

1858-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BARDEN & NARRIE VS GUALTNEY'S ADM'R.
et al 11/1858

othersurnames: Kitchen,
Joyner, Murfee,
Gwaltney,

24 ~~15~~ 12 ~~18~~ 6

Borden & Murfee
v. } Papers

Gwaltneys adm

Barden & Murfee

2 } Stat. Rules

Gravattney's adm.

William Borden & William Marfee vs.

against
Elijah Joyner admor. of John Gwaltney decd. John Kitchen & Sally Ann Kitchen his wife. and Richard Joyner.

1853 May 17th Summons if issued returnable to July Rules.

" July Rules. Summons returned Ex^{pt} on Joyner & Kitchen & wife. Rich^d Joyner not a resident. Bill filed. Decree nisi in Dft. Joyner adm. & Kitchen & wife.

" Aug. R. Bill taken for confessed in Dft. Joyner adm. & Kitchen & wife. Order of sale in Dft. Joyner.

" Sept. R. Cause set for hearing as to Dft. Joyner ad. & Kitchen & wife.

" Nov. T. Answer of Dft. Kitchen & wife by leave. G. Rep: Decree for account

1854 Nov. T. Report recommended

1855 Mar. 31st Rept.

" May T. Decree ~~is~~ 

1856 Mar 26. Rept.

1858 May T. Decree for Decd to purchaser.

" Nov. Decree final

1855 May. Pliffs boats.

balke boats	9.63
Shuff	2.90
Comm.	26.00
Or. Pub.	4.50
Saw &c.	15.75
	<u>58.78</u>

Defts boats.

alk.	1.94
Shuff	50
Saw	15.00
	<u>17.44</u>
	<u>76.22</u>

William Munger & Co
as 3 bills to exhibit
Guaranteeing adms - 1853

1853 July Rules

To the Honorable Rich^d B. Baten judge of the circuit
court of Southampton in chancery sitting

Humbly complaining your complainants
William Barden and William Munce & creditors of
John Swathway dec^d who sue for themselves and all the
other creditors of the said John Swathway dec^d who
may come in and bear their ratable proportion of the
costs of this suit shew unto your Honor that in the
year 1837 John Swathway of Southampton County deputed
his life interest leaving some personal estate and
that he did give and proposed of tract of land ^{in fee simple} lying
in Southampton County containing about one hundred
and fifty acres, that he left Sally Anne Kitchner
his sister formerly Swathway now married to John
Kitchner and Richard Joyner a half brother his heirs
at law, that soon after his death one Elijah Joyner
qualifies as his administrator giving bond and security
according to law, They further shew unto your Honor
that the said administrator after his qualification
sold all his personal estate and collected all the debts
due his intestate and converted all into money
for the purpose of paying the debts owing by his
intestate, that he has paid all away to his creditors
except the sum of forty ~~ten~~ ^{three} cents, all of which will
soon fully appear by a certified copy of his account
sworn by a commissioner of the county court of
Southampton herewith filed marked A and prays to
be taken as a part of this bill, They further shew
and state that they receive a portion of their
debts but that a large portion still remains unpaid
and due to them and as the said land commissions
is the only estate of the said John Swathway de-
termining it is necessary to see the same for

The payment of the debts due them and others

In Under consideration Whom and inasmuch as
your complainants are minors at law and only entitled
to relief in a court of equity where such matters are only
cognizable They therefore humbly pray that Elijah Rogers
admin. of John Gwathney dec^d and John Kitchin and Sally
Anne Kitchin his wife and Richard Rogers his heir at
law may be made parties defendant to this bill and
compel them as full and perfect answer make to the allegations
herein contained as if they had been thereto more fully
integrated. That the said Elijah Rogers shall is occupying
settle an account of his transactions as administrator
of John Gwathney dec^d before a commissioner of this
court who shall also ascertain the debts still due and
owing from the said Gwathney and that the court would
decree a sale of the land above mentioned for the
purpose of paying your complainants debts and that
the court would grant such other and general relief
the premises considered as equity may dictate and the
nature of this case may require and as in duty bound
your complainants will ever pray &c

Shamus P. J.

The answers of John Kitchers and Sally Ann his wife
Two of the Defendants to the Bill of Complaint of William
Barden and William Musper Complainants -

These Defendants now and at all times saving and re-
serving &c, for answers to the said bill or so much there-
of as they are advised it is material or necessary they
should make answer unto, answering say, That the
said John Swastney did not die seized and possessed in fee
simple of the tract of land in the bill mentioned, but that
he had only a life estate in the same and that the re-
mainder belonged of right to the female defendant the
said Sally Ann Kitchers formerly Swastney - That Mary
Swastney the grandmother of the said John Swastney and
Sally Ann Kitchers, died seized of the said tract of land
in fee simple, and by her will which was admitted to
probate at the October Term of the County Court of South-
ampton, in the year 1833 (a copy of which is herewith
filed ~~marked~~ (A) and prayed to be taken as a part of this
answer,) she bequeathed the said land to her grandson the
said John Swastney, for life, and "if he should die with-
out a lawful heir then she devised the same to her
granddaughter the said Sally Ann Kitchers and her
heirs forever - That the said John Swastney did die
without any lawful heir of his body - That in the
year 1840 long before the said Sally Ann Kitchers
had attained the age of twenty one, she being then
very ignorant and entirely uneducated, her brother
the said John Swastney who had great control over
her, by undue influence fraudulently prevailed on
her to execute to him a deed for her interest in the
said land, and to acknowledge the same in the
Clerk's Office of the County of Southampton - That
she was ignorant both of the purport of the said deed
and of her rights under the will of the said Mary

Swearing, and that no considerations were ever
given for the interest conveyed, a copy of the said and
is herewith filed marked (B) and prayed to be taken as
a part of this answer; All of which matters and things
these defendants are ready and willing to aver main-
tain and prove as the Honorable Court shall direct;
and they hereby pray same to be dismissed with their costs
and charges &c.

John Kitchen
Sally Ann Kitchen
by Chamberlains Messrs. Dwyer and

Superior County to wit;
This day John Kitchen and Sally Ann Kitchen appeared
before me a justice of the peace in and for the said County
and made oath that the facts set forth in the above
answer are true - Given under my hand this 5
day of Oct 1853

Thos: D. Brown J.P.

1853 Oct 7

Proctor &c
vs
Kitchen &c } Answer

A. Barden is Minister
is 3 Decem
Gwaltney's address -

To be entered

R H Baker
Nov. Term 53

Norden & Murfee

vs

3

Deane

Gwathney; adm^r & alb

It appearing by satisfactory evidence to the court that the defendant Richard Soyner is an inhabitant of this state and against whom the plaintiffs appear to have proceeded in the mode prescribed by law and he still failing to answer and the bill of the complainants having been taken for confessed at the rules against the defendant Elijah Soyner adm^r of John Gwathney dec^d, John Kitchner and Sally Ann Kitchner his wife and they he still failing to answer the said bill and the cause coming on to be heard on the said bill of the complainants together with the exhibits ^{the personalty of John Kitchner and Sally Ann Kitchner his wife} ~~Thimothy~~ and was argued by counsel on consideration whereof the court doth adjudge order and decree

x That Elijah Soyner render an account of his transactions as administrator of John Gwathney dec^d before a commission of this court who is hereby required to state the same and make report to the court together with any special matter deemed just and by himself or as required to be stated by any of the parties, and the court doth further decree that the commission shall after having given due notice thereof by advertisement at the court house for two months of the time and place proceed to receive proof of all debts due by the said John Gwathney dec^d or his estate classifying them according to their dignity and report the same together the administration account in order to a further decree

x that a com^r. of this court take an account of the transactions of Elijah Soyner as adm^r. of John Gwathney dec^d, and that the said com^r. take an account of the outstanding debts due and owing from the estate of the said decedent

which accounts the said corner will state and report
with any matter specially stated, or required by the parties to be so
stated.

showing the dignity and character thereof: and the
court doth order, that the said corner ^{shall} give due
notice of the taking the said account, by adver-
tisement published once a week for four ~~consecutive~~
consecutive weeks, in some convenient newspaper,
and that such publication shall be equivalent to
personal service of such notice -

1899
1899

Bardur Gellman

Co. Dues

Swallowing

1899

1899

Not to go out.

Southampton Levant Court. May 8th 1853.

William Barden & William Murfee s^r.

Peffs.

^{against}
Elijah Joyner adm^r of John Gwaltney dec^d & others

Offs

It appearing by satisfactory evidence to the Court that the defendant Richard Joyner is no inhabitant of this State, and against whom the plaintiffs appear to have proceeded in the mode prescribed by Law, and he still failing to answer and the bill of the Complainants having been taken for confessed at the Rules against the defendant Elijah Joyner adm^r of John Gwaltney dec^d and he still failing to answer the said bill, and the cause coming on to be heard on the said bill of the Complainants together with the exhibits therewith due answer of John Kitchen and Sally Ann Kitchen his wife, and was argued by Counsel. On consideration whereof the Court, without settling the principles of the case doth adjudge order and decree, that a Commissioner of this Court take ~~and~~ account of the transactions of Elijah Joyner as adm^r of John Gwaltney dec^d and that the said Commissioner take an account of the outstanding debts due and owing from the estate of the said decedent, showing the dignity and character thereof, which accounts the said Commissioner will state and report with any matter specially stated or required by the parties to be so stated. And the Court doth order that the said Commissioner give due notice of the taking the said accounts by advertisements published once a week for four successive weeks in some convenient Newspaper and that such publication shall be equivalent to personal service of such notice.

Attest

Teste.

L.R. Edwards Clk

Banden is Mufes
is 3 Dians
Growth my adms is also

To be entered

R. H. B

Nov. 1834

Borden v. Munger

as 3 Decr.
Gwathmey's adm^r's

This day This cause came on again to be heard on the papers formerly made and the reports of commissioners Cost of Elijah Joyous' administration account of John Gwathmey's estate and also of the debts outstanding against the estate of the said Gwathmey made pursuant to an order of this court on consideration whereof the court doth adjudge order and decree that the said accounts be recommittees to a commissioner of this court with instructions to take a further account of the debts outstanding against John Gwathmey's estate and also to ascertain the actual and annual value of all the real estate wherof the said Gwathmey died seized and possessed and report the same to this court together with any matters deemed pertinent to be specially stated either by himself or any party interested so requiring it

Barden & Murfee
v. } Geo. Dunsen
Swatkins ad &c

Southampton Circuit Court, November Term 1834.
William Borden & William Muesse Defts

against
Elijah Jenner (admr of John Gwalthney dec'd) John
Kitchen & Sally Ann (his wife) Defts

This day this cause came on again to be heard on
the papers formerly read, and the reports of Commr. Cobb of
Elijah Jenner's (administration account of John Gwalthney's estate,
and also of the debts outstanding against the estate of the said
Gwalthney made pursuant to an order of this Court.

On consideration whereof, the Court doth adjudge, order and
decree that the said accounts be recommittees a Commissioner
of this Court with instructions to take a further account of
the debts outstanding against John Gwalthney's estate, (and also
the actual and annual value of all the real estate when of the
said Gwalthney died seized and possessed, and report the
same to this Court together with any matters deemed
pertinent to be specially stated either by himself or any
party interested so requiring it.

Teste,

Henry S. Howard, D.C.

Barber is Murphy
is $\frac{1}{2}$ Dean
Guthrie, adm. & co.

To be entered
R. H. Baker
May Co. 1858

1855 May Term

Borden v. Murfee

vs 3 Dece

Swathney; adm - v al

This day This cause came on again to be heard on the papers formerly made and the report of commissioner Cobb made pursuant to an order of this court entered at November term last and to which no exceptions have been filed and was argued by counsel on consideration whereof the court confirming the said report doth adjudge order and decree, That William B. Shandas who is hereby appointed a special commissioner for that purpose shall after having given reasonable notice of the time and place of sale by public advertisement at the court house and at other public places proceed to sell the tract of land whereof the said John Swathney died seized and possessed on the following terms to wit, sufficient of the purchase money in cash to defray the costs of this suit and the balance on a credit of nine months.

and on the payment of the same, then that the said commissioner pay to William Murfee twenty one dollars and sixty nine cents, to Wm J. Sebrill twenty dollars to R. I. Darden two debts amounting together to forty seven dollars and sixty eight cents and the residue if any divide into three shares and allot two shares to John Kitchen and Sally his wife and one share to Richard Joyner and report to court in order to a further decree, But the said Wm B. Shandas is not to act under this decree until he shall have executed in the clerk's office of this court a bond in the penalty of two hundred and fifty dollars with good security conditional as the law directs

Borden " Murren
" 3 Dec
Guthrie's adm. - 1849

May Court 1858.

To be entered

L. H. Baker

Borden & Murfee vs
O'connor
Jewett's admr vs als

This cause came on this day to be further heard upon the papers formerly read and the report of the sale made by the commissioner Wm B Shanks pursuant to a decree entered at the May term 1855 of this court to which there is no exception and was argued by counsel. On consideration whereof the court confirming the said report, and it appearing that Elvin Fires has paid the purchase money for the said land the court doth adjudge order and decree, that Wm B Shanks the commissioner do convey the said land to the purchaser Elvin Fires with special warranty.

SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Superior* County, GREETING:

YOU are hereby commanded to summon *John Ketchum and his wife Sally Ann*

if *they* be found within your Bailiwick, to appear at the Clerk's office of our *County* court for Southampton County, at the Rules to be holden for the said Court, on the first Monday in *July* next, to answer

a bill in Chancery exhibited against them & others in our said Court by William Barden & William Mumfee & creditors of John Swatney for themselves & other creditors who may come in

And have then there this writ. Witness L. R. Edwards, Clerk of our said Court, at the office aforesaid, this *17* day of *May* 185³, in the *77* th year of our foundation.

L R Edwards

I did on the 11th Day of June 1853, deliver to
John Hitchen, and Sally Ann, his wife, each
a Copy of the within Summons.

Wm^m Garrison (Supp.)

Anden W

to { App. Chy.

Guadalupe or W

1853 July Rules

SUMMONS.

THE COMMONWEALTH OF VIRGINIA,

to the Sheriff of Southampton County, GREETING:

YOU are hereby commanded to summon

Gwaltney dec^d: Richard Joyner

Elijah Joyner admor: of John

if they be found within your Bailiwick, to appear at the Clerk's office of our Circuit court for Southampton County, at the Rules to be holden for the said Court, on the first Monday in July next, to answer

a bill in chancery exhibited against them and others in our said Court by William Barden & William Murphy Sr. creditors, of John Gwaltney for themselves & other creditors who may come in

And have then there this writ. Witness L. R. Edwards, Clerk of our said Court, at the office aforesaid, this 17th day of May 1853, in the 77th year of our foundation.

L. R. Edwards *cl*

we entered on Elijah Frymer by delivering
him a Copy May 27/1853. Rich^d Frymer is not
a resident of my County.

C. J. Stone Deputy of
J. Kellogg

Wardens &c

to { Dep^y Secy.

Swathmire cor.

&c

1853

July Rules

To Mr. Wm. Murfee

Sir

Take notice, that on the 6th day of November next between the hours of nine in the forenoon and six in the afternoon of that day, at the office of Charles H. Shapenbury in the town of Lewisburg in the County of Southampton, we shall proceed to take the depositions of certain witnesses to be used as evidence for us in a suit now pending in the Circuit Court for said County wherein you and Wm. Barber are Plaintiffs and we and others are Defendants: And if from any cause the taking of said depositions shall not be commenced or being commenced shall not be completed on that day, the taking of the same will be adjourned from time to time until the said depositions shall be completed -

Given under our hands this 18th day of Oct. 1854
Geo. Litchell & wife

S^c ampton County to wit-

This day ^{John or W. Kellogg} ~~Schubert Edwards~~ personally appeared before me
a Justice of the Peace & made oath that he did on
the 30th day of Oct. 1854 deliver to Wm. Allmarfer a copy
of the within notice. Given under my hand this 30th day
of Oct. 1854. J. E. Gilman J.P.

Murfee &c
w
Notice
Swatmores adm^r &c

Murphy

vs & Commutation
Gwatkins's admr. &

July 20th 1855

Executed on ~~Mrs~~ Murphy
& Elijah Goyner by delivering
to each a copy of the within
John Kitchin & Sally Ann
his wife are not residents of
my County

J. C. Edwards Depy. for
J. Wells Shff.

Commissioner's office,
Jan'y 1st 1855.

To William Murfey, plain tiff,
and Elijah Joyner admr. of John Gwaltney decd. and John
Kitchen and Sally Ann his wife, defendants.

You are hereby notified, that I have fixed upon the 20th
day of February next, to take and settle, at my office
in the town of Jerusalem, a further account of the debts
outstanding against John Gwaltney's estate, and also an
account of the actual and personal value of all the
real estate whereof the said Gwaltney died seized and
possessed, required to be taken by a decree of the
Circuit Court of Southampton rendered at Nov.
Term 1854, in a suit in Chancery depending
in said Court in which you were parties, plaintiffs
and defendants. At which time and place you
are required to attend.

Given under my hand as Commissioner of the said
Court the day and year first aforesaid.

Wm. W. Cobbourn

✓
✓
Munfu 80

2 } 80

Gualtney 100.

To 20. February 1855

Entered

J. B. Edwards Dep.
for G. Kello Mfg.

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon *Edward B. Crumpler & Leonard C. Cobb*

to appear before the ~~Judges~~ *Commissioner Cobb* of our ~~County~~ *County* Court of Southampton County,
at the Court-house, on the ~~20th~~ *20th* day of *February* ~~term~~ next to testify and the
truth to say on behalf of *Wm Murfee & Co*
in a certain matter of controversy in our ~~said~~ *County* Court, depending and undetermined between

Said Murfee & Co

Plaintiff and *Swathings admors & Co*

Defendant

And have then there this Writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at
the Courthouse, this *16th* day of *January* 185*5* in the *79th*
year of the Commonwealth.

L R Edwards Clk

Borden & Maffie

v } aff.

Gwaltney an

Southampton Circuit Court Clerk's Office July 19 1853.
Elijah Joyner made oath before me clerk of said court that Richard Joyner
a Defendant in a suit in Chancery depending in the Court aforesaid in which
William Barclay & William Munroe are plaintiffs and Elijah Joyner administrator of
John Emultrey & others are defendants. is not a resident of the State of Virginia
J R Edwards Ck

Bardon & Murfee

or } Cr. Pub.

Wallings or. &

At Rules held in the Clerk's Office of the Circuit Court of Southampton County on
the 1st day of August 1853 -

William Borden and William Murfee vs.

Defts

In Chancery

against
Elijah Joyner admr. of John Gwaltney dec^d. John Ketchum and
Sally ^{Ann} his wife and Richard Joyner

Defts

The object of this suit is to subject a tract of land of which John Gwaltney dec^d seized in fee simple, lying in Southampton County, and containing about one hundred and fifteen acres, to the payment of the debts of the said John Gwaltney. And it appearing by affidavit that the defendant Richard Joyner is not a resident of this State it is ordered that he appear within one month after due publication of this order and do what is necessary to protect his interest and that a copy of this order be published once a week for four successive weeks in some newspaper published in the City of Petersburg and posted at the front door of the Courthouse of this County on the first day of the next County Court of said County -

Order of Publication

CITY OF PETERSBURG, To Wit:

Personally appeared before me, an Alderman of said city, *John D. Harwood* Clerk of the Intelligencer Office, and made oath that the annexed Order of Publication has been published weekly for *four* weeks successively. Given under my hand, this *2nd* day of *Nov^r* 1853.

W. E. Hunter Clerk

IN CHANCERY.—At rules held in the Clerk's Office of the Circuit Court of Southampton county on the 1st day of August, 1853.

William Barden and William Murfee, sr

Plaintiffs,

Against

Elijah Joyner, administrator of John Gwaltney, John Kitchen and Sally Ann Kitchen his wife, and Richard Joyner.

Defendants.

The object of this suit is to subject a tract of land of which John Gwaltney died seized in fee simple, lying in Southampton county, and containing about one hundred and fifteen acres, to the payment of the debts of the said John Gwaltney. And it appearing by affidavit, that the defendant Richard Joyner is not a resident of this State, it is ordered that he appear within one month after due publication of this order and do what is necessary to protect his interest, and that a copy of this order be published once a week for four successive weeks in some newspaper published in the city of Petersburg, and posted at the front door of the Courthouse of this county on the first day of the next County Court of said county.

A Copy Teste.

au 9--w4w

L. R. EDWARDS, C. C.

Printed for \$2.50

John D. Harwood

W^m W Cobb

COMMISSIONER'S OFFICE.

Jerusalem, Va., June 8th, 1854.

710 William Barden, William Massee, Sr., Elijah Joyner, adm'r of John Gwathney, deceased, and John Kitchen and Sally Ann, his wife.

You are hereby notified that I have fixed upon the 7th day of August next, to take and settle, at my office, an account of the transactions of Elijah Joyner, as adm'r of John Gwathney, dec'd, and also an account of all outstanding debts due and owing from the estate of the said decedent, required to be taken by the decree of Southampton Circuit Court rendered on the 8th day of May, 1853, in a suit in chancery depending in said court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

je 17-1aw4w

WM. W. COBB, Commissioner.

City of Petersburg J. W. K.
This day personally appeared before me
an Alderman of the City of Petersburg
H. H. Harris, who made oath that the
Legal Notice of which the annexed is a copy
has been inserted in the South Side
Democrat, a Newspaper published in the
City aforesaid Once a week for four weeks
Successively. Given under my hand
and seal this 18th day of July A.D.
Eighteen hundred & fifty four
A G M Duane J P.

1854 Aug 3rd Rec^d payment of work,

Cobb Esqr

Aug 3rd 1854 for
Banks & Co

Painters Fee \$2.00

Barden & Menzies
vs J. Commons, Plaintiff
Gwaltney admr &

1854 Oct 2nd

The Estate of John Gwaltney decd.

In account with Elijah Joyner his Admr

1857		Dr.	Cr.
	By cash from sale of personal estate		138 95
	" amt from Elizabeth Joyner's Estate		6 86
	To Commissions on \$145.81	7 29	
	" paid John E. Beale, Act.	5 00	
	" " "Taxes	60	
	" " "W. R. Blood, "	75	
	" " Appraisers of estate	2 25	
	" " The estate of Elizabeth Joyner	25 65	
	" " Clerk's tickets	5 50	
	" " G. C. Pope & Co. Act.	16 12	
	" " H. D. Kiermeyer, on bond	50 89	
	" " John L. Bishop	4 64	
	" " Etheldred Daugherty	1 45	
	" " Elijah Joyner	4 28	
	" " Viriah Bracy	1 16	
	" " William Barden	13 30	
	" " Clarke & Pope on note	3 48	
	" Commissions fee retained	2 00	
	" Clerk's tickets retained	1 00	
Decr 31	By Balance due the Estate	43	
		145 81	145 81
" "	By Balance brought down		43

Respectfully Submitted
Wm. W. Cobb Comr

An Account of all outstanding debts due and owing from the estate of Elijah Soyner deceased.

A bond due to William Murfee the 8 th of August 1850, for \$100 00	
Interest thereon to March 21 st 1853,	15 75
Amount due March 21 st 1853,	\$115 75
" paid " " "	50 89
Balance due William Murfee on bond	\$64 86
with interest thereon from March 21 st 1853,	
A judgment obtained by William J. Sebrall	
on an open account with interest from Oct. 4 th 1851.	16 75

Borden & Murfee

vs
Gwalther's Admr.

Commissioner's office,
September 20th 1854,

In obedience to the decree rendered in the above cause at May term 1853, the commissioner gave notice to the parties by advertisement published once a week for four successive weeks in the South Side Democrat, a newspaper published in the City of Petersburg, that he would proceed to take the accounts required by said decree at his office in the town of Jerusalem on the 7th day of August 1854. At which time and place he proceeded to settle an account of the transactions of Elijah Soyner admr. of John Gwalther decd. which is herewith returned. That he also proceeded to take proof of all outstanding debts due and owing from the estate of the said John Gwalther decd., and reports that the debts stated above were all that were proved before him. The notice and decree is herewith returned.

Respectfully Submitted
Wm W. Cobb comr.

Comms fee \$14.00
Order of pub. 2.00
\$16.00
charged to Wm Murfee

Barden & Murfee
24 3
Gwaltney's adm.

Commissioner's Report

Filed Mar. 31st 1955-

The Estate of John Sweeting decd.

An account with Elijah Joyner his administrator.

1857		Dr.	Cr.
	By cash recd. from sale of personal Estate		138 95
	" " " " Elizabeth Joyner's Estate		6 86
	To commissions on \$145.81	7 29	
	" paid John E. Beale, acct.	5 00	
	" " Taxes	60	
	" " W. R. Blow, "	75	
	" " appraisers of estate	2 25	
	" " the estate of Elizabeth Joyner	25 65	
	" " Clerk's tickets	5 50	
	" " G. C. Pope & Co., acct.	16 12	
	" " H. W. Niemeyer, part bond	50 89	
	" " John L. Bishop, acct.	4 64	
	" " Ethelred Doughty "	1 45	
	" " Elijah Joyner "	4 28	
	" " Uriah Bracy "	1 16	
	" " William Barlow "	13 30	
	" " Clarke & Pope mts.	3 48	
	" " Commissioner	2 00	
	" " Clerk's ticket	1 00	
Decr 31	By Balances due the Estate	43	
		145 81	145 81
" "	By Balances due brought down \$		43
Respectfully Submitted Wm. J. Cobb			

An account of all outstanding debts due and owing from the estate of John Gwatney deceased.

A bond due to William Murfee August 8 th 1850,	100	00		
Interest thereon to March 21 st 1853,	15	75		
Amount due March 21 st 1853	115	75		
" Paid " " "			50	89
Balance due W ^m Murfee on bond			64	86
	115	75	115	75

Balance due W^m Murfee on bond with \$64 86 interest thereon from March 21st 1853.

A judgment obtained by W^m J. Sebrall for on an open account with interest from Octo: 4th 1851,

a bond due to R. J. Darden for with interest from Jan'y 1st 1850,

An open account due to R. J. Darden, with interest from March 21st 1851.

Amount of Principal of debts — \$119 28

The following is the amount of the foregoing debts with interest included up to Decr 31st 1854.

William Murfee's bond & interest	71	69		
William J. Sebrall judgment & interest	20	00		
R. J. Darden's bond & interest —	12	29		
Witto, acct & interest —	35	39		
Total amount inclusive of interest to Decr 31 st 1854	139	37		

The Commissioner further reports that the said John Gwatney died seized and possessed of a tract of land lying in the County of Southampton containing about one hundred and thirty acres.

That its actual value is estimated at \$150, and that it would not annually net for any thing, there being none of the said land fit for cultivation, in its present state.

Respectfully submitted

Comms fee \$12.00

Sheriff's fee —
charged to the Off^r W^m Murfee

W^m D. Cobb Comr

Barden & Murfee

Gwatney's adm^r &

Commissioner's office,

March 15th 1855.

In obedience to a decree of the Circuit Court of Southampton County rendered in the above cause at November term 1854, the undersigned Commissioner of said Court gave notice according to law to the parties that he would proceed to take and settle the accounts required by said decree at his office on the 20th day of February last; at which time and place he proceeded to make up the foregoing accounts of Elijah Gwynn's transactions on the estate of John Gwatney dec^d, and of all outstanding debts due and owing from the estate of the said John Gwatney dec^d, and also an account of the actual and annual value of the real estate of which the said John Gwatney died seized and possessed. All of which accounts are herewith returned.

Respectfully submitted
W^m D. Cobb Comr

Brandon to Munroe

as 3
gratifying advice was

Commissioner's Report

1856 Mar 26 Recd.

Barden vs Murfrees
as 3 Commissioners' report
Gwathmey, administrator

The undersigned commissioners beg leave to report that in obedience to the decree of the circuit court of Southampton of May term 1855 he after having given due notice of the time and place of sale according to the directions in the decree did proceed to sell the land mentioned belonging to the estate of John Gwathmey dec'd at public auction to the highest bidder and that Elvin Fries purchased the same for the sum of one hundred and seventy six dollars (\$176) and that after deducting the expenses of the suit and sale he wit the sum of \$86.00 cts the said Elvin Fries on the 21st day of May 1855 executed his bond for the residue to wit the sum of \$89.98 cts payable the 21st of February 1856. That the said Fries paid the bond when it became due. The commissioners reports that the debts to be paid was to Wm Murfrees \$71.00 cts to Richard I Darden \$47 and to Wm I Spruce \$20 in all amounting to the sum of \$138 That the amount to be distributed was \$89.98 cts consequently a pro rata distribution was necessary and the commissioners paid to Wm Murfrees \$45.79 to Richd I Darden \$30.31 cts and to Wm I Spruce the sum of \$12.90 cts

The commissioners reports further that the said Elvin Fries having paid all the purchase money he shall in obedience to the said decree make him a deed for the land all of which is respectfully submitted by

Wm B Chaves special Commissioner

Handen is Mungie
is 3
Jewett's adman

Commissioner's Report

1858 Nov. 12

Bardeen vs Murphy
is 3 Commissioners Report
for attorneys' advice

The undersigned appointed special commissioner for that purpose begs leave to report that in obedience to the decree entered at the May term last of this court he has executed a deed conveying the land in the said decree mentioned to the said Elvin. This with special warranty, all of which is respectfully submitted by

Wm B Shanes Commissioner

Copy.

Account Current of
John Gwaltneys Est

Murphy &
 } Exhibit with bill
Gwaltneys acc &

(A.)

The Estate of John Gwaltney dec^d.

In account with Elijah Joyner his administrator

1851		D ^r	Cr.	Int.
	By cash from sale of personal estate		138 95	
	" Amount from Eliz th Joyner's estate		6 86	
	To Commissioners on \$145.81. ct at 5 p ^{er} C ^t .	7 29		
	" paid John C. Beale account	5 00		
	" paid taxes	60		
	" paid W. R. Blom Account	75		
	" paid appraisers of estate	2 25		
	" paid the Estate of Elizabeth Joyner	25 65		
	" paid Clarke tickets	5 50		
	" paid G. C. Pope H ^{is} Account	16 12		
	" paid H. V. Niemeyer on bond	50 89		
	" paid John L. Bishop	4 64		
	" paid Ethelred Daughtrey	1 45		
	" paid Elijah Joyner	4 28		
	" paid Ulrich Bracy	1 16		
	" paid William Barden	13 30		
	" paid Clarke & Pope on note.	3 48		
	" Commissioners fee returned	2 00		
	" Clarke ticket returned	1 00		
	" Balance	43		
		145 81	145 81	
Dec 31	By Balance due the estate			43 ct.

Respectfully Submitted

Wm. B. Shands Com^r

At a Court held for the County of Southampton on the 15 day of August 1853.

This account current and Commissioners report of Elijah Joyner's administration on John Gwaltney's estate having lain one month and upwards in the Clerk's Office and there being no exceptions thereto was examined, confirmed and ordered to be recorded.

Teste L R Edwards C^{lerk}

Attest.

Teste L R Edwards C^{lerk}

Burden ^{Murfee} ~~Burden~~

v { Exhibit A. with ann. of
J. H. & Schur & wife.

Gwaltney adm

In the name of God, Amen. I Mary Gwaltney of the County of Southampton and State of Virginia, being weak in body but of a sound and disposing mind and memory do hereby make ordain and publish this, as and for my last Will and testament, in manner and form following that is to say.

- 1st I leave unto my grand son John Gwaltney a certain messuage, tract or parcel of land lying and being in the County of Southampton containing one hundred and fifty and a half acres be the same more or less, but if my said grandson John Gwaltney die without an heir lawfully begotten of his body I then give and bequeath the said tract or parcel of land to my grand daughter Sally Ann Gwaltney to her and her heirs forever.
- 2^d I give and bequeath unto my daughter Julia Gwaltney a certain messuage, tract or parcel of land, it being part of the lot in the division of my land wherein the house stands, containing seventy five acres, be the same more or less to her and her heirs forever.
- 3^d I give and bequeath unto my grandson John Cathon a certain messuage, tract or parcel of land containing fifteen acres be the same more or less, it being the remaining part of said house lot and is also to be laid off adjoining the land that I sold to Lafayette Brown to him and his heirs forever.
- 4th I lend unto my daughter Mary Jones formerly Mary Gwaltney a certain messuage tract or parcel of land containing one hundred & thirty acres, be the same more or less, for and during the term of her natural life, and after her decease I give the same to be equally divided between her children to them and their heirs forever.
- 5th I give unto my daughter Julia Gwaltney all the corn and hogs that is in my possession at the time of my decease to her and her heirs forever.
- 6th After the payment of my just debts and funeral expenses it is my will and desire that all my personal estate that I have not heretofore disposed of be equally divided between Josiah W Cathon, Julia Gwaltney, Mary Jones, and the heirs of William Gwaltney due to them and their heirs forever.
- 7th I do hereby nominate, constitute and appoint my friend Zacharias Story my sole Executor of this my last Will and testament, hereby revoking and annulling all and every other will or wills by me heretofore made. In Witness whereof I Mary Gwaltney have hereunto set my hand and affixed my seal this 14th day of February in the year of our Lord one thousand eight hundred and thirty three.

Signed, Sealed, published and declared. 3

Mary ^{her} Gwaltney (Seal)
make

to be the last Will and Testament
of the Testatrix in presence of us.

Richard Jordan

Benjamin Whitfield

Julia ^{her} Whitfield
mark.

At a Court held for the County of Southampton the 21st day of October 1833.

This last Will and Testament of Mary Gualtney deceased was proved by the oath of Benjamin Whitfield and Julia Whitfield two of the witnesses thereto and ordered to be recorded. And Zachary Story the Executor therein named refused to take upon himself the burthen of the execution of the said will. Therefore it is ordered that the estate of the said Mary Gualtney be committed to the hands of Saml Bowers Sheriff of this County to be administered according to law.

Teste. James Rochelle Clk

Attest

Teste. S R Edwards Clk

Borden Gellurfee

~ } Exhibit B. with ans. of
Dft. Kitchen & Co.

Gwaltney adm

This Indenture made and entered into this 7th day of April in the year of our Lord eighteen hundred and forty between Sarah A Gwaltney of the County of Southampton and State of Virginia of the one part and John Gwaltney of the same County and State of the other part. Witnesses, that the said Sarah A Gwaltney for and in consideration of the natural love and affection which she bears to the said John Gwaltney as well as for the further consideration of the sum of One dollar to her in hand paid by the said John Gwaltney at or before the making and delivery of these presents, the receipt whereof is hereby acknowledged, hath given, granted, bargained sold and by these presents doth give, grant, bargain and sell unto the said John Gwaltney his heirs and assigns forever, all the right, title, interest, claim or demand (of her the said Sarah A Gwaltney, which she now has or might hereafter have under the last Will and Testament of Mary Gwaltney dec^d in one certain tract or parcel of land, situate lying and being in the aforesaid County of Southampton and Parish of Saint Lukes containing one hundred and fifteen and half acres more or less and bounded by the lands of Doct^r. Lafayette Browne & others. To have and to hold all the right, title, interest, claim or demand of her the said Sarah A Gwaltney of in and to the above described tract or parcel of land and premises with all and singular its appurtenances thereto belonging unto him the said John Gwaltney his heirs and assigns forever. And the said Sarah A Gwaltney for herself her heirs, Exors and adms^{rs} doth hereby covenant and agree to and with the said John Gwaltney his heirs Exors and adms^{rs} and assigns that she will by these presents warrant and forever defend all the right, title, interest, claim or demand which she now has or might hereafter have in the aforesaid tract or parcel of land under the last Will and Testament of Mary Gwaltney dec^d as aforesaid against the claims or demands of all and every other person or persons whatsoever. In Witness whereof the said Sarah A Gwaltney hath hereunto set her hand and affixed her seal the day and year first above written.

Signed, Sealed & delivered }
in presence of }

Sarah A ^{her} Gwaltney (Seal)
mark

Southampton County In the Clerks Office the 7th day of April 1840
This deed of gift from Sarah A Gwaltney to John Gwaltney was acknowledged by the said Sarah A Gwaltney and admitted to record

Teste. L. R. Edwards *llb*

Attesty

Teste. L. R. Edwards *llb*

Murphy H

2 } Comm. bond

Swattmays com

KNOW ALL MEN BY THESE PRESENTS, That we *William B Shands*
& *R J Darden*

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of
Two hundred and fifty Dollars, for the
payment of which, well and truly to be made, we bind ourselves, our and each of our
heirs, executors, and administrators, jointly and severally, firmly by these presents.

Scaled with our seals and dated this *19* day of *May*, 1855

The Condition of the above Obligation is such, That whereas the above bound
William B Shands

has by a Decree of *the Circuit Court of Southampton County*
pronounced on the *day of May* 1855, in
a cause therein pending wherein *Wm Barden & Wm Murfee Sr. are*
Plaintiffs and *Elijah Joyner admr. of John Swallow & others* Defendant,
been appointed a Commissioner to make sale of certain *real* Estate in
the said cause described.—Now if the said *William B Shands*
shall faithfully discharge *the* duties ~~as such~~
~~of his office or trust~~ ~~Commissioner under said decree~~, then this obligation to be void, else to remain in full
force and virtue.

Signed, Sealed, and delivered }
in presence of }

Wm B Shands



Richard J. Darden



Southampton Circuit Court Clerk's Office the 19th day of May 1855

This day Richard J Darden — the security to the within bond made
oath before me Clerk of the said Court that his estate after the payment of his just & lawful
debts is worth the sum of \$250. the penalty of said bond —

S R Edwards Clerk

Richard J Darden