
Benja. Secary Shff

A Circuit Superior Court of Law and Chancery continued & held for the
County of Southampton on the 3rd day of November 1835—
Nicholas J. Barliam & wife

~~Plffs~~

against
Edwards Butts adm^r of ^{Peter Booth dec^d} ~~John Beane~~ & al.

~~Defts~~

On the motion of the Plaintiff by Counsel Lewis & French
is appointed Guardian to the infant and Sanatio defendants to defend them
in this suit—

A Copy

Test. L. A. Edwards cl^k

Bartholomew's adms of

v. } Copy done

Booth's adms of ad

Southampton County Circuit Court December 19th 1838
Nicholas I Barham administrator of his deceased wife Priscilla Barham
and Peter I Holmes and infant of tender years by the said Nicholas I Barham
his next friend

Plffs

against

In Chancery

Francis M Boykin administrator of Henry Briggs dec^d. William Briggs Edwards
Butts administrator de bonis non of Peter Booth dec^d. Benjamin Devary Committee
of the estate of John Holmes dec^d. Benjamin Griffin administrator de bonis non of
John Booth dec^d. John W Southall and Polly his wife Lewis N Branch and Elizabeth
his wife and the said Lewis N as administrator of his deceased wife Eliza M
Henry Booth Peter Booth a lunatic by Lewis N Branch his committee and guardian
ad litem Odwin Morris and Patsy his wife Henry Rawlings and Ann his wife John Booth
a infant by Lewis N Branch his next friend Julia Ann Harrard Lewis N Branch
admot^r of Peter B Harrard dec^d. John Warren. Wilkins White administrator of his
deceased wife Dranna late Warren White Henry Fairs and Susan B
his wife and James Holmes and Hannah I his wife

Defls

The Defendants John Warren and Francis M Boykin who are out of this State and against whom the
plaintiffs have proceeded in the mode prescribed by Law against absent defendants having failed to
appear and file their answers on motion of the plaintiff by their attorney their bill is taken
as confessed against those defendants and the Dece facias issued to revive in the name of
Nicholas I Barham administrator of his late wife having been duly executed this cause came on
to be heard on the bill the answer of the other defendants replication thereto ~~and exhibits thereto~~
and exhibits filed and was argued by counsel. On consideration whereof the Court being of Opin
ion that upon a just construction of the Will of Peter Booth the words "chattels estate" was used
in a restrictive sense and embraced only that part of the estate which appears to have been
delivered to Mr. Holmes late Mr. Barham before the said was instituted; That the principal
with the accumulating interest on the money now put out at interest together with the remainder
in the Chattels lent to the Daughters till the first of January 1845 and the remainder in one
Third of the slaves after the first of January 1845 and after Mrs Barham's death is undisposed
of by the will and will go to the testators next of kin that is to say. One moiety to the descendants
of his sister the other moiety to the administrator of his Brother as assigns of his estate. And the
Court being further of Opinion that the property devised and bequeathed by the Testator Peter
Booth to Peter and John Holmes if Peter I Holmes shall die before the first of January 1845
will return and pass as undisposed of estate to the testators heirs and next of kin that is to
say. One moiety to the representatives of the sister and the other moiety to his Brothers represen
tatives subject ^{however} to Mrs Barham's interest in the Land and Slaves till January 1st 1845

as also to her one Third of the slaves and the profits of one Third of the Land ^{from} the first day of January 1845 till her death. And the court being also of opinion that if Peter I Holmes shall live till the first day of January 1845 then he will hold the Land in fee simple subject to one Third of the profits during his life and be entitled to one Third of the slaves in absolute right that Third of the slaves given to John will go in the opinion of the court is absolute ^{right} after the first day of January 1845 to Peter I Holmes and his Mother Mrs Burkhead in equal moieties and the Three Thousand five hundred dollars charged upon the Land in his favour will go one moiety to his Mother and the other will sink into the Land for Peter's benefit. doth the judge order and decree that Edwards Butts administrator do bring in an account of his transactions on the estate of the said Peter Booth that the Commissioner also take an account of the transactions of William and Henry Briggs as executors of the said Peter Booth and of the administration of Henry Briggs by Francis M Boykin which he shall consign up to be sufficient to pay any Balances found to be due from Henry Briggs to the estate of Peter Booth. And the said Commissioner is directed to report the respective accounts with any remarks deemed proper by himself or required by the parties or any of them to be so stated as

Attest

J. R. Edwards C. C.

Court Office Jan 14th 1839.

The parties interested are required to attend this office on Tuesday the 19th of February next to take up the accounts directed by the above order of the Court, and to bring all their vouchers & evidence for examination and settlement.

Lucy Cobb Comm

Court Office Feby 19/1839.

No person appearing but the defendant Edwards Butts, this acct is continued from day to day till the 4th day of March next, & notice issued to the parties.

Lucy Cobb Comm

On the 4th March no other party appeared and it was again continued to the 21st day of May.

On the 21st day of May no other party appearing, the Commr. concluded to make up the acct upon the vouchers exhibited by the deft Butts & report it.

Lucy Cobb Comm

Lucy Cobb

Bacham

m

Book

order of the
day of Nov
1864 -

In the Judge

To be entered

R. H. Baker

1864 Nov. Term

Barham's Brother. It having been
suggested, that Elizabeth Branch one
of the depts. has intermarried with
Chas. Brown and that he hath expended
his life, the said Elizabeth him serving
and that John Booth who has hitherto
been presumed agt. as an
infant, has arrived to the age of
twenty one years; it is ordered that
this suit shall hereafter be con-
= tinued against the said Elizabeth,
Elizabeth Brown and against the
said Peter Booth as an adult
and not by his guardian and
litens.

Barham & wife

M. } outwpo
Barth, add new

May Term 1825-

To be entered

R. H. B.

Booth and 2 sons

Now for Essex.

as

Booth, Esq. & ~~Booth~~ appearing to the Court. That since the
last hearing of this cause, that Benjamin Griffin
Griffin the executor of Peter Booth has reported this life, and
Goodman Griffin has been appointed executor of said Peter,
That Ann Rollins wife of Patrick H. Rollins, has and
and administration on her estate has been committed
to her husband Patrick H. Rollins. That Martha Morris
wife of Edwin Morris has and, & her estate has been
committed to Robert Eldridge, Esq. of Suffolk for administration.
That Susan Faison has reported this life, and John
E. Nicholson has qualified as her administrator, That
Peter B. Morris ^{deceased} ~~deceased~~ ^{in Branch & Eliza in Branch} ~~and his estate~~ has been
committed to the hands of ^{Wm. B. Faison} ~~Wm. B. Faison~~ Esq. of
Southampton for administration, and a decree has
been made in the cause in the names of ~~the deceased~~
~~and~~ ^{Wm. B. Faison} Esq. Esq. & executor of Peter
B. Morris, Lewis M. Branch and Eliza M.
Branch having been duly served. and by
consent of parties the cause is raised in the
names of Goodman Griffin, executor of Peter Booth.
- Patrick H. Rollins adm. of Ann his wife, Robert
Eldridge Esq. of Suffolk executor, and adm. of Mar-
tha Morris, John E. Nicholson adm. of Susan
Faison - and ^{by consent} ~~thereupon~~ this cause came on
for hearing and the papers formally read - on the
report of Lewis Esq. made in pursuance of
an order of this Court, 20th December Term 1838.
At which report, there being no exception thereto
the Court - with confidence in one the State
- Court ~~of the~~ in this cause, motion (A. A.) -
- On consideration of all which the Court
doth adjudge, order and decree. That I do

Bills administrators the heirs now of Peter Booth acc^d.
pay to John Southall & Sally his wife the sum of
\$1319.01. with interest on ~~\$726.65~~ ^{\$726.65} from thence
from December 31st 1844. till paid, To Grossman
Griffin & Leaman of Peter Booth a like sum with like
interest, To Patriek H. Rallings adm^r of Ann Rallings
a like sum with like interest, To Robt. Eldridge
Shff of Super beauty and care^u of the estate of
Mortua Brown a like sum with like interest,
To Thomas J. Patton Sec^y of Thomas Patton, who it appears
in the bequest ~~purchase~~ ^{is a purchase} from Elizabeth
P. Barrow. a like sum with like interest. That
Edwardos Butts, who it appears is a purchaser from
John H Booth, retains in right of his said purchase
a like sum with like interest ^{By consent of S^a Booth.} That the said Edward
Butts, who it appears is a purchaser of the money to which
~~Edward Booth~~ would be ~~entitled~~ ^{entitled}, retains by right
of his said purchase a like sum with like interest ^{by consent of S^a Booth},
That the said Edwardos Butts adm^r on behalf now
of Peter Booth. pay to James Holmes & Hannah
his wife, to John L Warren, to Geo E Nicholson
adm^r of Susan Faison acc^d. to William White adm^r.
of his anc^u wife Deborah, To William L
Ersitt Shff & Com^r of Peter B. Warren, To
Wm L Ersitt. Shff & Com^r of Eliza M Branch
anc^u. each, the sum of \$538.83. with
interest on \$847.76 a part thereof from December
31st 1844. till paid

And The Court with further adjudge order and decree
That James B. Urquhart, Robt. Murray, Bayⁿ L. Drant and
G. A. W. Mearns, any ^{whom may act} three of who are appointed commissioners
for that purpose. Aside the negro slaves and children
of which Peter Booth did ~~take~~ ^{take} into his custody ~~of~~
~~the same~~ and allot one moiety to Peter J. Holmes

being the portion to which he is entitled in his own right
now as his share of his brother John Holmes. That they
also and thirdly of the other half to Nicholas Basham
adm. of his and wife Priscilla. That the Remainder
(being one third of the whole) be divided into two
portions of Equal Value - one half to be equally
divided between, John Southall and Polly his wife.
Elizabeth A. Brown - Goodman Griffin, Co. Comm. of
of Peter Booth, Patrick H. Robbins adm. of Ann Robbins
Robert Eldridge Shiff of Surry Co. Comm. of the estate
of Martha Morris ac. John H. Booth -
and William Beal. a purchase from Dickey Booth -
and the other half to be equally divided, between
James Haines and Hannah his wife, John L.
Warren, Irwin Nicholson adm. Susan Faison ac.
William White adm. of his ac. wife Hannah -
Wm L. Everett Shiff & Co. Comm. of Peter B. Warren -
and the same Everett Co. Comm. of the estate of
Eliza M. Brackett ac.
That if ~~the~~ division ^{the last mentioned thing} can not be effected in
kind, the land will, as far as it is
practicable ^{or necessary} be made sale of ^{one or more} of the ^{part} of the
of the slaves, ^{at the Court House of said County} ^{within} 30 days notice of the
time & place ^{on a credit of} ~~for cash~~ ^{for cash} ~~and delivery of the proceeds~~
~~for the purpose of effecting said division~~
~~to be included and pay thereof to the persons~~
~~entitled to the same.~~

It is further ordered and assessed that the same
beams of granite the axis on of the Slaves - make
Sale of the "Chattel estate" bequeathed by Peter
Booth to his daughter Priscilla - on a credit
of months - Tolling Bond and receipt of
the purchase, and pay on the proceeds of

Sale to the same persons and in the same proportions
that the the remaining third of the House is subject to
this account to be decided amongst and report
an account of such Sale to this Court.

The Court are required to make Report of all
their proceedings to this Court in order to a
final decision. & insert (#)

But the said Parties are not to have the benefit
of that part of this account which is due
to whom money is directed to be paid by
Edwardos Butts, Adam & Son's now of Peter Booth
and are not to have the benefit of this account
ill, they or some one for them, shall execute
and file with the Clerk among the papers in
cause, ~~for the~~ Refunding Bonds with sufficient
security, conditions necessary to law.

(X) It is further ordered and decreed

which said Court are required to make Report to
this Court in order to a final decision.

and It is further ordered and decreed, that Wm S
Goodwyn one of the Clerks of this Court as
tain the kind, quantity and value of the Chattels
estate which pass into the hands of Peis-
cilla Borham are? late Holmes. Has much
of any of said Chattels now illegally sold
by the s^a Peiscilla, or Nicholas J Borham
also the kind quantity and value of the
said Chattels remaining on 1st Jan 1845.

The same Court will also take an account
of the sales of the House of Peter Booth's estate
which have occurred since 1st Jan 1845.
The Court will report said accounts, with
any matters specially stated, which he
may deem pertinent, or which may
be required by any of the parties.

But the parties to whom money is
directed to be paid by this account, shall not
have the benefit thereof, till they or some
one for them, shall respectively enter Refun-
ding Bonds with good security, payable
to Edwardos Butts, Adam & Son of Peter Booth and
in a penalty equal to double the amount
accrued to be paid to them respectively. Con-
ditions, to refund them and proportions of
any debts which may hereafter be recovered
against the estate of Peter Booth are? and of the
costs of such Recovery. and file said Bonds
with the Clerk of this Court to be filed by
him, among the papers in cause.

Statement.

(Apt)

The estate of Peter Booth acc^d

In Account with Edward Bull, adm. Dr. n
By Balanc and the estate for. Law. Co. Rpt. 3
on 31 December 1838. \$ Dr. \$10509.36. \$4509.45.

" Int. on \$10509.36. to Dec. 31st 1844. 3783.37.

Total paid Peggy Washington & Int. ~~177.91~~

Top^d Tickets

6.55-

1844. Top^d Jan on Int.

1.70

Top^d Wm. C. Parker atty.

50.00

Top^d A. Atkinson atty.

100.00.

Dec 31st 1844. Balanc and the estate.

10173.20.

\$10509.36 \$10509.36 \$ 8292.82

Balanc the estate. Principal \$ 10173.20

" " Interest: 8292.82

Total amt. and \$18466.02 with Interest-

on \$10173.20. prob. thence ~~from~~ December 31st 1844.

the paid - which to be divided among the distrib-
utors of Peter Booth acc^d in the following manner,
viz one half to the children of Patsy Warren, ^{acc^d} a sister
of Peter Booth - and the other half to the children
of John Booth - a brother of Peter Booth. -

Boston Wipe }
M. } deane

Booth, a Dr. Hal

Nov. Term 1846.

enter this.

Bosham & wife

Deft.

vs

Booth, adm. et al

Defts.

} . Note for decem.

This day this cause came on to be again heard on the papers formerly read, and on the Reports of James B. Magrath. Benjamin D. Sew and George A. Townsend Commissions appointed to appraise the value of the slaves of Peter Booth dec'd. and of Capt. Goodwyn's made in pursuance of a decree of this Court pronounced at May Term 1845. and there being no objection to said Reports, the Court doth affirm the same - and on the petition of Elijah D. Bennett and Lucia Ann his wife, by the consent of William & Essett Comrs of the estate of Eliza M. Branch dec'd. and was agreed by Counsel - On consideration whereof and by consent of parties, the Court doth appoint - Essett. William S. Goodwyn, a Commissioner to collect the amount of the value of the slaves reported to be due by his report - and to sell either publicly or privately, in his discretion, the chattel estate, in the hands of Nicholas J. Bosham, belonging to the estate of Peter Booth dec'd. and Report his proceedings to the next Term of this Court -

And by consent of William & Essett, Shff & Comrs of the estate of Eliza M. Branch, the Court doth allow and award, so much of the interest on the decree of May Term 1845, as assets, the Court appointed to appraise the slaves of Peter Booth dec'd. to allow a portion of said slaves to said Essett, Comr of Eliza M. Branch, and also so much as assets, Edward Bales adm. de bonis non of Peter Booth dec'd. to pay to said Essett. Comr as of said date, the sum of \$1538.83 with interest - ~~from~~ \$847.76. from the date from Dec. 31st 1844. - And instead thereof, doth adjudge order and award that Edward Bales adm. de Bonis

now of Peter Booth and pay To Elijah D. Morrill, and
Lucia Ann his wife, the said sum of \$1538.⁸³ with
interest on \$847.⁷⁶ from the 31st Decr 1824,
till paid. But the said Morrill & wife are not to have
the benefit of this decree against Belts, until they or
some one for them, shall enter into Bond and Security
in a sum equal to double the amount decreed to
them, conditioned to refund this and proportions of
any debts or amounts which may hereafter appear
against the estate of Peter Booth decd., and the costs
attending the recovery thereof.

And William I. Litchell admitting, that he has in
his hands the amounts which was decreed to
the admr. of Eliza M. Branch, being the proportions of
money arising from the sale of the shares of Peter
Booth acc^u to wit the sum of \$595.⁷² the said
Litchell agrees order and decree that the said
Litchell pay To Elijah D. Morrill & Lucia Ann his
wife the said sum of \$595.⁷² with interest
from this day - and that they execute a receipt
to him therefor - And as to all other matters
this cause is continue till the next Term -

Barham

m

Booth: and

note
for
Aure

To be entered

R. H. B.

1847 Nov 1 Term

Bartham as Booth. and so.

This day this cause came on to be finally heard on the papers formerly read and the report of lew. Goodwyn made under an order of this Court pronounced at Nov^r Term 1845 to which Report there is no exception, and the Court confirming said Report with advice order and decree that ~~the~~ ^{the} ~~said~~ ^{said} ~~Bartham~~ ^{Bartham} pay out of the money in his hands, pay to Peter J. Holmes the sum of \$119.92 with interest from 8th Nov. 1847 to Nicholas J. Bartham and ad^r of his wife Fannie. the sum of \$39.98 with ~~interest~~ ^{interest} to John Southall and Polly his wife. Jacob Barnes sh^{ff} of Southampton and Committee of the estate of Elizabeth B. Branch Goodwyn is appointed Com^r of Peter Booth Patrick H. Rollings ad^r of Ann Rollings. Edward Butts ad^r of Martha Morris. John H. Booth and William Brock each the sum of \$5.75 - with like interest - To James Holmes & Hannah his wife John L. Mann. John E. Nicholson ad^r of Susan Fairson and William White ad^r of his ad^r wife Dinah - Mrs. L. Emmett, sh^{ff} & Com^r of Peter B. Mann. & Elijah D. Munn & Julia his wife each the sum of \$6.66 with like interest, and the Court with further advice order and decree that the parties each pay the costs by them expended in this suit.

C.S.C

Barham Stiles &

" Esq. in Chy

Booth & Co

2. September 1825

The Commonwealth of Virginia:

To the SHERIFF of

Southampton

County.—GREETING:

You are hereby commanded to summon

Francis M. Boykin Executor of *Henry Briggs* dec'd. *William Briggs* dec'd. *Edward Watts* Executor. *William* dec'd. *with the will annexed of Peter Booth* dec'd. *Benjamin Dewar* Committee of the Estate of *John Holmes* dec'd. *John Demage* Executor. *debtors* of *John Booth* dec'd. *Lewis & Branch* & *Elizabeth* his wife. and the said *Lewis* and *Survivor* of his wife *Elizabeth* dec'd. *Henry Booth*. *Peter Booth*. *Henry Rolings* and *Ann* his wife. *John Booth* and *Jas. Holmes* and *Hannah* of his wife.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, on the first Monday of *September* next, that being rule day, to answer a

Bill exhibited against *them & others*

in the said Court by *Nicholas J. Barkham* and *Prigittes*

his wife, and *Peter J. Holmes* and *infant* by *the said Nicholas J. Barkham* his next friend

And unless the said defendants shall answer the said bill, within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100l.

And have then there this writ.

Witness—JAMES ROCHELLE, Clerk of our said Court at the Court House, the *3^d* day of *August* 1835, and in the *60th* year of the Commonwealth.

James Rochelle

[One copy to be delivered to each defendant.]

Executed on James Holmes and Hannah his Wife & Benjamin
 Devany County John Holmes August the 16th 1835 by delivering to
 each a true copy on William Briggs Edward Butler, Lewis
 A Branch and wife Henry Booth Peter Booth, Ann Hollings
 and John Booth August 21st 1835 by delivering to each
 a true copy on John Burgess August 22 1835 by
 delivering to him a true copy and on Henry
 Hollings September 2 1835 by delivering to him a
 true copy, Francis M. Boykin do. Subscribed
 William F. Webb Esq of
 B. Devany Sheriff

Co. S. C.

Bachman Hulse &

3 Sp. in Chry

Booth & Co

2 September 1835

Jerusalem *v.c.*
August 10

Paid 10

The Sheriff of Sussex County

v.c.

North York
Septmber, Nuts 1835

" 3rd or 4th Long

10th or 11th Long

The Commonwealth of Virginia :

To the SHERIFF of

Stafford

County.—GREETING:

You are hereby commanded to summon *Wilkins White as survivor of his deceased*
Wife Dianna late Warren and White their son John W
Southall and Polly his wife. Edwin Morris and Betsy his wife Henry
Faison and Susan B his wife

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, on the first Monday of *September* next, that being rule
day, to answer a

Bill exhibited against *them & others —*

in the said Court by *Nicholas J Buchanan & Priscilla*
his wife and Peter J Holmes an infant by the said Nicholas J Bar-
ham his next friend

And unless the said defendants shall answer the said bill, within four months thereafter, the
Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100%. And have
then there this writ.

Witness—JAMES ROCHELLE, Clerk of our said Court at the Court House, the *3^d*
day of *August*. 183*5*, and in the *66th* year of the Commonwealth.

James Rochelle clk

[One copy to be delivered to each defendant.]

Executed by delivering a copy to each as follows to Edwin Morris
and Betsy his wife on the 23rd to William White & son
on the 24th to ~~Mr.~~ John W. Souffall ²⁵ wife and ~~Mr.~~ Henry
Faison wife on the 29th days of August last
Given under my hand this 3rd day of September 1835-

E. C. Sand depy of
Wm. Parkman shff

Parkman wife &c

" Zephaniah Leary

Booth & Co

September, Rules 1835-

The Sheriff of DuPage County

Received
August 10

Paid 10

W. C.

The Commonwealth of Virginia:

To the ^{Sergeant} ~~Sheriff~~ of *the Town of Petersburg*: — ~~County~~. — GREETING:

You are hereby commanded to summon *John Warren and Julia Ann Warren*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, on the first Monday of *September* next, that being rule day, to answer a *Bill exhibited against them & others*

in the said Court by *Nicholas J. Barham and Priscilla his wife and Peter J. Holmes an infant by the said Nicholas J. Barham his next friend*

And unless the said defendants shall answer the said bill, within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly.

And this *they* shall in no wise omit, under the penalty of 100%. And have then there this writ.

Witness—JAMES ROCHELLE, Clerk of our said Court at the Court House, the *3^d* day of *August* 183*5*, and in the *66th* year of the Commonwealth.

James Rochelle Clk

[One copy to be delivered to each defendant.]

Jerusalem V^o
August 10

Paid

10

The Sergeant of Petersburg

Col

Septuagesimo N^o 1833

Doth 428

in 38th in 1833

Washam 1833

Septuagesimo N^o 1833
Septuagesimo N^o 1833
Septuagesimo N^o 1833

Septuagesimo N^o 1833

Septuagesimo N^o 1833

Septuagesimo N^o 1833

Septuagesimo N^o 1833

Barham Hill

" { Spa: in chry

Boothe 7th

1836 April Rules.

Not found —

W. T. Liergow (D.S.)
for

Lordan Branch

Lizcans

The Commonwealth of Virginia :

To the ^{Sergeant}~~Sheriff~~ of *the Town of Petersburg* — County. — GREETING:

You are hereby commanded to summon *John Warren* —

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, on the first Monday of *April* — next, that being rule day, to answer a — Bill exhibited against *him and others*

in the said Court by *Nicholas I Barham & Priscella his wife and Peter J Holmes an infant by the said Nicholas J Barham his next friend* —

And unless the said defendants shall answer the said bill, within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly.

And this *he* shall in no wise omit, under the penalty of 100*l*. And have then there this writ.

Witness — *Littleton R Edwards*
~~JAMES ROCKFELL~~, Clerk of our said Court at the Court House, the *7th*
day of *March*, 183*6*, and in the *6th* year of the Commonwealth.

L R Edwards *clerk*

c
Barkham Hulse

as Sp^o in lch.

Booth &

Apnd Rules 1836.

Not found

Mr. Schreie dep^y

Bray & Griffin off-

The Commonwealth of Virginia:

To the SHERIFF of

Southampton

County.—GREETING:

You are hereby commanded to summon

Francis M. Royster Adm^r of

Henry Briggs and

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, on the first Monday of *April* next, that being rule day, to answer a *Bill* Bill exhibited against *him and others*

in the said Court by *Nicholas J. Barkham and Procella his wife and Peter J. Adams an infant by the said Nicholas J. Barkham his next friend*

And unless the said defendants shall answer the said bill, within four months thereafter, the Court will take the same for confessed, and decree the matter thereof accordingly.

And this *he* shall in no wise omit, under the penalty of 100%. And have

then there this writ

Edleton R. Edwards

Witness—~~JAMES ROCHFORD~~, Clerk of our said Court at the Court House, the *7th*

day of *March* 183*6*, and in the *60th* year of the Commonwealth.

L. R. Edwards

[One copy to be delivered to each defendant.]

656

Barham Jas

23d Jan

Booth Jas

1837 October Term

Executed

Wm G Schell Deputy Shiff

The Commonwealth of Virginia To the Sheriff of Southampton County
Greeting: Whereas Nicholas J Barham and Priscilla his wife and Peter J
Holmes an infant of tender years by the said Nicholas J Barham his next friend
exhibited a bill in Circuit Superior Court of Law & Chancery for the County aforesaid
their bill of complaint against Francis M Boynton administrator of Henry Briggs
dec'd William Briggs Edwards Bulls administrator of the estate of Peter Booth
dec'd with his will annexed Benjamin Dewary administrator of the estate of John
Holmes dec'd John Demore administrator de bonis non John Booth dec'd John W Southall
and Polly his wife Lewis A Branch and Elizabeth his wife, the said Lewis as
Survivor of his wife Eliza M dec'd Henry Booth, Peter Booth, Edwin Morris &
Patsey his wife Henry Rollings and Anne his wife, John Booth an infant, Julia
Anna McCrell an infant Peter B Warren, John Warren, William White
as Survivors of his deceased wife Deanna Kate Warren White this son,
Henry Farrow and Susan B his wife & James Holmes & Hannah J Holmes his wife
whereupon sundry proceedings have been had as appears from the record and
files of the said Court but before a final decree could be pronounced in the said
cause the said John Demore the administrator of John Booth dec'd departed
this life and the unadministered estate of the said John Booth dec'd hath been
granted unto Benjamin Griffin Sheriff of the County of Southampton in due
form and being supplicated for a proper remedy in this behalf and being
willing that what is right and just should be done Reminding you that you
make known to the said Benjamin Griffin Sheriff and administrator as aforesaid
that he be before the Judge of our Circuit Superior Court of Law and Chancery
for the County aforesaid on the first day of the next Term to shew if any thing for
himself he have or know to say why the said Suit should not be proceeded
in to a final decree against him in his character aforesaid and bear all
things in the same plight and condition as it was at the time of the decease
of the said John Demore and further to do and receive what our said
Court shall in that part consider. And have thus read this writ
Witness Lilliston R Edwards Clerk of our said Court at the Courthouse the
12th day of July 1837 in the 62nd year of the Commonwealth.

L R Edwards

C.S.C

Barham & wife

to { Sci. for.

Booths and of

To October Term 1840.

Executed

N. M. Setwell Secy.

The Commonwealth of Virginia To the ^{Coroner} Sheriff of Southampton County.
Greeting. Whereas Nicholas J Barkham and Priscilla his wife and Peter J
Holmes an infant of tender years by the said Nicholas J Barkham his next friend
exhibited to our Circuit Superior Court of Law and Chancery for the County aforesaid
their bill of Complaint against Francis M Boykin administrator of Henry
Briggs dec^d and others whereupon sundry proceedings have been had as appears
from the records and files of the said Court, but before a final decree could be pronounced
in the said Suit Lewis N Branch one of the defendants departed this life and
administration on his estate with his will annexed was granted unto John H Booth
in due form, but subsequently the powers and duties of the said Booth as admin^r: as
aforesaid have been revoked and the estate of the said Lewis N Branch dec^d un-
administered by the said John H Booth has been committed to the hands of
Thomas Prillon Sheriff of the County of Southampton for administration according
to Law - also the estates of Peter N Warren and Eliza M Branch unadminis-
tered by the said Lewis N Branch have been committed to the said Thomas
Prillon Sheriff as aforesaid for administration according to Law - and being
supplanted for a proper remedy in this behalf and being willing that what is right
and just should be done command you that you make known to the said Thomas
Prillon Sheriff and administrator as aforesaid that he be before the Judge
of our Circuit Superior Court of Law and Chancery for the County aforesaid
at the Courthouse of said County on the first day of the next Term, to shew, if
any thing for himself he hath or can say why the said Suit should not
be proceeded in to a final decree against him in his character aforesaid, and
be in all things in the same plight and condition as it was at the time of
the decease of the said Lewis N Branch, and further to do and receive what
our said Court shall in that part consider - And have them return this writ
Witness Littleton R Edwards clerk of our said Court at the Courthouse the
6th day of October 1840 in the 35th year of the Commonwealth.

L. R. Edwards cl^k

2 056
Barham & wife &c

v. } Sci. fa

Booths adm: &c

1844 November Term

Executed

BW Goodwyn deputy of
Samuel B Hines Sheriff

The Commonwealth of Virginia. To the Sheriff of Southampton County
Greeting Whereas Nicholas Warkum and Priscilla his wife and Peter J
Holmes an infant of tender years by the said Nicholas Warkum his next friend
exhibited to our Circuit Superior Court of Law and Chancery for the County of
Southampton aforesaid their bill of complaint against Francis M Boykin
administrator of Henry Driggs dec'd others whereupon sundry proceedings have
been had as appears from the records and files of the said Court but before a final
decree could be pronounced in the said cause Thomas Prettow (one of the Defendants)
departed this life and the estates of Lewis M Branch Peter M Warren and Eliza
M Branch unadministered by the said Thomas Prettow have severally been com-
mitted to the hands of William I Everett as Sheriff of the said County of South-
ampton for administration according to Law - and being supplicated for a proper
remedy in this behalf and being willing that what is right and just should be
done therein command you that you make known to the said William I
Everett that he be before the Judge of our Circuit Superior Court of Law and Chan-
cery for the County aforesaid at the Courthouse on the first day of the next Term to
show if any thing for himself he hath or can say why the said suit should not be
proceeded in to a final decree against him in his character aforesaid and be
in all things in the same plight and condition as it was at the time of the
decease of the said Lewis M Branch. Peter M Warren & Eliza M Branch,
and further to do and receive what our said Court shall in that part consider
And have them there this writ. Witness I Alston R Edwards Clerk of our
said Court at the Courthouse this 12th day of September 1844 in the 69th year
of the Commonwealth

I R Edwards Ck

Southampton County, Superior Court. May 1843^d
Nicholas J Berham adm: of his deceased wife Priscilla
Berham, and Peter J Holmes an infant by the said Nicholas
J Berham his next friend Plffs
against-

Francis M Boykin adm: Henry Briggs decd, William
Briggs, Coloured Belets adm: de bonis non of Peter Booth decd.
Benjamin Derany committee of the estate of John Holmes
Gordon & Griffin committee of Peter Booth, Patrick
H Rollings adm: of his decd: wife Ann Rollings, Robert El-
dridge Shuff of Super and adm: Martha Morris, John C
Nicholson adm: Susan Faison, William S Everett Shuff
of Southampton and adm: Peter B Warren, Lewis N
Branch and Eliza M Branch, William M White adm: of his
decd: wife Dianna White, James Holmes and Hannah
J. his wife, John W Lovestall & Polly his wife, Elizabeth
Beran, Henry Booth Defts

In a decree pronounced in the case.
Superior Court of Law & Chancery for the County of South-
ampton in a chancery suit between the above named parties
the Commissioner is directed to ascertain and report to Court
the kind, quantity and value of the chattle estate which
passed into the hands of Priscilla Berham, decd: late Holmes,
How much, if any of said chattles were illegally sold by
the said Priscilla or Nicholas J Berham: also the kind
quantity and value of said chattles, remaining on the
first day of January 1843^d: and also an account of the fines
of the slaves of Peter Booths estate, which have accrued
since the first day of January 1843^d The parties interested
are hereby notified that I have appointed Monday the 29^d
day of September next, at 10 O'clock, at the Comm: office in
Jamaica for the purpose of taking the several above
named accounts. at which time and place the parties are
required to attend with the necessary evidence

August 4th 1846-

M. S. Goodwyns
Coms:

We acknowledge legal service of this within notice
August 18/1865

Jno E Nicholson ad

J Susan B Farrow

Wm Booth

P H Hallings ad

Berj Devany

Goodwin & Griffin

E Bates

ad

Bartholomew

Notice

Aug: 21. 1865

Barham's adm^r for

7 Co: order

Briggs adm^r for

=====

1856 Jan^y 5th

Virginia:

At a Special Court of Appeals held
for the First Judicial District, in the
City of Petersburg, at the Courthouse
of the said City, on Friday, the 21st
day of December A.D. 1855.

Nicholas J. Barkham administrator
of his late wife Priscilla Barkham and
Peter J. Holmes. Appellts
against

Francis M. Wyken administrator of ^{the} Upon an
Henry Briggs deceased and others. Appeal from
a decree pronounced by the
Circuit Superior Court of Law
and Chancery, held for the County
of Southampton, on the 17th day
of December 1838, in a suit in
which the Appellants were plain-
tiffs and the appellees were
defendants.

This cause, which has been removed to this
Court, from the Supreme Court of Appeals by op-
eration of law, is by direction of the appellant,
Peter J. Holmes, dismissed.

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

A Copy Teste J. H. Mann C.C.

Barkham &c

2 3

Booths & on

Filed. Apr. 16/1838.

I Lottetow Lanier Clerk of the County Court of
Super do hereby certify that at a Court held for the said
County of Super County the 5th day of April 1838. Melkins
White qualified in due form of Law as Administrator of
the estate of Diana White deceased his late wife.

Given under my hand this 5th day of April 1838

L. Lanier


Barham J^r

2 }

Norths ad. J^r

Filed Jan. 20 1845

I Silvester Lanier Clerk of the County Court of Sussex
do hereby certify that at a Court held for the said County the 5th
day of December 1844 John E Nicholson qualified in due form of
Law as administrator of the estate of Susan W Farrow dec. Given
under my hand this 5th day of December 1844

L. Lanier

W^{rs} Mason Atkins

Sampton County Jct.

Personally appeared before me William
D. Wood a justice of the Peace for the County aforesaid, Mrs Mar-
son Atkins, and made oath that she was personally
acquainted with Elizabeth M. Branch dec. wife of
Lewis M. Branch dec. and also with the late Peter Booth
of this County, and that she knows the said Elizabeth
M. Branch died previous to the death of the said
Peter Booth, and more over that the said Elizabeth
M. Branch had a child previous to her intermar-
riage with the said Lewis M. Branch, whose name
was Julia Ann. Given under my hand this 31 Oct.
1845.

Wm. D. Wood J.P.
— " —

Mrs Diana Holloway

Sampton County, Va.

Personally appeared before me William
Hobbs a justice of the Peace for the County aforesaid Mrs
Diana Holloway, and made oath that she was personally
acquainted with Elizabeth M. Branch dec. wife of Lewis
M. Branch dec. and also with the late Peter Booth of this
County, and that she knows the said Elizabeth M. Branch
and previous to the death of the said Peter Booth, and
more over she knows the said Elizabeth M. Branch
had a child previous to her intermarriage with the said
Lewis M. Branch, whose name was Julia Ann.

Given under my hand this 31 October 1845.—

Wm. H. Hobbs J.P.

Lepe L. Bailey,

Sampton County Jct.

Personally appeared before me William D. Hood, a justice of the peace for the County aforesaid Mr. Jesse L. Bailey and made oath that he was personally acquainted with Elizabeth M. Branch dec. wife of Lewis M. Branch dec. and also with the late Peter Booth of this County, and that he knows the said Elizabeth M. Branch died previous to the death of the said Peter Booth, and more over he knows the said Elizabeth M. Branch had a child previous to the intermarriage of said Elizabeth M. Branch with Lewis M. Branch, whose name was India Ann. Given under my hand this 31 October 1845.

Wm. D. Hood J.

James Holmes & Wife

Louthamplan Bounty Lett

Personally appeared before me, Carr Bowers
a Justice of the Peace for 2^d County, Mr. James
Holmes and his wife Hannah J. Holmes, and
made oath that they were both personally
acquainted with Elizabeth M. Branch dec'd
wife of Lewis Branch dec'd and also with
the late Peter Booth of this County, and that
the said Elizabeth M. Branch died previous
to the death of the said Peter Booth -
Given under my hand this 15th
day of October 1845 - Carr Bowers,

Orson Branch

Sampton County Va.

Personally appeared before me William

D. Wood a justice of the peace for the County aforesaid Mr. Orson Branch and made oath that he being the brother of Lewis M. Branch, was personally acquainted with his wife Elizabeth M. Branch ~~deceased~~ and also with the late Peter Booth of this County, and that he knows the said Elizabeth M. Branch died previous to the death of the said Peter Booth, and that the said Elizabeth M. Branch had a daughter by name of Julia Ann previous to her intermarriage with the said Lewis M. Branch. Given under my hand this 31 October 1845.

Wm D. Wood 

Barham H

in Cr. Pub.

Booth H

At Rules holden in the Clerks Office of the Circuit Superior Court of Law and Chancery for the County of Southampton on the first Monday in June 1836.

Nicholas I Barham and Priscilla his wife and Peter J Holmes an infant of tender years by the said Nicholas I Barham his next friend.

Plffs.

In Chancery

against

Francis M Boykin admor: of Henry Briggs dec^d. William Briggs. Edwards Bulls admor: de bonis non of Peter Booth dec^d. Benjamin Dewary Committee of the estate of John Holmes dec^d. John Denegre admor: de bonis non of John Booth dec^d. John W Southall and Polly his wife. Lewis A Branch and Elizabeth his wife and the said Lewis as Survivor of his wife Eliza M dec^d. Henry Booth. Peter Booth. Edwin Morris and Sally his wife. Henry Rollings and Anne his wife. John Booth. Julia Ann Warren. Peter Warren. John Warren. Wilkins White as Survivor of his deceased wife Dianna late Warren. — White their son. Henry Faison and Susan White his wife. and James Holmes and Hannah J his wife.

Dfts

The defendants Francis M Boykin admor: of Henry Briggs dec^d. and John Warren not having entered their appearance and given security according to the Act of Assembly and the rules of this Court and it appearing by satisfactory evidence that they are not inhabitants of this County it is ordered that the said Defendants do appear here on the first day of October Term next and answer the bill of the plaintiffs and that a copy of this order be forthwith inserted in some newspaper published in the Town of Ichabod for two months successively and posted at the front door of the Court house of this County.

Barham Street +
S.

Boykin admr of
Briggs & Co. ==

S. C. Southampton.
==

VIRGINIA.—At Rules taken in the Clerk's Office of the Circuit Superior Court of Law and Chancery for the County of Southampton, on the first Monday in June, 1836:

Nicholas J Barham and Priscilla his wife, and Peter J. Holmes, an infant of tender years, by the said Nicholas J. Barham his next fr end,
Pltffs.

AGAINST

Francis M Boykin, adm'r. of Henry Briggs, dec'd., William Briggs, Edward Butts, adm'r. de bonis non &c. of Peter Booth, dec'd., Benjamin Devany, Committee of the estate of John Holmes, dec'd., John Penegre, adm'r. de bonis non of John Booth, dec'd., John W Southall and Polly his wife, Lewis N. Branch and Elizabeth his wife, and the said Lewis as survivor of his wife Eliza M dec'd., Henry Booth, Peter Booth, Edwin Morris and Patsey his wife, Henry Rollings and Anne his wife, John Booth, Julia Ann Warren, Peter B Warren, John Warren, Wilkins White as survivor of his deceased wife Dianna, late Warren, — White their son, Henry Paison and Susan B. his wife, and James Holmes and Hannah J. his wife,
Defts.

IN CHANCERY:

The defendants, Francis M. Boykin, adm'r. of Henry Briggs and John Warren, not having entered their appearance and given security according to the act of Assembly and the Rules of this Court, and it 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 October Term next, and answer the bill of the plaintiffs; 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.

A Copy—Teste,
L. R. EDWARDS, c. c.

June 30

Printers bill \$5.50

John V Petersburg Jr Not
This day appeared before me
Robert Bishopp Jr of the Intelligencer
Office, and made oath that
the annexed order of the Circuit
Superior Court of Law & Chancery
for the County of Southampton in
the case of Barham & Wife &
v. S. Boykin adm'r of Briggs
had been published in said
newspaper for two months
successively — Given under
my hand this 28 day of Sep-
tember 1836 —
Macfarlane & Meyer

IN CHANCERY.

AT a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 18th day of December, 1838,

Nicholas J. Barham administrator of his deceased wife Priscilla Barham, and Peter J. Holmes an infant of tender years by the said Nicholas J. Barham his next friend, Plaintiffs--
Against

Francis B. Boykin administrator of Henry Briggs, deceased, William Briggs, Edward Butts administrator de bonis non of Peter Booth deceased, Benjamin Devany committee of the estate of John Holmes deceased, Benjamin Griffin administrator de bonis non of John Booth deceased, John W. Southall and Polly his wife, Lewis N. Branch and Elizabeth his wife and the said Lewis N. as administrator of his deceased wife Eliza M., Henry Booth, Peter Booth a lunatic by Lewis N. Branch his committee and guardian ad litem, Edwin Morris and Patsey his wife, Henry Rawlings and Ann his wife, John Booth an infant by Lewis N. Branch his next friend, Julia Ann Warren, Wilkins White administrator of Peter B. Warren deceased, John Warren, Wilkins White administrator of his deceased wife Dianna, late Warren White, Henry Faison and Susan B. his wife and James Holmes and Hannah J. his wife, Defendants.

The defendants John Warren and Francis M. Boykin who are out of this State, and against whom the plaintiffs have proceeded in the mode prescribed by law against absent defendants having failed to appear and file their answers, on the motion of the plaintiffs by their attorney their bill is taken as confessed against those defendants and the seire facias issued to revive in the name of Nicholas J. Barham administrator of his late wife having been duly executed. This cause came on to be heard on the bill, the answers of the other defendants, replications thereto, and exhibits filed and was argued by Counsel. On consideration thereof the Court being of opinion that upon a just construction of the Will of Peter Booth the words "chattel estate" were used in a restricted sense and embraced only that part of the estate which appears to have been delivered to Mrs. Holmes, late Mrs. Barham before this suit was instituted that the principal with the accumulating interest on the money now put out at interest toge her with the remainder in the chattels lent to the daughter till the first of January 1845, and the remainder in one third of the Slaves after the first day of January 1845 and after Mrs. Barham's death is undisposed of by the will, and will go to the testators next of kin, that is to say—One moiety to the descendants of his sister and the other moiety to the administrator of his brother as assets of his estate. And the Court being further of opinion that the property devised and bequeathed by the testator Peter Booth to Peter and John Holmes if Peter J. Holmes should die before the first of January 1845, will return and pass as undisposed of estate to the Testators, heirs and next of kin, that is to say—One moiety to the representatives of the sister, and the other moiety to his brother's representative, subject, however, to Mrs. Barham's interest in the land and slaves till January the 1st 1845, as also to her one-third of the Slaves and the profits of one-third of the land from the first day of January 1845 till her death. And the Court being also of opinion that, if Peter J. Holmes shall live till the first day of January 1845, then he will hold the land in fee simple, subject to one-third of the profits during her life, and be entitled to one third of the Slaves in absolute right. That third of the Slaves given to John will go, in the opinion of the Court, in absolute right after the first day of January 1845, to Peter J. Holmes and his mother Mrs. Barham in equal moities, and the three thousand five hundred dollars charged upon the land in his favor will go, one moiety to his mother and the other will sink into the land for Peter's benefit--doth adjudge, order, and decree that Edward Butts administrator de bonis non of Peter Booth deceased, render before a Commissioner of this Court an account of his transactions on the estate of said Peter Booth, that the Commissioner also take an account of the transactions of William and Henry Briggs as executors of Peter Booth and of the administration of Henry Briggs by Francis M. Boykin, unless he shall confess assets sufficient to pay any balance found to be due from Henry Briggs to the estate of Peter Booth. And the said Commissioner is directed to report the respective accounts with any remarks deemed pertinent by himself or required by the parties; or any of them, to be so stated.

A Copy.

Teste

L. R. EDWARDS, C. C.

Commissioners Office, Jerusalem,

January 14, 1839.

The parties interested are required to attend this office on Tuesday the 19th of February next, to take up the accounts directed by the above order of the Court and to bring all their vouchers and evidence for examination and settlement.

JERE. COBB, Com.

Parham } Comro
vs }
Booths extra } Report

1839 July 16th

June 17th 1839

Barham

vs

Booths Est^y

In Chancery

The parties were notified to attend before the Court on Thursday the 19th day of February last past, but no person appeared except the defendant Edwards Butts; the account was continued from day to day until the 21st day of March following and notices issued to the parties but not executed; the report of the officer was that the plff was in north Carolina; it was again continued to the 21st day of May following, and in the mean time the Court saw the plff and apprised him of the day but he again failed to attend, and Edward Butts who again attend, delivered his vouchers from which the following account is formed - The defendant Butts had made two previous reports of his transactions on Peter Booths estate, under orders of the County Court of Southampton & of B herewith filed, and upon examination of the same, he sees no necessity of again opening them accounts, as they were but fees disbursement of small amount, and the whole appear correctly stated; the Court therefore commences this account, charging the balance due the said estate of Peter Booth dec^d as found due on the last report B.

The Estate of Peter Booth dec^d

In Account with Edwards Butts adm^r. de bonis non

1836		Dr	Cr	Int
Dec 31	By balance due I report B			
	To paid sundry tickets	6 31	11988 02	3135 79
	" " C. Johnson attor.	10 00	16 31	
	By balance due the estate			\$11972 71 3135 79
	Can ^d forward			

			Dr	Cr	Int
1836	Decr 31	By balance brot forward	"	11974 71	3155.79
1837	Decr 29	To paid Geo. Brancheson Receipt	956 77		
	"	" " ditto do	435 58	1392 35	
"	31	By balance due the estate	\$	10589 36	3155.79
	"	" Interest on the balance of 1836	"	"	78.30
1838	June 19	To paid W. D. Booth ditto.	40 00		
Decr 19	"	" A. Atkinson do	40 00	80 00	
		By Interest on the balance of 1837	\$	10509 36	3874.09
		By Interest brot down	"	4509 45	4509.45
"	31	By balance due the estate	\$	15018 81	with
		Interest thereon from this date till paid			\$10509.36 part

The Comr. is, in the second place directed to take an account of William and Henry Briggs transactions as executors of Peter Booth, and of the administration of Francis M. Boykin unless he shall admit assets sufficient to pay any balance found due from Henry Briggs to the estate of Peter Booth. - The Comr. is directed by Francis M. Boykin to state, that Mr Briggs was the only acting executor, and upon the final close of his executorial proceedings he paid over to his intestate Henry Briggs, one half of the balance found due; and that shortly thereafter Henry Briggs died, and that he Boykin as the admr. paid back to the said Mr Briggs the whole amount - so recd by Henry Briggs; but he admits assets sufficient pay, if any balance should be found due from his intestate; see William Briggs account Current C. also his account D. which shews that all the balance due from the executors comt Henry Briggs was paid to Edwards Butts admr de bonis non on the 23^d day of February 1832 amounting to \$12670.01 as credit in

(A)

Respectfully Submitted

See Cotts Comr

Comrs fee Feb 19 - 3 Hrs
 " Mar 4. 2 do
 May 21 2 do
 Jun 17 6 do
 13 Hours at \$13.00
 as there were absent defendants the Comr. published the order which the plff is bound to pay say \$5.50

See Cotts this day made out to the above fee bill of \$13.00

Account Current of
Peter Booths wh

Albany

£.

The Estate of Peter Booth decd.

In account with Edwards Butts admr. debonis non

1832			Dr	Cr
Feb'y	23	By this amount recd of William Briggs out of said estate for his Report		
		To Commissioners on ditto	633	50
		" paid black Tickets	1	58
		" " A blabourne atty for Sera Cobb	7	50
		" " ditto do	10	00
		" " Sera Cobb Shff Supra	3	53
		" " black Genl. Court		18
1833		" " Sera Cobb	50	656 79
Feb'y	23	By balance due the estate with Interest thereon from 23 ^d February 1832 till paid		12013 22

Respectfully Submitted
Sera Cobb-Mills

At a Court held for the County of Southampton the 15th day of July 1833
This Account Current and Master Commissioners Report of Edwards Butts administration on the estate of Peter Booth decd. having been returned for more than two months & no exceptions being taken thereto was confirmed and ordered to be Recorded

Teste James Rochelle Ck

A Copy

Teste J. P. Edwards Secy

.....
Account Current of

Peter Booths Est

A Copy

B

The Estate of Peter Booth d.c.

In Account with Edwards Butts adm^r Id^rson

1832			Dr	Cr	Int.
Feby	23	By balance due the estate this day as p ^o bm bolts rept		12013 22	
		Int Thereon from the 23 ^d August 1832 till 31 st Decr 1832			242.27
1833		To paid Sundry clerks & Sheriffs Tickets	4 79		
Decr	31	Balance due the estate	12009 44		
			\$12013 22	12013 22	
		By balance brought down		12009 44	242.27
		Int. on \$12009. 44 from 31 st Decr. 1832 to this day			720.50
1834		To paid Sundry clerks & Sheriffs Tickets	2 09		
July	21	" " Richard H Baker att ^r :	4 00		
Decr	31	Balance due the estate	12000 35		
			\$12008 44	12008 44	976.77
		By balance brought down		12000 35	976.77
		Int Thereon from Decr. 31/1833 to this day			720.02
1835		To paid Sundry clerks & Sheriffs Ticks	2 93		
Decr	31	Balance due the estate	11995 12		
			\$12000 35	12000 35	1696.79
		By balance brought Down		11995 12	1696.79
		Int. Thereon from The 31 st December 1832 to this day			719.72
1836		To paid Sundry clerks & Sheriffs Tickets	6 40		
		" " Commissioner for settling this account	1 00		
Decr	31	Balance due the estate	11988 02		
			\$11995 12	11995 12	2416.51
		By balance brought down due the estate		11988 02	2416.51
		Int Thereon from 31 st December 1835 to This day			719.29
		By Interest due brought down		3135 79	
		By balance due the estate		15123 81	with

Interest on \$11988. 02 from 31st December 1836 till paid

The Commissioner who settled the former account found a balance due the estate of \$12013.22. and allowed interest thereon from the 23^d February 1832 that being the very day on which the adm^r received the sum. The Commissioner is of opinion that the administrator should have been allowed a reasonable time to disburse or put out upon interest the money which came to his hands and has allowed him six months say from the 23^d day of August ¹⁸³² should the Court concur in opinion with the Commissioner the balance due the estate will be \$15123.81. with interest on \$11988.02 cents paid

Thereof from the 31st day of December 1836 till paid. Which is respectfully Submitted
L R Edwards Comr.

At a Court held for the County of Southampton the 17th day of July 1837

This account current of Edwards Butts's administration on the estate of Peter Borth &c.
was returned and ordered to lie on term for exceptions. And at a Court held for the said County the
21st day of August 1837 the same was confirmed and ordered to be Record

Teste L R Edwards Clk

Attest

Teste L R Edwards Clk

Southampton County Court 1829

Ordered That Master Commissioner Cobb examine state ~~state~~ and report an account current of William and Henry Briggs executorial proceedings on the estate of Peter Booth dec^d & the Court is directed also to report any matter which he may deem pertinent himself or which may be required by the parties to be so stated.

Attest

Justice James Rockwell C.C.

Comm^r's Office July 6th 1829 William Briggs and Henry Briggs Executors of Peter Booth this day attended this office where William Briggs who is the only acting Executor exhibited his accounts and vouchers from which the following account is formed as

The estate of Peter Booth dec^d

In account with William Briggs the acting Executor

1827			Dr	Cr.
Aug ^r	1	By cash of D. Plith for 7 bales Cotton	" "	272 34
		By do for note rec ^d at the Farmers Bank	" "	67 75
		To expences to Peters Burg for ditto	2	63
		" paid for hauling cotton to Petersburg	4	00
Sept ^r	13	" " S. T. Southall his specific legacy	250	00
	26	By William Ricks note & interest		2416 91
		By cash of R. B. Kello for his do		101 50
		By do Benj ⁿ Drow for sales Land		164 51
Oct ^r	4	By John & Henry Nicholson note		575 00
Nov ^r	6	By Sore Hargrave do		4 10
		By James Wootton do		3 85
		By Dicens Wootton do		2 05
		By Phil Edmunds do		1 13
	17	To paid Nancy Hancock p Receipt.	200	00
		" " do for Peggy Washingtons board.	150	00
Dec ^r	13	" " Eliza Blow Guard ⁿ &c. p Rec ^t	79	40
1828				
Jan ^y	25	By William D Morris acct.		35 09
	26	By William Mearable note		412 00
		Amounts Carr ^d forward	\$ 686 03	4061 23
		Amounts brought forward	686 03	4061 23
		By cash rec ^d of So ^r Branch Cons ^t do Super		57 34
		B ditto Walter S Brattle do Southampton		25 00
		To paid So Branch Cons ^t p Rec ^t	6	07

Feb

	"	Shuff Taxes & tickets	45	90		
28	"	Drewry Lane acct.	50	00		
	"	Shuff Supper Taxes &c	21	48		
	"	Wm Marale for Jos Cooper	59	70		
	"	E. P. Scott admr. Samt-Scott	59	55		
	"	ditto for himself	59	55		
	"	John Fay acct.	34	28		
	By	cash of Ditto			20	70
	By	Willie Turner acct.			8	50
	By	John Argueharts note			1477	00
A.	By	balance on my own note			358	86
5	To	paid Burwell Burnett funeral services	4	00		
	"	Robert Birdsong acct	3	00		
	"	J. D. Heath for Doct. Holleman	13	00		
	"	Henry Pason Squire under the will	260	00		
	"	Edwin Travis acct.	5	35		
	To	amount retained in my hands as admr. debent				
	more of Charles Bailey dec. p. Comm. Report		188	25		
	By	Erson Branch note and Int			20	93
	"	Jos. H. Chappell do			23	60
	"	Jos. Pevush do			33	25
	"	Wyatt Pason do			21	00
	"	Thos. Wist do			15	25
	"	Hawkins Pond do			22	26
	"	Jos. Currell do			21	32
	"	Charles Gilliam do			215	00
	"	John White do			14	75
	"	W. O. Bailey do			20	00
	"	R. B. Kello do			8	28
	"	Benj. Currell do			40	00
	"	Jos. Birdsong do			17	31
	"	George Fay do			9	67
		Amounts Carr. forward	1787	16	6485	14
		Amounts brought forward	1787	16	6485	15
	By	Jos. Baileys Bond &c			64	79
	"	James Holmes do			23	25
	"	Wm. Holden do			8	10

	"	Allen Barnes do			25	25
	"	Benj. Wistra do			8	50
	"	Lewis Branch do			11	50
	"	Herling & Janier. do			20	00
	"	James Andrews do			23	12
	"	Jos. P. Womble do			16	30
	"	Edwin Baitle do			26	47
	"	Thos. Wist do			5	08
	"	Henry Booth do			8	60
	"	Britton Baitle do			7	75
	"	John Warren do			7	00
	"	W. O. Bailey do			13	99
	"	Gil Lane do			11	25
	"	James Baitle do			16	60
	"	Saml. Bailey do				
		do Insolvent in part				
					21 07	
	"	Benj. West do			63	49
	"	John Jones do			20	56
	"	James Baitle do			19	75
	"	Simpson Little do			23	72
	"	Nancy Hancock do			300	00
	"	Edwin Travis do			35	74
	"	Willie Lane do			24	28
	"	Hawkins Pond do			18	00
	"	Wm. West do			40	00
	"	Thos. Wist do			40	00
	"	Geo. Atkin do			20	25
	"	Henry Booth do			50	25
	"	Benj. a. Travis do			8	56
	"	Saml. Bailey do			23	50
	By	Burwell Branch do			14	00
	By	Sepe Dacory do			226	59
		Amounts Carr. forward			134	30
		Amounts brought forward	1787	16	7905	99
	By	Wm. Bell note & Interest			1787	16
	"	Saml. P. Boykins			7905	99
					96	66
					8	34

		Sho? Bykins		22	35
		John Morris do sundry		148	62
		Willon Gay		8	56
		Murtha Currell do		20	00
		do acct.		21	20
		Thos I Heath on Settlement		390	22
		John Gundrond note		260	50
		Cash of Benj ^a — & note		20	67
		Exon vs. James Coker		122	99
		A. Pairs acct.		6	42
		B. Pairs Note		8	69
		Henry Ellis acct.		9	62
		James Cokers note		6	76
		Robert Holdsworth do		62	30
		David Ellis do		2	60
		Thos A West do		10	50
		Cherry Pairs acct.		11	60
		Edwin Travis note reserved		55	89
		John Currell		19	06
		Benj ^a Currell acct.		5	00
		Geo Lane "		2	90
		Ed J Brattle note		41	44
March	29	Robert Seaman do		447	93
		Geo Henderson for M ^r Galtlock do		229	30
		Henry Booth note & Int.		41	16
		John Atkins do		68	30
		Nicholas Morris do		49	20
		To paid James Holmes a specific Legacy bequeath Hannah			
		Warren his wife }	250	00	
		" John Booth Guard. to his Children do	500	00	
Apr.	3	" W ^m H Brodman atto	26	50	
		" Edwin Scott	60	00	
		" Wilkins What a specific Legacy bequeath			
		to his wife Dianna Warren }	250	00	
		Ans ^d Cur ^d . forward	2873	66	10508 87

1828

Apr.	3	Amounts brought Forward	2873	66	10508	87
		To paid G.G.G. Gray Guard of Lata Arms Warren her				
		Specific Legacy under the Will }	250	00		
		" " Debt Holtermans acct sp Rec ^t	61	00		
		" " Thos Temple "	16	00		
		By G.G.G. Gray acct.			30	60
		" William B Bailey in part			13	00
May	24	" John Meguharts acct.			30	28
		" John Crumpler note			17	03
		" W ^m Goffin do			15	75
		do acct.			15	00
		" George Holmes note			240	62
		" Lewis M. Branch do			3	30
		" Levi Sumner do			9	50
		" Gary Gay do			16	27
		" William B Hillers do			13	36
		" John Harris do			262	00
		" Thos Gray do			146	30
		" James B Meguhart do			161	76
		" James Holmes do			80	00
		" do do			47	70
		" Nancy Holmes do			7	83
		" John Denegre do			39	38
		" Robert West do			10	65
Subj		To paid John Brown note	17	76		
		" " do acct.	14	53		
		" " do for Mary Holmes	5	46		
		" " Eli Coker for Coffin	10	00		
		" " do acct.	1	00		
		By Eli Coker Note & acct. rec ^d			109	42
		By John Brown do			52	80
		By Isaac Bendall do			248	84
		To paid Patrick Pond Guard of Jefe Bailey	319	81		
		" " Edwards Butts and Bennett Holmes	844	62		
		" Commis ^s on \$12080.44 @ 7 1/2 p ^{ct}	906	03		
Aug.	1	Balance due the Estate	6756	67		
			12080	248	12080	48

	By balance carried forward			\$6746 67
Aug. 1	By amount brought forward			6746 67
Sept.	To amount returned as adm ^t Leahat. Bailey's acct. report	554	05	
22	By Thos. Grays note & Intest			2078 20
"	Eliza Lanes do			10 86
"	William Davis do			46 41
"	George Davis do			34 73
"	Thos. Davis do			30 35
"	Hannah Weston do			33 17
"	Willie Lane do			39 58
"	William West do			76 41
"	Martha Davis do			13 24
"	Robert Stephens do			69 22
Octo	To paid A Atkins atto	17	22	
"	" Eliza Blow Guardr ⁿ	58	21	
"	" John Booth in full of the specific legacy to his children	558	68	
"	" John Warren acct. paid	32	00	
Nov. 3	By Wm. Pograms Bond			434 12
"	Is ^t Bailey's acct.			16 13
"	Eliza Blow note & Int.			66 10
"	Cash for Haris Exon th			45 86
"	Rebecca Williams note			101 47
"	Edmund Gay do			22 58
"	Elizabourne Brindle do			12 50
"	Martha barrel do			134 53
"	Wright & Willie Turner do			7 81
"	John Warren do			40 67
Dec 1	" Littleberry Jones do			7 58
"	Barish order			18 00
"	Robert Downman note			680 60
25	" Reck ^d Ellis do costs & c ^t			705 00
31	To amount returned as adm ^t debonis mon of John } Washingtons do? p ^l com ^t report	7010	95	
	To paid D Tatum for do. looper note	69	55	
"	" E. P. Scott "	59	55	
	Amounts Carr ^d forward	\$8350	21	11532 39
	Amounts brought forward	8350	21	11532 39

	To p ^d Edwin P Scott adm ^t S. Scott p ^l R ^o ct.	69	55	
1829	" " Henry E Scott note	59	55	
Jan 1	By cash of L books adm ^t on Exon th			952 28
"	do of Robert Downman do			750 00
16	" Robert Grays notes			333 49
"	Thomas R Grays notes			919 67
"	Int I Southall do			235 00
"	Exon vs Semer Boykins adm ^t			1617 14
"	Thomas Blants notes			46 15
	To paid Thos R Gray Guardr ⁿ of p ^l Warner	101	08	
"	" S Sumnerell Shiff tickets	40	12	
"	do Guardr ⁿ of Bill Hancock p ^l com ^t report	2001	69	
Feb	By John L Warren acct.			5 39
"	John West note			124 80
March 25	" S B Hines do			641 16
Apr. 20	Exon vs Brsons Branch			795 88
"	S Sumnerells note of			137 42
"	Samel B Sumnerells do			132 25
"	James B Urquharts do			241 00
"	Nancy Holmes do & acct.			442 10
"	Edwin Grays do			373 28
"	Cash of Geo. Belcher			5 00
"	" Lem. Fells			15 50
"	" Shiff of Exonpton Committee of the estate of J ^l Brindle			91 39
"	" Clements Rochelle			21 00
"	" Ellwood Stanton adm ^t J ^l Stanton			26 00
"	" James Andrews note			18 14
"	" Nancy Haneocks note			1229 69
"	" Henry Ball			1 70
June 15	To paid Robt Murray acct p ^l R ^o ct.	20	00	
"	" S. Sumnerell adm ^t D. Brown of John Holmes dec ^d	245	78	
"	" Doctor Lombtis acct.	19	00	
	Amounts Carr ^d forward	\$1116	98	21113 62
	Amounts brought forward	1116	98	21113 62
	To paid A Elizabourne p ^l R ^o ct.	113	16	
"	" Eliza Blow Guardr ⁿ &	352	45	
"	" Clarks tickets	31	70	

July	4	By Boling News note			1654	03
		" James Rochelle "			225	50
		" Jere Cobb			364	71
		" Perry Cobb			866	59
		To paid clerks tickets	4	02		
		To Commissions on \$17467.78. at 7/2 p pbl	1310	88		
Aug.	1	Balance due the estate	11296	06		
			24224	45	24224	45
		By balance brought Down			11296	06
		By Interest on \$6766.67 from Aug 1/1824 to August 1/1829			205	40
		By balance due the estate			\$11701	46
		with interest on \$11296.06 part thereof from this date till paid.				

{ Notes }

- A The Testator held a bond due from the Exor. which he had omitted to credit for \$300. which the Exor sent him sometime previous to his death by James Andrews see his affidavit filed with this Report.
- B Wm Briggs the Exor has administered on Charles Baileys estate and retains this balance due from his Testator the former administrator
- C Same Note. B.

Continued forward

By Insolvent bonds found in the house						
By Saml Andrews ^{note} due Jan'y 13 th 1816					6	82 1/2
" Wm Strongfields note due Jan'y 13 th 1816					33	50
" Thomas B Jurett do due Sept 1 st 1820					25	75
" Simon Gwatney do due Feb'y 21 st 1820					6	08
" Wm Lane do due Sept 20 th 1817					32	40
" Credit thereon Feb'y 24/1824	15	16				
" Willis Booth account					2	00
" Elias Brudshaws Judgment Oct 1/1817					17	34
" Credit May 1820	10	50				
" Rebecca Blows account	3	90				
" John et Jeffries do					19	83
" Mary Wood note due 29 th Decr. 1821					7	13
" William J Scott do due Jan'y 1/1822					65	65

Account Current of
Peter Booths Esq.

A. C. P. J.

C

Credit Feb 3 rd 1825			50	00
"	Estwin Gray shrt. due Oct 1 st 1814	"	635	12 1/2
"	James Holtemar due Decr. 25 th 1806		10	00
"	Davy Breggs due Feb 12 th 1813		6	00
"	ditto do May 1 st 1813		6	00
"	ditto do July 1 st 1813		6	00
"	ditto do Nov. 1 st 1813		6	00
"	Orson Branch acct.		15	75
"	Pleasant Bailey account		2	35
"	William Wynne Bond due Aug 5/1818		332	00
"	Saml Bonds account		28	20
"	William Sewerl note due Sept 6/1804		9	08
"	James Phillips do due Apr. 16/1820		44	00
Credit 17 th Sept 1821			20	00
"	Thomas Ritter due 14 th June 1822		5	52
"	Sepe Bailey due 15 Decr 1818		326	74
Credit 15 th Feb 1819			240	00
do 17 Nov ^r 1823			6	39
Joseph Britt due Decr. 1/1822 for 2 barrels brandy				
James Lane Judgt. 1824			14	00
Sarah Suckins account			28	
Carried forward				
By Insolvents Continued				
By William George note due 28 th Feb 1826			28	96

Comrs. fee 18 hours \$9.00
 Charge to the Estors }

Respectfully Submitted to the Court
 Jere Cobb Comr.

N.B. The Estor. had omitted to get the following vouchers at the time this settlement was made and the report has therefore been held up for that purpose.

1829 August 1st by balance due the estate brot forward \$11701.46

" 4. To paid Nancy Washington her part of }

Archer Washington estate plomb Report \$ 224.82

" " Ditto acct. 8.00

" " Estwin Dalk atty 10.00

" " Jno Gellason " 30.00

" " Jere Cobb Mcomr. for sundry reports 41.50

" Overcharge in Jere Cobbs Bond 11.31 325.63

By balance due the estate \$11375.83

with interest on \$10970.43 paid thereof from this date till paid. The Court is directed by William Briggs to state that the above balance of \$11375.95 is now equally in the hands and due from William Briggs & Henry Briggs Executors
Jose Robt Comr.

At a Court held for the County of Southampton the 19th day of July 1830
This account current and Master Commissioners Report of William and Henry Briggs Executors of Peter Booths dec^d having been returned for more than two months & no exceptions being filed thereto the same is confirmed and ordered to be Recorded

Jose James Ryehall Ck

Attest

Jose S^r Edwards Ck

Account Current of
Peter Booths est

A. Copy

D

The Estate of Peter Booth dec?

In account with William Briggs Surviving Exor.

1829			Dr	Cr	Int
Aug	4	By this sum due the estate as per Court. Cobbs Report		10970 43	405.40
Decr	25	By Samuel Ponds note reserved		21 38	
		" James Brittle do "		28 88	
		" Alfred Brittle do "		11 39	
		" Cash received of Robert Ellager in part of his note		15 00	
		To Burwell Barrells note rece?		21 93	
		To 5 p cent Court? on \$119.74	5 94		
Nov.	11	To cash paid Rich ^d H Baker p Rec ^t	5 00		
1830		" paid sundry blacks & shiffs tickets	17 77		
Jan'y	18	" paid William Ony p Rec ^t	3 75		
May	6	" " William Schumets p Rec ^t	6 00		
	20	" " Hannah Whitton p Rec ^t	24 00		
	27	" " W. O. Bailey p Rec ^t	7 45		
Aug	4	By this sum due the estate this day	11018 70		
1830			\$11089 01	11089 01	405.40
Aug.	4	By balance due the Est. Bro ^t down		11018 70	
		Int thereon one year to this day			661.12
Aug	10	To paid William Davis as per Certificate	18 22		
1831	31	" " Seth B Strong & Co ^s p Rec ^t	1 18		
May	19	" " John Holt "	93 00		
		" " James Brittle "	13 70		
Aug	4	By this sum due the estate this day	10892 60		
			\$11018 70	11018 70	
		By balance due the Est bro ^t down		10892 60	
		" Int thereon to this day			653.55
	15	To paid James Holmes p Rec ^t	7 38		
		By cash rec ^d of E Butts Dr of J Clayton		11 47	
		To paid E Butts for Robert West returned Insolvent.	13 23		
April	22	By amt. of Lewis A Branch Trustee for Samuel } Bailey in part of deed of trust }		32 77	
1832					
Feb'y	25	To 5 p cent Court on \$44.24	2 11		
		" this amt. paid Nancy Hancock with Int to this day	188 48		
		To John Currells note paid James Andrews } and returned insolvent }	17 42		

To paid Aug: blackmore extra fee in suit vs Tho: Gray		15	00			
To error in giving the st. one year interest too much on amt. due from Boling New in former account & int. on the same to this day		96	50			
Amounts Brought forward		340	12	10936	94	1720.07
Feb 23 By bal. due the estate this day		340	12	10936	94	1720.07
Int thereon from August 4/1832 till this day		105	96	72		
						353.22
Amount due the estate brot down		10936	94	10936	94	2073.29
" of Interest Brought down				105	96	72
				2073	29	
				4126	70	01
To cash paid Edwards Butts ad. D.B.A. & of Peter Booth dec. prob.				120	87	73
				5	82	78
To cash paid Edwards Butts amt. in full				5	82	78

Persuant to an order made at February Court 1832 we the undersigned have examined stated and settled the foregoing account of Williams Briggs late surviving executor of Peter Booth dec^d and find the charges therein made against the estate supported by proper vouchers given under our hands this 15th day of July 1833

James Rochelle

L. R. Edwards

At a Court held for the County of Southampton the 15th day of July 1833

This Account current of the Estate of Peter Booth dec^d was this day returned and ordered to be Recorded

Teste James Rochelle & Co

Attest

Teste L. R. Edwards & Co

Barham

2 $\frac{2}{3}$ Coms: Report -

Booth's al.

October 4/1848

Barham
a
Booth & al.

Commissioners office
September 22^d 1845

Account of hires of slaves of Peter Booth decd. from Jan^y 1st to June 1st 1845

Alfred, Harrison, Madisons, Daniel, James, George and Randall. &c	Saml. Wilson	100	31
Jesse	J. P. Butts	17	81
Bennet	G. B. Gile	10	00
Daniel	J. C. West	12	81
Dave	J. S. Ellis	16	87
Leahurst	H. M. Holliman	12	62
York	S. Linn	3	81
Easton	J. Harris	1	37
Agnes & man & child	J. S. Gayman	"	19
Andrew	Barham & Holmes	20	31
Eli	" "	6	87
Centis	" "	17	50
Wemy	" "	22	81
Sturrow	" "	18	12
Jack	" "	17	50
Carry	" "	7	18
Red	" "	12	81
Noels	" "	2	50
Harlie	" "	3	68
Parth	" "	3	18
Hazzy	" "	2	66
Henry	" "	1	31
Ann Eliza	" "	5	62
Fanny	" "	"	31
Lucy & child	" "	1	25
Selina	" "	1	93
Caroline & Willis	" "	1	25
Willie & child	" "	"	75
- - -	E. White	70	80
- - -	M. H. Pezard	3	12
		396	15

Expence account of slaves of Peter Booth decd. from Jan^y 1st to June 1st 1845

Barham & Holmes for keeping	Edy & 3 children	19	37
" " "	Lucy & 4 children	31	25
" " "	Selvy & 3 children	19	37

carried over

Berham & Holmes to Shipping, Dilly,
 " " " Rebecca
 " " " Mary
 A. S. B. B. for med. account
 J. S. Ellis & Little for keeping, negro women & children
 Thomas Hollway for hiring, out 69 negroes
 B. Pletcher for making, coffins
 Amy Smith for services

17 30
 25 00
 25 00
 18 25
 13 43
 5 00
 2 00
 5 00

amt of hire

181 17

Net amt of hire

396 13

214 78

Account of Chattel estate of Peter Booth dead in hands of A. J. Berham

1. Desk - 1 Walnut table - 1 Bureau - 4 feather beds - 9 old chairs
 1 old fan mill - between 60 and 70 hogs of all sizes - 7 cattle of all
 sizes - 10 sheep - 2 small trunks - 1 old pine chest - 2 large iron pots
 2 small do - 4 Jugs - 1 bread oven - 2 small jugs - 1 tin canister
 3 puter basins and some few old boots

The Commissioner states specially that none of the parties interested
 were present on the day appointed to take the above account. That
 previous to the day he had been furnished with written statements
 from A. J. Berham and Peter J. Holmes, from which the above
 accounts are made out. The Commissioner on examination, found
 the statement of A. J. Berham very defective, not complying with
 the requisitions of the decree in several respects. There was nothing before
 him to show the value and quantity of the Chattel estate, which passed
 into the hands of Priscilla Berham late Holmes, the quantity illegally sold
 by her or A. J. Berham, nor the quantity & value of said chattels remaining
 on the 1st January 1846. The account above only furnishes a list of the
 Chattel estate in the possession of A. J. Berham on the 21 August 1845.

The Commissioner also states that Peter J. Holmes and A. J. Berham
 laid before him an account for keeping the negroes belonging to the
 estate from the 1st to the 1st January and from the 1st to the 5th June 1846, the
 intervals for which the negroes were not hired out. There was nothing
 before the Commissioner to show that their services were not worth their
 board, and being, a small matter, the Commissioner nothing,

All of which is respectfully submitted

W. S. Goodhue

Comms. fee \$5.00

Comms. in Ch -

Ch to P. J. Holmes

W. S. Goodhue

Southall

do } Refunding bond

Booths ad.

Know all men by these presents, that we John T Southall
and Lutton Lamer
are held and firmly bound unto Edward Butts *com de bonis moris*
of Peter Booth deceased
in the just and full sum of Two thousand seven hundred dollars
to be paid to the said Edward Butts *com de bonis moris* as aforesaid by
certain attorney, his executors, administrators, or assigns; for the payment
whereof, well and truly to be made, we bind ourselves, our heirs, executors and
administrators, jointly and severally, firmly, by these presents. Sealed with
our seals, and dated this 2^d day of June 1845.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH,

That, whereas, by a decree of the Circuit Superior Court of Law and Chancery
of ^{Southern} ~~Superior~~ County, pronounced on the day of May 1845
in a suit depending therein, between Nicholas D Bankham and others Petrs
and Edward Butts *com de bonis moris* of Peter Booth dec^d and others Defs
it was decreed and ordered, that the said Edward Butts *com de bonis moris*
do pay to the above bound John T Southall and Polly his wife the sum
of thirteen hundred and nineteen dollars and one Cent with interest
on seven hundred and twenty one dollars and sixty five Cents per-
centage from December 31st 1844 till paid

on his or some person for him entering into a refunding bond, with
security conditioned as the law directs. Now if the said John T.
Southall shall refund due proportions
of any debts and demands which may hereafter appear against the estate of the
said Peter Booth dec^d and the costs
attending the recovery of such debts, then the above obligation to be void, otherwise
to remain in full force and virtue.

Witness

Thos D Brown

John T. Southall
L. Lamer
SEAL
SEAL

Bachman & Co

& Report

Booths and Yard

1845 November 9th

Agreeably to a Decree of the Southampton Circuit Superior Court bearing date May 1845, and herewith annexed, We the undersigned subscriber have dividing and subdividing the Negroes Slaves and their increase of, which Peter Booth died possessing, and have allotted to Peter, J. Adams for his proportions one half of the same in King, Vizt. Man Henry, Kelly, Ostins, Jacks, Alfred, Harrison, Dany, George, James, York, and Parker, An Elizer, Milbray, Liny, Fanny, Jane, Betty, Sally, Amelias, Corny, Lucy, Georgiana, Everette, Hannah, Eddy, Lucinda, Amy, Mil~~l~~ie Shas, Avery and Dilly, all being valued at \$8555.00, and Mr. S. J. Barham's Bond for \$350.00, representing a Negro which said Barham sold belonging to said Booth's Est, and \$186.95, in Cash, it being one half of the neat balance which we received from Capt. Butts (of \$490.10) for the sale of Negro Man Nelson after deducting for Mr. Barham the Int, of the same say \$85.25, and a fee and Int, of \$30.00 which he paid to Lawyer Douglass for defending said Nelson, whole and. allotted agreeably to Valuations \$991.95, -

And have also allotted to Mr. Nicholas, J. Barham adm^r of his dec^d wife Pircilla one third of the other half in King, Vizt, Curtis, Daniel, Randolph, Bennett, Lefry, Ann, Acts, Rosy, Silay, Peter, Martin and Eley all being valued at \$3025.00, and also \$5.55, in Cash it being his proportions of one half of the neat balance we received of Capt. Butts as above stated after deducting therefrom for the two other parties \$170.00, which the allotment of Slaves that was drawn by Mr. Barham was valued at more than the two lots that were allotted to the other two parties, and. by Valuations \$3230.55, -

And we have also allotted the remainder of the Slaves Vizt, Lefry, Trevison, Madison, Stephen, Willis, Derril, Jaz, Cassindras Milley, Eley, Mary, John, Robert, Margaret, Caroline, Celia, Richard, Bailey, Dinah Culvert, Isaac, Aggy, Hardy, and Rebecca all being valued at \$5880.00 and being one third of the whole, and also \$170.00 in Cash, it being the difference in the valuation of these two lots of Negroes and that of Mr. Barham's, as expressing above, and also \$11.30, in Cash it being their proportions of the one half of the neat Balance we received of Capt. Butts as above stated, after making the above deductions, - The whole allotment \$5061.30, - To John Southall and Polly his wife, Elizabeth, Jr, Bevan, Goodwin, G. Griffin Committee of Peter Booth, Patrick, St. Rollings adm^r of Ann Rollings, Robert Cloridge Sheriff of Suffolk County and Committee of the Est. of Martha Morris dec^d. John, St. Booth, (turn over)

and William Beale a purchaser from Henry Booth by Consent
of said Henry, - And James Holmes, and Hannah his wife,
John, L. Warren, John, E. Nicholson adm^r of Susan Faison, dec^d.
Milkins White adm^r of his dec^d wife Hannah, William, L. Everitt
Committee of the Est^y of Eliza, M. Branch dec^d. and the said
Everitt Sheriff and Committee of Peter, B. Warren, -

We have found it impracticable to equally divide in kind
the same one thing of the whole as above stated in consequence of
the great number of divisions into which it must be thrown.

We have therefore by the Consent of the parties interested
deemed it most expedient to sell them and divide the
proceeds, we have accordingly after advertising the time
and place of sale as directed by the accompanying decrees
proceeded to sell to the highest bidder for Cash all the
same Slaves for the am^t of \$7201.00, add thereto \$170.00
due from Mr. Barham's l^y for the difference in the
valuation and \$11.30, the neat balance due them of
one half the am^t. we received of Capt. Butler as before
stated, the whole amounting to \$7382.30, -

from which deduct the consequent expense attending the sale &c,
such as paid for keeping old woman Babekah \$27.97,
paid Editor for advertising the sale \$5.25,
paid the difference for keeping Negroes \$1.38, = \$233.05
paid the Cryer for his services at sale \$7.00,
retaining Commissions \$192.05, - - - - - 3

Leaving a balance due the Legatus of \$7148.05,
one half of which is \$3574.32, which is to be divid-
ed into Seven Shares amounting to \$510.52, each,
the other half to be divided into Six Shares of

\$595.72, each, - We have paid unto John Southall
a Legatus the sum of \$510.52, also to Elizabeth, Dr. Bevan
a like sum of \$510.52, to Goodwin, G. Griffins \$510.52, \$3574.32
to Patrick, A. Rollings a like sum of \$510.52, to
Robert Eldridge \$510.52, and to William Beale a like
sum of \$510.52, and taken their receipts for the same

(turn over)

We have also paid unto James Holmes a Legatus the
sum of \$595.72, to John, L. Warren a like sum of
\$595.72, to John, E. Nicholson the sum of \$595.72,
to Milkins White a like sum of \$595.72, to William
L. Everitt the sum of \$595.72, and to William
L. Everitt a like sum of \$595.72, - - - - - } = \$3574.32

We have paid unto the Legatus the sums set against
their name as above stands stated and taken their
receipts for the same, -

The above is respectfully submitted
to the Court, Given under our
Hands this 28, day of November 1845, -

John B. Ingraham
Benjamin, L. Dren
G. A. W. Newson

Barham's 2^d

2^d } Decree

Book 2^d

86 copy

Southampton Circuit Superior Court. May. 1845.

Nicholas V. Barham. administrator of his deceased wife Priscilla Barham
decd and Peter S. Holmes an infant of tender years by the said
Nicholas V. Barham his next friend Plffs.

against

Francis M. Bayburn administrator of Henry Briggs decd William Briggs
Edward Bull administrator de bonis non &c of Peter Booth decd Benjamin
Dwight committee of the estate of John Holmes decd Benjamin Griffin
administrator de bonis non of John Booth decd John W. Southall and Polly
his wife Elizabeth Bovan Lewis H. Branch in his own right and
administrator of his deceased wife Eliza M. Henry Booth Peter Booth
& himatic by Lewis H. Branch his committee and Guardian ad litem Edwin
Morris and Patsy his wife Henry Rollings and Ann his wife John
Booth Julia Ann Warren Lewis H. Branch administrator of Peter B.
Warren decd John Warren Wilkins White administrator of his deceased
wife Diantha late Warren White Henry Faison and Susan B.
his wife and James Holmes and Hannah S. his wife Defts.
It appearing to the Court that since the last hearing of this
cause that Benjamin Griffin committee of Peter Booth has departed
this life and Goodwin S. Griffin has been appointed committee of
said Peter that Ann Rollings wife of Patrick H. Rollings has
died and administration on her estate has been committed to
her husband Patrick H. Rollings that Martha Morris wife of
Edwin Morris has died and her estate has been committed to
Robert Eldridge Sheriff of Sussex for administration that Susan
Faison has departed this life and John C. Nicholson has qualified
as her administrator that Peter B. Warren Lewis H. Branch and
Eliza M. Branch have died and their estates have been
committed to the hands of William L. Everett Sheriff of Southampton
for administration and a Scire Facias to revive the cause in the
name of William L. Everett Sheriff and committee of Peter B.
Warren Lewis H. Branch and Eliza M. Branch having been
duly executed and by consent of parties the cause is
revived in the name of Goodwin S. Griffin committee of the estate
of Peter Booth Patrick H. Rollings administrator of Ann his
wife Robert Eldridge Sheriff of Sussex County and administrator

of Martha Morris John E. Nicholson administrator of Susan Faison
and thereupon by consent this cause came on to be heard
on the papers formerly read on the Report of Commissioner Calk
made in pursuance of an order of this Court at December
Term 1843. which Report there being no exception thereto the
Court doth confirm and on the statement filed in this cause
marked A A) On Consideration of all which the Court doth
adjudge order and decree that Edwards Butts administrator de bonis non
of Peter Booth do pay to John Southall and Polly his
wife the sum of thirteen hundred and nineteen dollars and
one cent with interest on seven hundred and twenty six
dollars sixty five cents part thereof from December 31st 1844
till paid To Goodwin & Griffin committee of Peter Booth & like
sum with like interest To Patrick H. Rollings administrator
of Ann Rollings decd & like sum with like interest To
Robert Eldridge Sheriff of Suffolk County and committee of the
estate of Martha Morris & like sum with like interest To
Thomas J. Prellow Executor of Thomas Prellow decd who it appears
to the Court is a purchaser from Elizabeth P. Bevan &
like sum with like interest by consent of said Bevan
That Edwards Butts who it appears is a purchaser from
John H. Booth retain in right of his said purchase & like
sum with like interest by consent of said Booth That the
said Edwards Butts who it appears is a purchaser of the
money to which Henry Booth would be entitled retain by
virtue of his said purchase & like sum with like interest
by consent of said Booth That the said Edwards Butts
administrator de bonis non of Peter Booth do pay to James Holmes
Hannah his wife to John J. Warren to John E. Nicholson
administrator of Susan Faison decd to William White administrator
of his decd wife Dianna To William J. Everett Sheriff &
committee of Peter B. Warren to William J. Everett Sheriff &
committee of Eliza M. Branch decd each the sum of
fifteen hundred and thirty eight dollars eighty three cents with

interest on Eight hundred and forty seven dollars seventy four
cents & part thereof from the 31st day of December 1844
till paid.
And the Court doth further adjudge order and decree that
James B. Urquhart Robert Murray Benjamin I. Drew and
G. A. W. Newson any three of whom may act who are
appointed Commissioners for that purpose divide the Negro slaves
and their increase of which Peter Booth decd possessed into two
moieties and allot one moiety to Peter S. Holmes being the
portion to which he is entitled in his own right and
distributed of his brother John Holmes the administrator of the
said John Holmes hereby consenting and agreeing thereto that
they allot one third of the other half to Nicholas S.
Barham administrator of his deceased wife Priscilla That the
Remainder (being one third of the whole) be divided into
two parts of equal value one half to be equally divided between
John Southall and Polly his wife Elizabeth W. Bevan Goodwin
& Griffin committee of Peter Booth Patrick H. Rollings administrator
of Ann Rollings Robert Eldridge Sheriff of Suffolk County and
committee of the estate of Martha Morris decd John H. Booth
and William Deale a purchaser from Henry Booth by consent of
the said Henry and the other half to be equally divided
between James Holmes and Hannah his wife John J. Warren
John E. Nicholson administrator of Susan Faison decd William White
administrator of his deceased wife Dianna William J. Everett
Sheriff and committee of Peter B. Warren and the said
Everett committee of the Estate of Eliza M. Branch decd.
That if the division of the last mentioned third cannot
be effected in kind the Commissioners will divide as far as
it is practicable and if necessary make sale of one or
more of the slaves on that portion at the Courthouse of
Southampton after giving thirty days notice of the time and
place of sale for cash for the purpose of effecting said
division which said Commissioners are required to make Report

To this Court in order to a final decree" and it is further ordered and decreed that William S. Goodwyn one of the Commissioners of this Court ascertain the kind quantity and value of the chattel estate which passed into the hands of Priscilla Barham (de) late Helms how much if any of said chattels were illegally sold by the said Priscilla or Richard S. Barham also the kind quantity and value of said chattels remaining in the hands of January 1843. and the said Court will also take an account of the hires of the slaves of Peter Booth at which have accrued since 1st January 1843. which said accounts the Commissioners will Report with any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated.

But the parties to whom money is directed to be paid by this decree shall not have the benefit thereof till they or some one for them shall respectively: into refunding bonds with good security payable to Edwards Butts administrator of Peter Booth (de) in a penalty equal to double the amount decreed to be paid to them respectively conditioned to refund their due proportions of any debts which may hereafter be recovered against the estate of Peter Booth (de) and of the costs of such recovery and file said bonds with the Clerk of this Court to be filed by him among the papers in this cause.

A Copy Teste J. H. Edwards. Clk.

Know all men by these presents, that J. Patrick H. Rollings of Southampton County, do assign, transfer and convey unto Edwin and Butts and de bonis non of Peter Broth die all my right title and interest in and to The annuities decrees, both in money, negroes and other estate, also transfer and assign to The said Edwin and Butts and de bonis non as of and as all Edwin Morris' interest in said annuities decrees both in money, negroes and other estate, which The said Edwin Morris has conveyed by deed of Trust for my benefit, which said deed is duly recorded in The Clerk's office of Southampton County, (or so much thereof as will be sufficient to discharge the debt which The said Morris owes there) which said said interest when collected by The said Edwin and Butts shall be applied to the payment of the execution in favour of John M. Hollard, One bond for \$126.09 dated May 13/1844. One bond for \$464.14 dated July 24/1842. One bond for \$548.99 dated July 9/1843 One bond for \$466.77. dated May 29/1842. and another bond for \$337.50. dated Sept. 6/1842 or to be applied as far as it will go. P. H. Rollings (Seal)
Given and signed by hand of said J. P. H. Rollings at this 29th of May 1845

Barham

2

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Cour: report

Boston al:

Barham

2

Booths al:

Commissioner's office

Nov. 5th 1847

The Commissioner appointed by the Court to collect the hires of the negroes, and make sale of the Chattle estate of Peter Booth does hereby make the following report

Amounts collected on account of hires of negroes

Barham & Holmes	221	36
H. W. Holliman	13	25
J. C. West	13	15
J. L. Ellis	17	50
Thomas Harris	1	37
F. P. Butts	19	38
G. B. Gild	10	00
S. Linn	4	37
Saml. Wilson	108	47
whole amt. of hires —	\$ 408	85

Amounts collected on account of chattle estate

Barham & Holmes	71	05
E. Morris	6	00
E. White	10	00
J. Izegant	21	00
whole amt chattle estate —	\$ 108	05

Expenses incurred on account of slaves & chattle estate

Barham & Holmes - Keeping, sundry expenses negroes	137	49
J. L. Ellis & J. Little - do do do	13	43
Thomas Holloway - hiring out 69 negroes	5	00
B. Wiltcher - matting, coffee	2	00
Amy Smith - services as midwife	5	00
A. S. H. Burgess - med. account	18	25
amt car. forward	181	17

Amts. but found
 Burham Holmes 32 1/2 bbls corn fed to hogs at \$2 pr. bbl.
 Do " do - Keeping sheep and cattle -
 whole amt. expenses -

	181	17
	65	00
	5	00
\$	257	17

Whole amt. hires but found. \$408.85

Do " Chattle estate 108.05

Expense account \$251.17

Comm. on \$516.90 25.84

\$ 277.01 - \$ 516.90

277.01

All amt. recd. and distributable \$239.89

Respectfully submitted

W. S. Gordwyn Comr.

The Commissioner has here to state specially that the several items
 in the expense account above, were furnished him by Peter J.
 Holmes, who rendered to the Comr. the account of the hires of the
 negroes also - Burham Holmes claimed \$3 pr. bbl. for the corn fur-
 nished by them, but the Comr. being of opinion that \$2 pr. bbl.
 was a fair price allowed that amount. The Comr. has in hand
 Burham Holmes bond for \$71.05 and S. Lains for \$4.37, which
 P. J. Holmes a party interested agreed to receive as cash, and the
 sum of \$164.47 in cash, to discharge the above balances, which
 are herewith returned subject to the order of the Comr.

W. S. Gordwyn Comr.

Peter A Booth's
Will

A Copy

Barham Hieft

" } Ex: with lto

Booth & Co

Ex.



(1.50)

I Peter Booth of Southampton County & State of Virginia do make and Ordain this his last Will and Testament in manner and form following to Wit:

Item 1st It is my wish and desire that all my Just debts be paid,

Item 2nd I leave unto my daughter Priscilla Holmes all my Chatter estate & the land and plantation wherein I now live Containing by estimation from One thousand to seven hundred Acres also I leave her all my negroes Till the date One thousand eight hundred and forty five upon the express Condition that she the said Priscilla Holmes make no charge for raising and educating her two Children Peter James Holmes and John Holmes

Item 3rd I give to my brother John Booth all papers acc^t & bonds that I hold against him.

Item 4th I give and bequeath to Henry Booth son of John Booth One hundred and one acres of land call^d and known by the name of Liebaich's tract to him and his heirs forever.

Item 5th I give and bequeath to Peter Booth son of John Booth One tract of land call^d and known by the name of Whittles Or Acary Containing by estimation Two hundred acres to the same more or less to him and his heirs forever.

Item 6th I give and bequeath to John Booth son of John Booth that small tract of land call^d and known by the name of Briggs tract, also two hundred and fifty dollars in Cash to him and his heirs forever.

Item 7th I give to Peter B Warren all papers acc^t & bonds I hold against him.

Item 8th I give and bequeath unto John L Warren the land & plantation known & call^d by the name of Hennings Containing by estimation Two hundred and forty nine and a half acres to the same more or less to him and his heirs forever.

Item 9th I give to Polly Salthall, Betty Booth, Patsy Booth, and Ann Booth daughters of John Booth One thousand dollars to be equally divided between them to them & their heirs forever.

Item 10th I give and bequeath Susanna White, Maria Holmes Diana Warren & Julia Warren daughters of Elija ~~Whittles~~ Warren the sum of One thousand dollars to be equally divided between them to them & their heirs forever.

Item 11th I give and bequeath Peter James Holmes the land and plantation wherein I now live upon the Conditions that he pay John Holmes his brother the sum of three thousand five hundred dollars & giving One third of the benefit arising from the plantation & mill to his mother Priscilla Holmes (during her life) to him and his heirs forever.

Item 12th It is my wish and desire that Peter J Holmes have

full possession of the 5^d plantation & mill wharves he shall have paid his brother John Holmes the above amount of Three thousand five hundred dollars.

Item 13th It is my wish and desire that if Peter J. Holmes should die before the 1st of January One thousand eight hundred and forty five then in that case it is my wish & desire that John Holmes his brother should have this land and mill upon the same conditions that I have given them to Peter J. Holmes his brother but in the event both Peter J. Holmes and John Holmes should die before the date of Eighteen hundred and forty five, it is my wish and desire that both ~~of my~~ ^{their} legacies should return back to my family.

Item 14th It is my wish and desire that no part of my estate be sold till eighteen hundred and forty five January 1st & then an equal division to be made of my negroes to my daughter Priscilla Holmes One third during her life: One third to Peter James Holmes and One third to John Holmes to them & their heirs forever.

Item 15th It is my wish and desire that my executor hereafter named do put out at Interest all the money due me by accounts & bonds till 1st of January One thousand eight hundred and forty five.

Item 16th & lastly I do hereby constitute my brother John North and my friends William Briggs & Henry Briggs (all of this County) my executors to this my last Will and Testament revoking all other Wills heretofore made by me. In Witness whereof I have hereunto set my hand and affixed my seal this 19th day of July 1827.

Witness
Henry W. Holliman

Peter North

James Brett

Martha Lane

At a Court held for Southampton the 20th of August 1827. This last Will and Testament of Peter North deceased was proved by the oath of James Brett and Martha Lane two of the Witnesses thereto and ordered to be recorded. And in the motion of William Briggs & Henry Briggs two of the Executors therein named who made oath and together with Jeremiah Cobb, John Nicholson, & James Rockwell their securities entered into and acknowledged their bond in the penalty of One thousand dollars Conditional according to Law, Certificate is granted them for obtaining a probat of said Will in due form, liberty being reserved for the Executor therein named to join in the said probat when he thinks fit.

Teste
James Rockwell clk

A Copy Teste James Rockwell clk

Burham

2 { Ex. with Bill

Booth 4

At a Court held for Southampton County the 20th day of August 1827 -
The last Will and Testament of Peter Booth dec^d was proved by the oath of James
Brillie, and Martha Lane two of the witnesses thereto and ordered to be recorded and on
the motion of William Briggs and Henry Briggs two of the Executors therein named
who made oath and together with Jeremiah Abbott, John Nicholson, & James Rochelle their
Securities entered into and acknowledged above in the penalty of One hundred thou-
sand dollars conditioned according to Law. Certificate is granted them for obtaining a
probate of the said Will in due form, liberty being reserved for the other Executors
therein named to join in the said probate when he thinks fit.

Teste James Rochelle Clk

Southampton County Court. October 19th 1829.

On the motion of Francis M Boykin who made oath and together with Jeremiah Cobb, Elias Sammons, John Chapman and John Boykin his securities entered into and acknowledged above in the penalty of Forty thousand dollars conditioned as the Law directs certificate is granted him for obtaining letters of administration on the Estate of Henry Briggs deceased in due form.

Teste James Rockwell

Southampton County Court May the 16th 1831.

On the motion of John Demgus who made oath and together with John Nick and Peter J Pierce his securities entered into and acknowledged above in the penalty of Ten thousand dollars conditioned as the Law directs certificate is granted him for obtaining letters of administration on the unadministered estate of John Booth dec. in due form.

Teste James Rockwell

Barham Stief

as { Ex. with Bill

Boothe &

Southampton County Court February the 20.th 1832-

On the motion of Edward Butts setting forth that he is bound in this Court as the security of William Briggs for his proceedings as Executor of the last Will and Testament of Peter Booth dec^d and that he conceives himself to be in danger of suffering damages by occasion thereof, and praying the Court for relief. The said William Briggs being here present in Court and acknowledging due service of this motion. The Court by consent of the said Edward Butts and William Briggs doth order that the said William Briggs give the said Edward Butts good counter security the bond for which purpose is to be in the penalty of the first bond executed by the said Briggs and conditioned for his entire indemnity against all loss or damage which he has already sustained or which he may hereafter sustain in consequence of the Execution of the said first bond and conditioned according to Law. And the said Briggs refusing to give the said security it is ordered that his duties & powers as Executor aforesaid be revoked. And on the motion of Edward Butts who made oath and together with James Rockelle, Clements Rockelle, Thomas Ridley and George Beary his securities entered into and acknowledged a bond in the penalty of Seventy five thousand dollars conditioned as the law directs certificate is granted the said Edward Butts for obtaining letters of administration on the Unadministered Estate of the said Peter Booth dec^d with his will annexed in due form

Teste James Rockelle Clk

Southampton County Court December the 15.th 1834-

Ordered that the Estate of John Holmes dec^d be committed to the hands of Benjamin Devany Sheriff for administration according to Law -

Teste James Rockelle Clk

Barthum & wife &c

v. }

Booths adm. &c

Filed Apr. 21st 1845

In Supor County Court

April Term 1875.

Ordered that the estate of Martha Morris dec^d. be committed
to Robert Eldridge, Sheriff of this County to be by him adm.
ministered according to Law.

A Copy. Teste. Saml. Raines. D.C.

In Bank

Butler -

Rec'd Jan.

Booth

to } Deed of Trust

Deeds Truster

Bartholomew J.

to }

Booths admin J.

Filed by William B. Deale Apr. 30
1845.

This Indenture made this 20th day of September in
thousand eight hundred and forty one between Henry Booth of the
County of Southampton and State of Virginia of the one part
Lilleston R. Edwards of the second part and William Beale of the
County of Hertsford in the State of North Carolina of the third part
witnesseth that whereas the said Henry Booth is jointly indebted to
the said William Beale in the sum of eight hundred dollars
by writing obligatory executed this day by the said Henry Booth
to said Wm Beale which debt the said Booth is anxious and
willing to secure to be paid according to the tenor of said
writing obligatory and whereas the said Henry Booth is one of
the children and descendants of his father John Booth deceased who
was a brother of Peter Booth dec^d late of Southampton
County and as such the said Henry Booth is entitled to an
interest in the estate of the said Peter Booth now in the
hands of Edwards Beale the adm^r devisor now of the said
Peter Booth dec^d and which is the subject of a controversy now
in the Circuit Superior Court of Law and Chy for Southampton
County in the suit depending in which Nicholas J. Barham adm^r
Priscilla Barham and others are plaintiffs and Baylin adm^r
Briggs Edwards Beale adm^r of Peter Booth and others are
defendants This Indenture aforesaid witnesseth that in consideration
of the premises as well as for the sum of five dollars
to the said Henry Booth in hand paid by the said Lilleston R.
Edwards before the execution of this indenture the Receipt whereof
is hereby acknowledged by the said Henry Booth hereby doth
grant bargain sell and convey to the said Lilleston R. Edwards
his administrators and assigns forever all the right title claim
demand and interest whatsoever either at law or equity that the
said Henry Booth has absolutely or in remainder in the estate of
Peter Booth now in the hands of Edwards Beale adm^r of
Peter Booth or in the hands of any other person or representative
of the said Peter Booth as well as all the interest of said
Henry Booth in the slaves of Peter Booths estate whether being
his interest in one third of the slaves of the estate of Peter Booth

in Remainder, or otherwise after the first of January Eighteen hundred and forty five and the said Henry Booth also hereby conveys bargain and sell to the said Edwards all his right title claim interest and demand of what kind or nature soever it may be whether in law or equity in the estate of John Booth his Father to have and to hold to the said Tilletson R. Edwards and his heirs the property aforesaid but in trust nevertheless that if the said Henry Booth his administrators heirs or assigns shall pay to the said Wm Beale his heirs Executors administrators or assigns on or before the first day of January 1845 the said sum of Eight hundred dollars with all interest that may accrue thereon to the first day of January Eighteen hundred and forty five then this deed to be void but if the said Henry Booth shall not pay to the said William Beale his Executors administrators or assigns the said sum of eight hundred dollars due by virtue of the said bond with all interest that may accrue thereon on or before the first day of January Eighteen hundred and forty five and shall make default pay the sum at the said day there as soon after the first day of January Eighteen hundred and forty five as the said Beale or his heirs Executors administrators or assigns shall require in the said Edwards or his administrators or Executors after giving at least thirty days notice of the time and place of sale shall at Southampton Court-house on some Court day sell to the highest bidder for cash the interest of the said Henry Booth (or such part thereof as may be found necessary to discharge said debt interest and expenses) in the estate of said John Booth as well as in the estate of his Father John Booth of which interest a description is given in the first part of this deed and for greater certainty it is agreed that the said Edwards or his adm^r or ex^r shall sell so much as necessary of the interest of the said Henry Booth in the estate of the said John Booth and John Booth whether real or personal choses in action slaves and as necessary for the objects aforesaid and out of the sales pay to the said Wm Beale his heirs

Executors adm^r or assigns the said sum of Eight hundred dollars with all the interest found due thereon in the first of January Eighteen hundred and forty five and pay the balance if any to the said Henry Booth and his heirs adm^r or assigns In Testimony whereof the parties to these presents have hereunto set their hands and seals this day and year first here written

H Booth (sd)

J R Edwards (sd)

William Beale (sd)

At a Court held for the County of Southampton the 20 day of September 1841 This Deed of Trust between Henry Booth of the first part Tilletson R. Edwards of the second part and William Beale of the third part was acknowledged by all of the parties thereto and ordered to be Recorded
J R Edwards Clk

Attest

Juste.

J R Edwards Clk

Whereas by a deed of trust entered into on the 20th day of September 1841 between Henry Booth of the first part. Littelton R Edwards of the second part and William Beale of the third part - and admitted to Record in the Clerk's Office of Southampton County Court on the said 20th day of September 1841 the said Henry Booth did convey unto the said Littelton R Edwards his administra-
tors and assigns forever all the right title claim and demand and interest what-
soever either at law or equity that the said Henry Booth had absolutely or in
remainder in either the estate of Peter Booth then in the hands of Edwards
Booths admors of Peter Booth or in the hands of any other person or representa-
tive of the said Peter Booth as well as all the interest of the said Henry
Booth in the slaves of Peter Booth in remainder or otherwise after the first
of January 1845. And the said Henry Booth also conveyed bargained and sold
to the said Edwards all his right title claim interest and demand of what
nature or kind soever it might be, whether in law or equity in the estate of
John Booth his father. To have and to hold to the said Littelton R Edwards
and his admors the property aforesaid In trust nevertheless that if the
said Henry Booth his admors heirs or assigns should pay to the said Wm.
Beale his heirs Exors admors or assigns on or before the first day of January
1845 the sum of eight hundred dollars with all interest that might accrue thereon
to the first day of January 1845 then the said deed of Trust was to be void.
But if the said Henry Booth should not pay to the said William Beale his Exor.
admors or assigns the said sum of eight hundred dollars with all interest that
might accrue thereon on or before the first day of January 1845 and should
make default to pay the same on the said day then as soon after the first
day of January 1845 as the said Beale his heirs Exors or admors should require
be the said Edwards or his admors or Exors after giving at least thirty days
notice of the time and place of sale sell at Southampton Courthouse on some
Court day to the highest bidder for cash the interest of said Booth (or such
part thereof as might be necessary to discharge the said Debt interest and
expenses) in the estate of Peter Booth as well as in the estate of his father John
Booth of which a description was given in the said deed of Trust &c -
And whereas it has since been agreed between the said Henry Booth & William Beale
(which agreement is in writing signed by the said Booth & Beale and is hereto-
attached) that the said Edwards might proceed to sell the property &c in the

aforesaid deed of Trust conveyed as soon as he chose. And whereas the said Edwards in pursuance of the said deed of Trust and of the agreement aforesaid did after giving notice thereof sell at Southampton Court house on the day of July 1842 (the same being Court day) sell all the property, interest &c. conveyed by the deed of Trust aforesaid to the highest bidder for cash. and William Beale became the purchaser thereof at the price of Eight hundred & eighty dollars that being the highest bid made for the same. Now therefore the said Littleton R Edwards for and in consideration of the said sum of Eight hundred & eighty dollars to him in hand paid hath granted, bargained & sold & do hereby grant bargain & sell unto the said William Beale all the right title, claim, demand & interest whatsoever either at law or equity which was conveyed to him the said Edwards by the said Henry Booth in the deed of Trust before referred to. To have and to hold the same unto him the said William Beale his heirs &c. forever. And the said Edwards warrants & defends the property, interest, Estate &c. hereby conveyed against himself only. In Witness whereof the said Littleton R Edwards hath hereunto set his hand and affixed his seal this 20 day of July 1842.

L R Edwards (Seal)

Aug 17/1842

Edwards

To 2nd

Wade

Richard W.
Wade

Wade W.
Wade

Filed by William Wade. app. 30
1845.

Good Record
Page 217

Southampton County And the Clerk's Office the 17th day of August 1842
This deed of bargain and sale from L. B. Edwards to William Beale
was acknowledged by L. B. Edwards and together with the agreements of
Henry Booth and William Beale thereto attached is admitted to Record.

Teste Augustus, W. Ward Secy.

When, some time ago, the undersigned Henry
Booth made a deed of trust to William B
Beal in trust for the use of Wm Beal
conveying property, chose in action &c to
him to secure the payment to the said
Wm Beal of the money thereby intended
to be secured to be paid - and inasmuch
it is believed that the intent of all the
parties concerned, demands that the deed
of trust be enforced as soon as possible -
now therefore the said Henry Booth
and Wm Beal do hereby severally
agree that the said trustee may
proceed to sell the property, chose, in
action, intent &c in said deed conveyed
(as soon as he chooses) - giving the notice
required by the deed - In witness whereof
we have hereunto set our hands & seals
this 20th June 1862 -

Wm Beal
A. Atkinson

William Beal
H. Booth

We agree that although thirty days notice has not been given yet notice
sufficient has been and that the trustee under the deed of trust may proceed to
sell under the notice already given.

H. Booth
William Beal

Booth

to { Day

Bull

Alley

Barham

3

Booths adn

Filed by Edmunds Bull May 1845

fa 31st

Know all Men by these presents that I John H Booth
son of John Booth who was a brother of Peter Booth the
late of the County of Southampton for and in consideration of the
sum of Eight hundred and seventy one dollars to me in hand paid
by Edwards Butts of the County aforesaid (the receipt whereof is
hereby acknowledged) hath granted bargained sold transferred and
assigned and relinquished and by these presents do bargain sell
transfer assign and Relinquish unto the said Edwards Butts all
the right title interest claim or demand whatsoever either at
law or equity of the said John H Booth as legatee or distributee
or in whatever other character have absolutely or in remainder
in the Monies due or belonging to the Estate of the aforesaid
Peter Booth now in the hands of Edwards Butts administrator debent
now with the will annexed of the said Peter Booth or in the
hands of any other person or Representative of the said Peter
Booth also all the right title interest claim or demand
whatsoever which I the said John H Booth as distributee of my
father the aforesaid John Booth or in whatever other character
now have or may hereafter have either at law or in equity
in and to any Monies which were now due or which at any
time hereafter may be due and owing or to which the Estate
of the said John Booth no matter in what ^{character} ~~or~~ or
his Representative heirs or distributees are or may be entitled
to receive from the Estate of the aforesaid Peter Booth from
Edwards Butts administrator debent now with the will annexed
of the said Peter Booth or from any other Representative of
the said Peter Booth or from any other person indebted
to or having Monies in their hands belonging to the
Estate of the said Peter Booth To have and to hold
the interest above conveyed or intended to be conveyed unto
him the said Edwards Butts his Executors administrators or
assigns against the claim title or demand of him the said
John H Booth and of all and every other person or persons
whatsoever In Testimony whereof the said John H Booth hath
hereunto set his hand and affixed his seal this the 27th

day of December 1842.

Witness

John H. Booth (Sd)

P. H. Kellogg

William A. Bell

Southampton County in the Clerk's office the 7 day of January 1843
This Deed of Bargain and Sale from John H. Booth to Edwards
Booth was proved by the oath of William A. Bell (a witness
thence and in the Clerk's office the 4 day of February 1843
This Deed was proved by the oath of Patrick H. Kellogg
another witness thence is admitted to Record

Test J. R. Edwards (Sd)

Attesty Test J. R. Edwards (Sd)

Brian

to } Dues

Prithon

Barham's

to } 3

North's East

Filed May 1st 1845 by Tho: J. K.
June W. Prithon East Tho: Prithon.

This Indenture made and executed on this the fifteenth day
of March in the year eighteen hundred and forty three by and
Between Elizabeth P Bevan Thomas Bevan who is the husband
of said Elizabeth P Bevan Henry Booth and Patrick H Kellings
parties of the first part and Thomas Pretlow party of the
second part all of whom the said parties and persons reside in
the County of Southampton and Commonwealth of Virginia witnesseth
That whereas by a certain indenture bearing date on the fourteenth
day of March in the year eighteen hundred and forty three
Recorded in the County Court Clerks Office of said County wherein
the said parties of the first part are named as parties
thenceforth and to which reference is herein and hereby had and
made the said Thomas Bevan for and in consideration of the
sum of four hundred dollars to him in paid by the said
Thomas Pretlow and also for and in consideration of the further
sum of five dollars likewise to him in hand paid by the
said Booth & Kellings did grant bargain sell and convey assign
transfer and set over unto the said Booth & Kellings their
heirs Executors administrators and assigns forever all and
every the right title and interest which in the said
Thomas Bevan ^{then} ~~there~~ then derived and might then have and
might thereafter at any time have and possess in any manner
at law and in equity by means and in right of his wife
the said Elizabeth P Bevan of and in and to the pecuniary or
money part or portion of the estate thereof one Peter Booth (late
of said County) died possessed together with all interest that
might thereafter have accrued and might then be due and
might or should thereafter accrue in the said money part or
portion as aforesaid and which said money part or portion is
directed by the will of the said Peter Booth Recorded in the
County Court Clerks Office of said County to be distributed among
those lawfully entitled thereto on the first day of January in the
year eighteen hundred and forty five "IN WITNESS for the sole
and true benefit and as the separate estate of the said Elizabeth
P Bevan" Now Therefore the said Elizabeth P Bevan

virtue of the tenor and effect of the said indenture above
recited and with the knowledge and consent of the said Booth
and Rellings which said knowledge and consent are signified
and attested by them the said Booth & Rellings being parties to
and signing sealing and delivering their presents) and also for
and in consideration of the sum of four hundred and eight
dollars to her the said Elizabeth P. Bevan in hand paid
by the said Thomas Prettow at and before the sealing and
delivery of their presents the Receipt whereof is hereby acknowledged
hath granted bargained and sold and by these presents doth
grant bargain sell convey assign transfer and set over
unto the said Thomas Prettow his heirs executors administrators
and assigns forever all and every the aforesaid right title
and interest as heretofore described and set forth To
have and to hold the same unto him the said Thomas
Prettow to and for the only proper use and behoof of
him the said Thomas Prettow his heirs executors adm^r and
assigns forever" and the said Thomas Prettow doth hereby
for and in consideration of the payment of the said sum of
four hundred and eight dollars unto the said Elizabeth P.
Bevan and also of the payment of the sum of four hundred
dollars to him the said Thomas Bevan as aforesaid and above
mentioned sell assign and quit claim unto the said Thomas
Prettow his heirs executors administrators and assigns forever
all and every the aforesaid right title and interest as
heretofore described and set forth and the said Thomas
Bevan and the said Elizabeth P. Bevan do for themselves their
heirs executors administrators and assigns jointly and severally
hereby covenant and agree to and with the said Thomas Prettow
his heirs executors administrators and assigns to warrant and
for ever defend the aforesaid right title and interest above
described and set forth unto him the said Thomas Prettow
his heirs executors administrators and assigns against the claim
or claims of them the said Thomas Bevan and Elizabeth P.
Bevan their heirs executors ^{and} administrators and all other persons

whereof" I Testimony whereof the said parties of the first
part have hereunto set their hands and affixed their seals
on the said fifteenth day of March in the year eighteen hundred
and forty three

Thomas Bevan (Sd)
Elizabeth ^{Bevan} Bevan (Sd)
H. Booth (Sd)
J. H. Rellings (Sd)

Southampton County in the Clerk's office the 15 day of March 1843
This Deed of Bargain and Sale from Thomas Bevan & wife
Henry Booth & Patrick H. Rellings to Thomas Prettow was
acknowledged by Bevan & wife Booth & Rellings four of the parties
thence and admitted to Record

John I. R. Edwards Clk

Attesty Juste. J. R. Edwards Clk

43rd

To { Deed

Butts

Barham &

& {

Booths adm &

Filed by Edwards Butts May
1st 1845.

"Whereas by an Indenture bearing date on the 20th day of July 1842 between Tillet R. Edwards of the first party and William Beale of the other part, and which was admitted to Record in the Clerks Office of Southampton County on the 17th day of August 1842 the said William Beale became & is now entitled to all the right title claim demand and interest whatsoever either at law or equity that Henry Booth had absolutely or in remainder in the estate of Peter Booth late of the County of Southampton in the hands of Edwards Butt administrator of Peter Booth or in the hands of any other person or Representative of the said Peter Booth as well as all the interest of the said Henry Booth in the slaves of Peter Booth estate whether being his interest in one third of the slaves of the estate of Peter Booth in Remainder or otherwise after the first day of January 1843 and also all the said Henry Booth right title claim interest & demand of what nature or kind soever it may be whether in law or equity in the estate of John Booth Father of the said Henry Booth" and whereas the said William Beale hath agreed to assign transfer and convey unto Edwards Butt of the County of Southampton for the consideration hereafter expressed all the interest which he the said Beale has whether absolutely or in Remainder in all the monies due or belonging to the estate of the aforesaid Peter Booth whether in the hands of Edwards Butt administrator or otherwise with the will annexed of or in the hands of any other person or Representative of said Peter Booth ~~and~~ and also to convey to the said Butt all his the said Beale interest in all the monies which are now due & owing or which at any time hereafter may be due and owing or to which the estate of the aforesaid John Booth or his Representatives heirs or distributees are or may be entitled to receive from the estate of Peter Booth or his Representative or from any other person indebted to or having monies in their hands belonging to the estate of the said Peter Booth. Now Therefore the said William Beale for and in consideration of

the sum of nine hundred & forty seven dollars 97/100 to him in
hand paid by the said Edwards Butts the Receipt whereof is
herely acknowledged hath granted bargained sold transferred
assigned and relinquished unto the said Edwards Butts all the
right title claim interest or demand whatsoever which in the
said Beale under the deed hereinbefore referred to whether at law
or in equity has absolutely or in Remains in the Monies
due or belonging to the estate of Peter Booth whether in the
hands of Edwards Butts administrator debts due with the will
annexed of the said Peter Booth due or in the hands of
any other person or Representative of the said Peter Booth due
also all the right title interest claim or demand whatsoever
which in the said William Beale has or may hereafter
have either in law or in equity in and to any Monies
which are now due or which at any time hereafter may
be due owing or to which the estate of the said John Booth
(the matter in what character) or his Representative heirs or
distributees or those claiming under them are or may be
entitled to receive from the estate of Peter Booth due or from
Edwards Butts administrator debts due with the will annexed
of Peter Booth or from any other Representative of the
said Peter Booth or from any other person indebted to or
having Monies in their hands belonging to the estate of the
said Peter Booth to have and to hold the interest
above conveyed or intending to be conveyed to him the said
Edwards Butts his Executors adm^r or assigns against the
right title claim and demand of the said William Beale
and all other person or persons whomsoever In Testimony whereof
the said William Beale hath hereunto set his hand and
seal this 1st day of July 1843.

William Beale

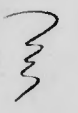
Southampton County in the Clerk's Office the 1st day of July 1843
The Deed of Bargain and sale from William Beale to
Edwards Butts was acknowledged by said Beale and admitted
to Record

Teste

J. R. Edwards

Attest Peter J. R. Edwards

Barham &

Butts & 

~~Fin~~

~~To the~~

copy of the
opinion of
C. Johnson

Peter Booth by his last will dated in July and recorded
- in August 1827 - made the following dispo-
sition of his estate. - First. he directs all his just
debts to be paid - secondly. - The second and
third provisions in his will are in the words
"I doan unto my daughter Priscilla Holmes
"all my chattel estate, and the land and
"plantation whereon I now live, containing
"by estimation from 1000 to 1500 acres,
"also I doan her all my negroes, till the date
"1845, upon the express condition, that she
"the said Priscilla Holmes make no charge
"for raising and supporting her 2 children
"Peter James Holmes and John Holmes -"
"Item 3^d. Give to my brother John Booth all ~~the~~ papers
accounts, bonds that I may hold against him -
The 4. 5 & 6. items, give to Henry Booth, Peter Booth
and John Booth com. of the testator's brother John,
each a tract of land to him and his heirs forever.
"Give to Peter B. Married all papers, accounts
and bonds I hold against him -"
The 8th - give a tract of land to John D. Married
and his heirs -
The 9th & 10th. give two pecuniary legacies
of \$1000 each, to be divided among several
of the testator's female relations -
The 11th. 12. 13. 14 & 15 are as follow -
Give and bequeath Peter James Holmes the
land and plantation whereon I now live,
upon the condition that he pay John Holmes
his brother, the sum of \$3500, and give one third
of the profit arising from the plantation & ac-
crued to his mother Priscilla Holmes (during
her life) to him and his heirs forever -
12th - It is my wish and desire that Peter J. Holmes
have full possession of the said plantation & ac-
crued, when he shall have paid his brother
John Holmes the above amt. of \$3500 -
13th - It is my wish and desire that if Peter J. Holmes
should die before 1st Jan. 1845, in that case it is
my wish and desire, that John Holmes his brother
should give him the land and accrued upon the
same conditions that I have given them to
Peter J. Holmes his brother - but in the event both

Peter & John Holmes, should die before
the date 1845. It is my wish and desire that
both their legacies should return back to my family.
14- It is my wish and desire that no part of my estate
be sold till 1845. Long & then an equal division
to be made of my surplus, to my daughter Priscilla
Holmes, 1/3 during her life, 1/3 to Peter & John, and
1/3 to John Holmes, to them and their heirs forever.
15- It is my wish and desire that my executor
should be named, & put out at interest
all the money and my by accounts, and
honor till 1 Jan'y. 1845.

The 16th and last clause appoints executors.

Priscilla Holmes was a natural
daughter of the testator a widow at the time of
his death, and the mother of the two illegiti-
mate children Peter & John in the will mentioned.
They were then infants living with their mother,
and would attain full age about the 1st Jan'y.
1845 if they should live. - John has since died
an infant of ten or twelve years unmarried & not taken
Peter still lives. - Priscilla Holmes has married
a second husband - Mr. Nichols, of Barham, by
whom she has had several children - some
probably born before, and some after the death
of her son John.

At the time of the testator's death, his heirs next
of kin were his brother John, and the descendants
of a sister since deceased, having children.

The executor, so on after the death of
the testator delivered to Priscilla Holmes the
plantation devised to her, with all the slaves &
other chattels except money, houses & other
instruments of debt - whether they took an inven-
tory of the property delivered to her, or receipts
for it - or a bond to insure, or have it
both comprised is not known.

Out of the money in hand at the testator's death
and the debts due to the estate, the pecuniary
legacies have been paid, the charges of admi-
stration have been expaid, and there remains
a surplus of some 14 or 15,000 or over in the hands

of Mr. Pettit the executor: or having more, which is put
out at interest pursuant to the direction of the 15th
clause of the will.

Barham and wife, claim in the account itemized
upon this farm, and contending for a contribu-
tion of the will in other respects, which is controverted
by the heirs and next of kin. - They have brought
a suit in Chancery in the Superior Court of Georgia
to assert their rights, and settle the contribu-
tion of the will. - A copy of their bill of
the answer of Mr. Pettit the executor, have
been shown before.

On this state of facts, the following questions
are proposed.

1- What parts to Priscilla Holmes under
the word "chattels" take in the 22d clause of
the will - and especially does she take the
interest upon the money lent pursuant to
the 15th clause?

2- If on the 1st Jan'y. 1845 who will take the money
so lent out, with the accretions in ten & thereon,
also the chattels other than slaves, that have been
devoted to Priscilla Holmes by the will? & the
remainder of that third of the slaves, which is
given to her for life?

3- Who takes that part of the estate which was
given to John Holmes - and who will take that
which was given to Peter & John, if they should
die before 1st Jan'y. 1845?

4- What precautions ought the agent or
holders more to adopt, in order that the money
properly and safely be administered in his
hands, and finally settle his account?

First - The word "chattels" take when
used in a will or description of the property
bequeathed, if they do not appear to be used
in a restricted sense, are comprehensive enough
to embrace every species of personal property,
slaves, houses, cattle and other moveables, & cash
money, stock and other debts, whether due by
bond or otherwise. - But there are also other

used in will, in a much more restricted sense -
and we must always consult the whole will,
to ascertain the sense in which they are used, in
each sense -

In this will it is very clear that they are so used in
this unrestricted sense. The testator certainly did
not think they would embrace debts, or
he would not put in the same sentence, "I
do not mean to say I lend him my money."

The 3d & 7th clauses also furnish evidence that
the testator did not intend that they should
embrace debts due to him; for after having lent
his daughter all his chattel estate, he gives to her
all papers, accounts and bonds held up to
them, without seem to regard this latter
bequest as an exception from the generality of
the bequest to Mrs. Holmes -

The pecuniary bequest given in the 9th
and 10th clauses of the will, tends also to show
that the testator did not think, that in disposing
of all his chattel estate, he had disposed of
the money on hand and the debts due to him.

But what seems to me more strongly
to show, that the testator did not use the word
chattel in a way to embrace the debts due to
him, is the provision in the 15th clause of the
will - viz. to the executors to put out at inter-
est all the money due him - After lending
his wife, all his chattel estate, till the 1st Jan'y:
1845 - if he has intended thereby to lend her
the money due to him, he would have
had directed his executors to put out this very
money at interest, till the same term -
thus lending the money to his daughter and
directing the executors to lend it to others -

The circumstance that the interest ~~was~~ upon
money ^{up to 1st Jan'y 1845} is not given from Mrs. Holmes, is certainly
entitled to serious consideration among
the arguments in support of Mrs. Holmes's claim.
But then this argument applies to the principal
as well as the interest of the money - that is, nothing

away from her, and it is certainly not given to
her upon any just construction of the will -
and then in a large residuary estate which
the testator has either forgotten the disposal of
or has intentionally left to be disposed of by law.

Upon the whole will, I think that the
words chattel estate are used in a restric-
-ted sense, and embrace ~~only~~ that part
of the personal estate, which has already
been devised to Mrs. Holmes -

Second. The principal, with the accumulated
interest on the money now put out at interest,
together with the remainder in the chattel
lent to her, are to be paid till the first of Jan'y: 1845,
and the remainder in our hands of the same,
after the first of Jan'y: 1845, and after
Mrs. Holmes's death ~~if~~ I think is <sup>un-
der</sup> disposed
of by the will, and will go to the testa-
tor's next of kin - that is one moiety
to the descendants of his sister, the
other moiety to the executor of his bro-
ther, as assets of his estate -

Third. The property given to Peter & to
John Holmes, by the will, I think will
pass thus - If Peter & Holmes should die
before the first of Jan'y: 1845, the whole
property, land and slaves, given both
to John & Peter will return to the testator,
undivided of estate, and go to his heirs
and next of kin - one moiety to his
sister's representation, the other moiety to
his brother's representation - Subject however
to Mrs. Holmes's interest therein, that is, to
say her right to both land and slaves,
till 1st Jan'y: 1845 - to one third of the land,
and the profits of one third of the land
from the 1st Jan'y: 1845 till her death -
If Peter & Holmes should live till the 1st Jan'y: 1845,

then he holds the land in fee simple, subject
to his mother right to one third of the profits
during her life. - He also takes 1/3 of the slaves
in absolute right. - That third of the slaves
which was given to John I think will go
in absolute right, after the last of Jan'y 1845,
to John and his mother in equal moieties -
and the ~~rest~~ \$3500 charge upon the land,
in his favour, I think will go, one moiety
to his mother - and the other will sink
into the land for pety her fit.

4th. The only precaution, which
occurs to me as necessary ^{to the owners}
safe and proper administration, this
final settlement, are the following -
That he should keep regular account
and preserve regular vouchers of all
his receipts and disbursements - That he
should diligently collect and receive the
annual interest upon the money under
his control - taking ample security for
the payment of the whole until the same
is drawn by the Court - and that he should
appear the suit now pending and bring it
on as early as fair a trial as may conveni-
ently be; taking care to have before the Court
when the final decision is made, all the parties
in interest so that they may be bound by the same
as he has no agency in relation to the
winds the slaves and other chattels belonging
to him. I don't think that he is bound to take any
measures to secure the safe keeping and perhaps
of that property when the winds own intent therein.
Then ratifies to it, after he should look to that.
If the present suit should result in a long
the administration and take the whole estate
from the hands of the owner; I would advise
that after it is determined, the party should be particularly
watchful his acc'ts for a low of the same every year as
the law requires.

Rebarnes

Berlin

d
Bertus

General interpretation of Chattels / Tuckers Compend
page 293 Chap 20. See marginal notes & references
as to Chattels person same book 294 see also
page 300 & the references

= As to construction of Wills see / Tuckers Compend
Page 289 Letter Rules of construction
1st R 2nd Rule 3rd Rule 4th 5th 6th 7th to 291 see also
see all the cases to p 293

See 2 Vol Hall's concise Letter construction
of Wills p 380 to 384 - see 9th case letter
of pag 380

See Lane & Story L Randolph 213

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John R. L.

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$$\begin{array}{r} 11 \overline{) 239.89} \\ 13 \overline{) 119.92} \end{array}$$

39.98

$$\begin{array}{r} 2 \overline{) 79.96} \\ 39.98 \\ \hline 5.71 \end{array}$$

99.96
666