

1860-008

SOUTHAMPTON COUNTY
CHANCERY PAPER

GARDNER'S ADM'R. VS. GARDNER'S ADM'R. etal
Gardner's adm'r vs murfee + al 9/1860

other surnames: Cobb,
Joyner, Gillette, Briggs,
Edwards, Gillett, Shands

~~40~~ ~~45~~ 41.

Gardner's adm

v. } Papers

Gardner's adm f^o

Gardners adm.

v. } St. Rules

Gardners adm. of

In Southampton Circuit Court.

William B. Shands administrator of Dempsey Gardner dec^d

against

William Murfee ^{in his own right & as} administrator de bonis non with the will annexed of Jesse Gardner dec^d
Joseph E. Gillette his security, Wm J Cobb and Ann Chris wife, Jesse Cobb as administrator
of Randolph R Gardner dec^d, also as executor of Jesse Gardner dec^d, William W Briggs
Sheriff and as such administrator of Jane Cobb dec^d, Matthew Joyner administrator of
Fatima Joyner dec^d, and John W Gardner both in his own right and as Executor of Jesse
Gardner dec^d, Obadiah Gardner, Mills Edwards & Elizabeth his wife & Harrison, Mary J. & Fervilla Cobb.

1858 Sept 21. Summons issued Rethe: to October Rules.

" Oct. R. Summons ret^d Executed. Bill filed & Decree nisi. 5. Dft.

" Nov. " Bill taken for confessed by answer set for hearing &c.

" " J. Ans. of Murfee & Gillette rep. & Decree for account

1859 Mar 31. Rept.

" June 25. Amended bill & Sum. sp^d

" July R Service of Sum^t ack^d. J R Edwards assigned gen^l ad litem to infants Dft^s
Ans of infants. G. Rept. thereto. Decree nisi to adult Dft^s.

" Aug. " Bill taken for conf^s as to adult Dft.

" Sep. " Cause set for hearing &c

1860 Mar 31. Rept.

" J

" June 25. Amended bill & Sum. sp^d

" July R Ans. Infants. G. Rept. J. W. v. adult Dft.

" Aug. " Bill taken for conf^s as to adult Dft.

" Sep. " Cause set for hearing &c.

" Nov. " Decree nisi to Murfee with leave &c.

1860 May. J. Decree v. Gillette

1859 Nov

6th

\$ 17.41
4.49

\$ 21.90

Shiff

18.50

Corn

20.00

Law for 1st

16.50

\$ 68.90

Gardner's adum
 as 3 Bill & Exhibit
 Gardner's adum was

1858 October Rules

To the Honorable Richard G. Bates judge of the
circuit court of Southampton in Chancery sitting

Humly complaining your orator William
B. Shanas administrator of Dempsey Gardner dec'd
sheweth unto your Honor that sometime in the year
1858 Dempsey Gardner departed this life intestate leaving
some personal estate and at the August term 1858 of
the county court of Southampton your orator qualified as
his administrator as will appear by his letter of probate
herewith filed marked A, your orator states further
that sometime in the year 1841 Jesse Gardner of
Southampton County and the father of his intestate
Dempsey Gardner departed this life after having first
duly made his last will and testament which will
more fully appear by a certified copy of the same from
the clerk's office herewith filed marked B and prayed
to be taken as a part of this bill and that Jesse Cobb
and John W. Gardner the executors therein named qualify
as such as will appear by the certificate therein
annexed, Jesse Gardner by his will gave his wife
Elizabeth Gardner all his negroes, stock, chattels &c.
during her life, and at her death gave legacies to
the following persons to wit, to his grand daughter
Ann E. Cobb now married to William J. Cobb
to his son Obadiah Gardner, to his daughter Jane
Cobb at that time married to Jesse Cobb who has
since died and her estate committed at the September
term 1858 of the county court of Southampton to Mr
W. Briggs sheriff for the purpose of having her estate
represented in this suit as will appear by the order
of the court herewith filed marked C, John W.
Gardner his son, ^{to} Palma Gardner who marries Matthew
Joyner and has since died, and Matthew Joyner
qualified as her administrator as will appear by the

order the county court of Southampton Summitts filed marked D, to his son Randolph R Gardum who has since died and Jesse Cobb qualifies as his administrator as will appear by an order of the county court of Southampton Summitts filed marked F and to his son Dempsey Gardum your orator's intestate, your orator states further that Elizabeth Gardum the widow by virtue of the will took possession of the estate of Jesse Gardum and held it up to the time of her death which occurred in the year 1855 when William Mumpe qualifies as an administrator as will appear by an order of the county court Summitts filed marked H At the November Term 1854 previous to the death of Elizabeth Gardum the county ^{court} of Southampton by its order entered of record removed Jesse Cobb and John W Gardum as executors of Jesse Gardum dec'd and took their powers as such as will appear by a copy of the said order Summitts filed marked G and at the August Term 1855 of the same Court William Mumpe qualifies as the administrator de bonis non with the will annexed of Jesse Gardum's estate and gave a bond in the sum of \$1500 with Joseph E Gillette as his security as will more fully appear by the order of the court and copy of the said bond Summitts filed marked I and prayed to be taken as parts of this bill, In October 1855 Jesse Cobb and John W Gardum settled accounts of their transactions as executors of Jesse Gardum dec'd and as will appear by copies of the said accounts Summitts filed J & K There was a balance of principal and interest due John W Gardum of \$102.59 and a balance due Jesse Cobb of \$228.17cts of principal and interest, And on the 31st of December 1855 Wm Mumpe administrator de bonis non with the will annexed of Jesse Gardum settles an account of his transactions as such of Jesse

Gardum's estate by which there was a balance due the estate of \$4490.53 as with interest on \$4494.93cts paid thereof from 31st Decr 1855 which will more fully appear by a certified copy of the said account Summitts filed marked L and prayed to be taken as a part of this bill, your orator states further that Jesse Gardum by his will after the death of his wife gave to his intestate Dempsey Gardum a specific legacy of three hundred dollars, and further directs that "If there should be more property after the death of his wife Elizabeth than would pay the specific legacies then the balance to be equally divided among his children Randolph R Gardum, Obadiah Gardum, Dempsey Gardum, Jane Cobb, and John W Gardum, with the proviso that Randolph R Gardum does not receive any thing before the specific legacies were paid, your orator states that there will be something like \$3000 to be divided among the residuary legatees after paying the specific legacies, if the account returned by the administrator de bonis non be correct, your orator states further that he has been informed that some of the legatees have sold their interests in the estate, but he does not know on what terms and to whom and he must be compelled to make only those parties defendant to this bill who appear from the will and other records to be parties interested and if there be other parties interested they must hereafter come in and enter themselves as parties either plaintiff or defendant and defend their rights and interests in this suit

In Tender consideration whereof and inasmuch as your orator is without remedy at law and only entitled to relief in a court of equity where such matters are cognizable he therefore prays that William Mumpe administrator de bonis non with the will annexed of Jesse Gardum dec'd and Joseph E Gillette

his security, Mr. C. Cobb and Ann E. Cobb his wife
Jesse Cobb as administrator of Randolph R. Gardner ^{dec'd} also as
executor of Jesse Gardner ^{dec'd} William W. Briggs sheriff
and as such administrator of Isaac Cobb ^{dec'd} the
former wife of Jesse Cobb, Matthew Soyner administrator
of Talina Soyner ^{dec'd} and John W. Gardner both
in his own right and as executor of Jesse Gardner
^{dec'd} may be made parties defendant to this bill, and
compel them as full and perfect answer make to
the allegations therein contained as if they had been
themselves more fully and specially interrogated, that
the court would direct William Murphy to settle an
account of his transactions as administrator of Jesse
Gardner before a commissioner of this court and
all other accounts which may be necessary, to ascertain
the rights of the legatee, and that the court on
ascertaining the amount due from orators intestate
both as specific and residuary legatee would
decree that Mr. Murphy pay the same to your
orator or his security for him and that the court
would grant such other and general relief the
premises considered as equity may dictate and
the nature of his own claim and as in duty
bound your orator will ever pray be

Shanda J. G.

Gardner's Ache
is 3 Amended Bills
Gardner's Ache also

1859 June 25th

To the Honorable Richard B. Baker Judge of the Circuit Court
of Southampton County in chancery sitting

Humly complaining your orator Wm B Shand
administrator of Dempsey Gardner Dec intestate to your
Honor by this his amended bill, That at the October rules
1858 he filed his original bill in this cause against Wm
Murphy as administrator de bonis non of Jesse Gardner
dec and making all parties intimate as legatees under
the will of the said Jesse Gardner parties to the suit
for the purpose of compelling the said Wm Murphy
to settle an account of his transactions as administrator
of the said Jesse Gardner and to receive the specific and
residuary legacy left your orator's intestate by the
said Jesse Gardner, and at the November term 1858 of
this court there was a decree directing a commissioner
to take an account of Wm Murphy's transactions as
administrator of Jesse Gardner and also a distributee
or legatee account showing how much had been
paid the different legatees and how much was still
due them, and the 31st of March 1859 Commissioner
Howard returned and filed in the papers of this cause
the reports directed to be taken, and after deducting
some debts which the estate still owes and which he has
reported to wit a debt due Jesse Cobb former executor of
Jesse Gardner of \$242.80 to a debt due John W Gardner
of \$110.50, a debt due Murrey W. Soyner of \$239.57 cts
he then made out a distributee or legatee account
by which it appears he Wm Murphy owes your orator
intestate the sum of \$950.31 cts with interest from
July 1st 1858, a specific legacy of \$331.50 cts and residuary
one of \$518.81, your orator states in his original bill that
he had been informed, that some of the legatees had
sold their interest but was ignorant as to the facts
and parties, But the report of the commissioner has
developed a state of facts, that compels him to
amend his bill, make new parties and insist on the

payment of more money to him; there is no dispute as to whom all the legacies are to be paid except that due the estate of Randolph Gardner Decd, Mr Murfee is the undisputed owner by purchase of the shares of Obadiah Gardner, Jane Cobb, and John W Gardner, and claims the legacy due the estate of Randolph Gardner under a purchase made from Jesse Cobb his administrator. The commissioner in his report states the fact of the purchase, Jesse Gardner dies sometime in the year 1846 leaving an estate worth \$3000 (at least when sold at the widow's death) to his widow Elizabeth Gardner for life and at her death to his children in the manner which has been set forth in the original bill, sometime in the year 1849 Randolph Gardner died and Jesse Cobb qualified as his administrator in the county court of Southampton and gave a bond in the penalty of \$100 which Benjamin T Smith and Thomas Wareham his securities, a copy of which is herewith filed marked A. The said Jesse Cobb never settles any account of his transactions as administrator of the said Randolph Gardner unless he has done so since the institution of this suit, but on the 29th of June 1850 as will appear by the deed which the commissioner has returned with his report he by deed of bargain and sale conveyed to Mr Murfee all the interest in remainder of Randolph Gardner in the estate of Jesse Gardner died in other words the said administrator without showing or ascertaining ^{any incapacity for the sale} as far as we know, sold an interest in remainder ascertained to be worth \$100 for \$11.00.

Aside from inadequacy of price and the general principle or caution which should govern individuals in making and courts in either authorizing or confirming the sale of remainders or reversions, this sale must be set aside, because the administrator Jesse Cobb has done or attempted to do what was clearly illegal and out ^{of his power to do} viz to sell the land which his intestate Randolph Gardner held in remainder

For no administrator can sell land unless empowered by will and it seems Randolph Gardner died intestate, and as this was a mixed fund of personally and realty it would be right and proper that the court would direct Mr Murfee to receive his \$11.00 with interest back and pay the residue of the legacy over to Randolph Gardner's estate.

Yorn orator sheweth further that the heirs at law of Randolph Gardner are his intestate Dampsey Gardner a full brother, Obadiah Gardner a full brother, John W Gardner, ^{a full brother} and Harison Cobb, Mary J Cobb, ^{then infant} Scirella Cobb, and Mills Edwards and Elizabeth his wife who was Cobb child of Jane Cobb a full sister and Mr J Cobb and Anne E ^{his} wife who was a daughter of Sally Gardner ^{his} a half sister.

Yorn orator asks further as this fund will be under the control of the court that the court would direct the amount due to Randolph Gardner's estate to be paid directly to his heirs at law in their just portions or that it should be paid to some other than Jesse Cobb for the reason that the said Cobb has heretofore shown himself totally unfit for the place, that he is insolvent and Benjamin Smith one of his securities dead and insolvent and Thomas Wareham worth but little and the penalty of the bond totally inadequate it being only \$100 and if this money should be paid him it will be upwards of six hundred dollars.

In tender consideration whereof and inasmuch as Yorn orator is without relief at law and only entitled to relief in a court of equity where such matters are judiciously cognizable he therefore humbly prays that Mr Murfee in his own right and as administrator de bonis non with the will annexed of Jesse Gardner decd Joseph E Gillette, Jesse Cobb both as executor of Jesse Gardner decd and administrator of Randolph Gardner decd Mr W Briggs administrator of Jane Cobb decd, Matthew Joyner administrator of Patience Joyner decd, John W Gardner in his own right and as administrator of Jesse Gardner decd

Orliald Gardner, Wm I Cobb and Anne & his wife
Mills Edwards and Elizabeth his wife and Harrison,
Mary I and Sirilla Cobb Thm infant by some fit and proper
person Thm guardian ad litem appointed for this purpose
parties defendant to this bill and compel them as full
and perfect answer make to the allegations Thm contained
as if they had been Thm more fully and specially
interrogated, and that the court would decree that Wm
Murphy pay to your orator the sum of \$9.30.31cs with
interest from 1st July 1858 and that the court would
set aside the sale made by Japh Cobb as administrator
of Randolph Gardner to Wm Murphy and direct Wm
Murphy to pay to the heirs or ^{the} estate of Randolph Gardner
the sum of \$18.81cs with interest from 1st July 1859
or that in the event the said Wm Murphy fails to do so that
execution may issue against his security Joseph E Gillies
for the same sums, and that the court would grant
such other and general relief the premises considered
as equity may dictate and the nature of his case
may require and as in duty bound your orator
will ever pray we

Shanes

1859 June 25th

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Scoronius aom?

Answers

1859 November Term

The answer of Wm Marple administrator de bonis non
with the will annexed of Deft. Saroni due to the bill
of complaint filed against him and others by Wm B Shaws
administrator of Dempsey Saroni due

This Defendant now and at all times during & passing
all benefit of exception as to the said bill, for answer
thereto or unto so much thereof as he is advised it is
material or necessary to make answer unto answering
saids - That it is true he qualified as the administrator
de bonis non of Deft. Saroni as stated in the bill, but
that no property of any kind belonging the estate of the
said Deft. Saroni has come to his hands except
that in which the widow of the said Deft. Saroni held
a life estate under the will to which agency the
Executors of Deft. Saroni the predecessors of this Defen-
dant operated after having paid all the debts there-
ascertained against the estate, and that over this
property did not come to the hands of the Defendant
until after the death of the said widow and after this Defen-
dant had also qualified as her administrator as stated
in the bill - This Defendant then believing that the
said property ought to be administered by him
as the administrator of Deft. Saroni proceeded to
sell the same and has returned an account thereof
a copy of which is filed with the bill marked (L)

That since the date of the said account this Defen-
dant has paid off several of the legacies under
the said will and also an old debt of considerable
amount against the estate of the said Deft. Saroni,
and that a large part of the balance appearing due
on said account is really due to this Defendant
individually, he having purchased from Newbold &
N Saroni ^{admrs} the whole of his ^{interest} in the said estate
and from Mrs W Saroni the whole of his interest to-
gether with $\frac{1}{3}$ of the interest of Floriana Saroni which

had been previously purchased by John W. Sargent, so
that the balance really due from this Defendant
will not greatly exceed \$1000 - And this Defendant
further answering said that he is now informed
he was mistaken in regarding himself as the admin-
istrator of Jesse Sargent and the said property conveyed to
the said widow for life, and that he in his capacity of admin-
istrator of Jesse Sargent had nothing to do with it, and
is not bound therefore on his administrative bond, and
having answered the proper decree to be dismissed &c

Charles J. Mayhew
Attorney at Law

Southampton Court to wit,
This day John Mayhew appeared before me & made
oath that the facts stated in the above answer
are true - Signed and sworn to this 10th day
Nov. 1858 J. Dilland JP

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Ans 2000

1858 November Term

The answer of Joseph E. Sill to the bill of complaint
filed against him &c by Wm B. Shaw as adm^r of
Deputy Sorsner's estate

This Defendant now and at all times during &
reserving all benefits & advantages & exceptions to
the said bill for answer thereto or unto so much
thereof as he is advised it is material or necessary
to make answer unto answering said bill that it
is true as stated in the bill that he is the security of
the said Wm Maize as the adm^r de bonis non of Deft
Sorsner, ^{this Deft. is informed} but that no assets came to the hands of
the said Maize as adm^r as aforesaid and that the
estate of the said Deft Sorsner had been fully ad-
ministered by his Executors before the qualifications
of the said Maize, and all that remained had been
turned over by the said Executors to the Legatee under
the will of the said Deft Sorsner - and having
answered the foregoing bill to be dismissed with his costs

Chauntlip O. Maizeburg
att^y for Deft

Sau. Wm. Maizeburg to wit;
This day Joseph E. Sill appeared before me and
made oath that the facts stated in the foregoing
answer are true to the best of his knowledge
& belief - Given under my hand this 10th day
Nov 1858 Robert M. Collins J. P.

Gardner's adum

is 3

Gardner's adum - 1840

Answer of Hamilton
May I is similar to
by him and ad litem
to amended bill.

1859 July Rules

The answer of Garrison, Mary J. and Scirilla
Cobb Thm infants by L. R. Edwards Thm guardian
ad litem appointed for that purpose to a bill in
chancery in the circuit court of Southampton by
Wm B Shandas adm- re v Thms and others

This defendant for answer to the said bill or
as much thereof as he is advised it is material for
him to answer, answering says he knows nothing
of the matters set forth in the plaintiffs bill, and
places the interests of his wards under the care
of this court whose peculiar duty it is to
protect the rights of infants and having answered
prays leave to be dismissed with his costs &c

July 4th 1859 Received by my consent

Wm B Shandas Jtff

Gardner adw

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Gardner fac

Ans. of
Wm. Murphy &
to rounded Bled

1859 November 11

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The answer of W^m Murfee to an amended
Bill filed against him & others in this Court
by W. B. Shand, adm^r of Randolph Gardner
dec^d. &c.

This Respondent says that he purchased
of Sepebott adm^r of Randolph Gardner dec^d
in 1849 as stated in the proceedings, at public
auction, the interest of Randolph Gardner
in the estate of his father Sepe Gardner dec^d.
- He states that he was a bona fide purchaser
thereof for \$61.10 and denies all fraud.
That he ought not to be required to refund ~~what~~
the am^t. he finally received from his purchase
because it was larger than the price paid
for the same several years before.

Signed

Wm Murfee by
Mefunking Skilly att^r

*Gardner's adm-
as 3 Decm
Gardner's adm-vals*

*November Term 1858
To be entered
R. H. Parker*

Shanda adon of Gardum
vs 3 Deem
Munfu adon be wals

This day This cause came on to
be heard on the bill taken for confessed as to the defendants
~~Mr~~ J Cobb Anne E Cobb his wife, Jeph Cobb Jm W
Briggs Shuff, Mathew. Lynam and John W Gardum on whom
process has been duly served and they still failing to
appear and plead, answer and demur to the said bill
on the answers of the defendants William Munfu and
Joseph E Gillette with general replication thereto, on the
exhibits filed and was argued by counsel, On consideration
^{the court without deciding any questions involved in this cause}
whereof ~~the court~~ doth, adjudge, order, and decree, That
^{by consent} William Munfu do render an account of his transactions
as administrator de bonis own with the will annexed of
Jeph Gardum deceased, before one of the commissioners of
this court, and who is also directed to state a distributed
account of the said Jeph Gardum showing how much
has been paid to the different ^{may be still due each one of them} legacies and how much
~~the~~ and the said commissioner is hereby directed to
take the account heretofore returned by the said Jm
Munfu, the county court of Southampton as the basis
of the said account and as prima facie correct liable
to be discharged and falsified by any of the parties
interested, who to examine, state, and settle the ^{said} accounts
and make report thereof to the court with any matters
specially stated, deemed pertinent by himself, or which
may be required by any of the parties to be as stated

Gardner's adm

or {

Gardner's tal.

1859 Nov. ct.

Deeree

To be entered

Rich. H. Baker

1859 November Court

Gardner's admr.

n.

Gardner sal.

This cause came on to be heard on the papers formerly read and on the amended Bill taken for confessed at the rules as to all the adult Defendants ^{except Wm Murfee} and on the answer of the Infant Defts. by L. R. Edwards their guardian ad litem ~~and~~ ~~application to said court~~ and on the answer ^{to the amended bill this day filed by ~~Wm Murfee~~ of the Court} of Wm Murfee, duplications to said answers and on ~~the Report of~~ Com. Howard's Report made pursuant to the decree of Nov. Court 1858 to which there is no exception, and was argued by counsel on Consideration whereof, the Court both confirm the said report, and both adjudge order & decree that Wm Murfee admr. de bonis non with the will annexed of Sepe Gardner decd. pay to Sepe Cobb (late ^{one of} the Exors. of Sepe Gardner decd. the sum of \$242.80, amount due him as appears by said Report, with Interest thereon from the 31st of Dec. 1856 till paid: and that the said Wm Murfee as such admr. also pay to John Gardner late ^{one of} the Exors. of Sepe Gardner decd. the sum of \$110.50 amo. due him as appears by said Report with Interest thereon from the 1st of July 1858; and that he also pay to Wm B. Shands admr. of Dempsey Gardner decd. the sum of \$950.31 amo. due as appears by said Report, with Interest thereon from the 1st of July 1858 till paid: and the Court adapting statement marked (X) by consent of parties, both decide that the sale made by Sepe ^{Cobb} ~~Gardner~~ as admr. of Randolph Gardner decd.

to Wm Murree asset forth in the bill, shall be
set aside so far ~~only~~ as such sale
had reference to real estate, with also
adjudge order & decree that the said
Wm Murree as admr. de bonis non
with the will annexed of Jeph Gardner
dec^d. pay to Wm D. Shands att^r for Jeph Cobb
adm^r of Randolph Gardner dec^d. the sum
of \$175.72 being the amo^t. of the
~~value~~ of the interest of Randolph
Gardner, sold by his said adm^r as appears
by statement (X): and that the
said Wm Murree adm^r as aforesaid
pay the costs of this suit: and
liberty is reserved for the plaintiffs
(and all other parties concerned to apply
to the court for further relief against
the security of said Wm Murree as adm^r
aforesaid of Jeph Gardner dec^d. Should
this decree prove unavailing

Gardner's advw
M.

Gardner's sal.

Statement
(X)

Statement (x) agreed to be taken as correct by the parties' attys. in the cause of Gardner's admr. vs. Gardner's ex.

It is agreed that Wm. Murrell
admir de bonis non of Jesse Gardner
dec'd. sold the Land of his Intestate
for \$615.02 (and that Randolph
Gardner's Interest therein is \$175.72
Chas. H. Chapman
for Defto

Gardner's adum
as 3 Decem
Gardner's adum

May co. 1860

To be entered.

R. H. B.

Gardner's adm-
vs 3 Decm
Gardner's adm- vs
Gardner's adm- vs

This day this cause came on again to be heard on the papers formally read and it appearing from the sheriff's return of "no effects" on the executions of Gardner vs Murfee, Gardner's adm- vs Murfee Cobb vs Murfee and Gardner's adm- vs Murfee in pursuance of a decree entered at the November term 1857 of this court, that the amounts therein named cannot be made out of Mrs Murfee and hereby having been referred to the plaintiffs to resort to this court for further relief against Joseph E Gillette the security of Mrs Murfee admr de bonis non of Jesse Gardner dec'd for the court that that decree should prove marailling it was argued by counsel on the hearing whereof the court doth adjudge order and decree that Joseph E Gillette pay to Mrs B Shandas attorney for Jesse Cobb \$175.72 cts with interest from the 7th of November 1857 to Jesse Cobb the sum of \$242.82 cts with interest from the 31st of December 1857 to Mrs B Shandas administrator of Dempsey Gardner dec'd the sum of \$950.31 cts with interest from the 1st of July 1858 and also the sum of \$18.90 cts costs which the said Shandas has recovered in this suit, and to John W Gardner the sum of \$110.50 cts with interest from the 1st of July 1858

✓
Gardners arm

~ } Sum. chs

Gardners ad 1st

1858 October Rules

Exceeded Sept 28th
1858 by delivering each
a copy

Geo W Vick Deputy
for Com W Briggs Siff

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *William Murfu admor. Jesse Gardner dec^d with the will annexed. Joseph E. Gillette. Wm Cobb & Ann & his wife. Jesse Cobb admor. Randolph R Gardner also as Ex^r of Jesse Gardner dec^d. Wm W Briggs shff & as such admor. Jane Cobb. Matthew Joyner admor. Fannie Gardner dec^d & John W Gardner in his own right & as Ex^r of Jesse Gardner dec^d*

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *October next* — , to answer a bill in chancery exhibited against *them* — in our said Court by _____

William B. Shands admor. of Dimpsey Gardner dec^d

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *21st* day of *September* 185*8*, in the *83^d* year of the Commonwealth.

L R Edwards Clk

Commissioner's Office,

Jerusalem, January 17th 1859

To William R. Shands admr of Dempsey Gardner dec^d Plaintiff
against

William Murfee admr debonis men with the will annexed of Jesse Gardner dec^d; Joseph E. Giltette, his security, W^m S. Cobb yeoman & his wife, Jesse Cobb as admr of Randolph R. Gardner dec^d also as executor of Jesse Gardner dec^d; W^m W. Briggs Sheriff and as such admr of Jane Cobb dec^d; Matthew Jaynes admr of John Jaynes dec^d; and John W. Gardner both in his own right and as executor of Jesse Gardner dec^d. Defendants

YOU ARE HEREBY NOTIFIED, That I have fixed upon the 10th day of February 1859, to take and settle, at my Office, in the Town of JERUSALEM, the following accounts:

An Account of William Murfee's transactions as admr debonis men with the will annexed of Jesse Gardner dec^d.

Also a distributive account of the said Jesse Gardner showing how much has been paid to the different legates and how much may be still due each one of them.

Required to be taken by the decree of Southampton Circuit Court, rendered on the 13th day of November 1858, in a Suit in Chancery depending in said Court, in which you are parties Plaintiff and Defendant; 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.

Henry S. Howard COMMISSIONER.

To the SHERIFF of Southampton County to Execute.

Executed Feb'y 21 1859 by delivering
each a copy

J W Vest Deputy
for Comdr Barry's shift

Madness's admt

or Adams' Notice

Madness's admt & ad

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON *Wm Musfee* in his own right & as admor. of *Isaac Gardner dec^d*
Joseph E. Gillette, *Isaac Cobb*, as former Exor. of *Isaac Gardner* & as admor. of *Randolph Gardner*.
Wm W. Briggs Shff. & admor. of *Jane Cobb dec^d*. *Matthew Jagers* admor. of *Fatima Jagers*. *John W.*
Gardner in his own right & as former Exor. of *Isaac Gardner dec^d*. *Obadiah Gardner*. *Wm J.*
Cobb, & *John E* his wife. *Mills Edwards* & *Elizabeth* his wife. ~~*Harriett Edwards*~~ and

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for
the said Court, on the first Monday in *July next* ^{the amended}, to answer a bill in chancery
exhibited against *them & others* in our said Court by _____

Wm B. Shands admor. of *Dempsey Gardner dec^d* _____

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court
House, this *25th* day of *June* 185 *9*, in the *83* year of the
Commonwealth.

LR Edwards Clk

Induct 5th.

7. } Sum to one hundred & 60

Bankers & Co

1859 July Rule

June 25th 1858 we acknowledge service of the
writ for all the defendants

Wm B Shames
E. W. Maysbury } atty
for defendants

Gardner's th Adm.

vs 3 Conn's Report.

Gardner's th Adm. yals

1859 March 31st

The Estate of Jesse Gardner dec'd.

In account with Wmth Murfee adm^r & ben^{ts} ment with the will annexed.

1855			Dr.	Cr.	Int.
Sept	1	By Cash from State of Virginia for Negro Julia condemned and transported To Commissioners in \$800 at 5 per cent " balance	40 00 760 00 800 00	800 00 760 00	
Dec	31	By balance due the estate		760 00	
1856		" Amount received from Sales of Chattel estate and land		4300 63	
		" By interest on last year's balance			45.60
		To amount paid John W. Gardner balance due in his executorial account	108 87		
		" Commission on \$4300.63	215 63		
		" paid expenses of trip to Richmond	20 00		
		" " appraisers	3 00		
		" " auctioneer	10 00		
		" " Geo. W. Holland, account	1 00		
		" " Jesse Cobb	3 00		
		" " Clerk's tickets	7 50		
		" " Sheriff's ticket	1 50		
		" " Clerk's ticket	3 00		
		" " Commissioner's fee	3 00		
Dec	31	" balance due estate	4680 73		
			5060 63	5060 63	45.60
"	"	By balance due estate brought down		4680 73	45.60
"	"	To amount due Jesse Cobb on his executorial ac- count which has not been paid though credited in Murfee's administration account by the Commissioners of the County Court to be deducted		242 80	
"	"	By balance due estate		4437 93	45.60
1857	31	" Interest on \$4437.93			266 27
1858	1 st	To paid Wm. J. Cobb & Ann Eliza Cobb his wife legacy	100 00		
March	11	" " Wm. S. McCorm. account	3 00		
"	13	" " Ditto	8 33		
"	"	" " Clerk's ticket	1 50		
July	1	By Interest on \$4437.93. 6 months			133.14
"	"	To balance due estate	4325 10		
			4437 93	4437 93	445.01
"	"	By balance due estate brought down (Carried forward)		4325 10	445.01

1858	July	15	Amounts brought forward		4328	10	448	00
"	"	"	By Interest brought in		448	01		
"	"	"	" Balance due estate principally due		4770	11		
"	"	"	To Legacy & Interest on same due Obadi- ah Gardner this day	331	50			
"	"	"	" Legacy & Interest on same due John W. Gardner this day from 1 st of Octo 1856, being about 12 months after the death of Elizabeth Gardner	331	50			
"	"	"	" Legacy & Interest on same due June Cobb this day	331	50			
"	"	"	" Legacy & Interest on same due Dempsey Gardner this day	331	50			
"	"	"	" Legacy & Interest on same due Fatima Jaffer formerly Gardner and paid by John Gardner Executor (and not account for in his execu- torial account)	110	50			
"	"	"	" Amount of Deeds due Henry or Mary Money his wife, & Matthew Jaffer admors of Fatima Gardner his deceased wife heirs of Henry Gardner dec'd. this day	237	57			
"	"	"	" Balance due estate after deducting Legacies &c	3094	04			
"	"	"	By balance due estate after deducting legacies & amount due Henry Gardner, all of which have not been paid	4770	11	4770	11	

Respectfully Submitted
Henry S. Howard Comr.

Randolph R. Gardner, legatee
In account with Wmth Mufsee adm^r. de bonis non of Jesse Gardner dec'd.

1858	July	1	By your proportion of above balance 's				Dr	618	81
"	"	"	" Legacy & Interest to this day					331	50
"	"	"	" Balance due Legatee this day					950	31

Obadiak Gardner, legatee
In account with Wmth Mufsee, adm^r. de bonis non of Jesse Gardner dec'd.

1858	July	1	By your proportion of above balance 's				Dr	618	81
"	"	"	" Legacy & Interest to this day					331	50
"	"	"	" Balance due Legatee this day					950	31

Dempsey Gardner, legatee
In account with Wmth Mufsee adm^r. de bonis non of Jesse Gardner dec'd.

1858	July	1	By your proportion of foregoing balance 's				Dr		Cr	618	81
"	"	"	" Legacy & Interest to this day					331	50		
"	"	"	" Balance due legatee this day					950	31		

June Cobb, Legatee
In account with Wmth Mufsee adm^r. de bonis non of Jesse Gardner dec'd.

1858	July	1	By your proportion of foregoing balance 's				Dr		Cr	618	81
"	"	"	" Legacy & Interest to this day					331	50		
"	"	"	" Balance due legatee this day					950	31		

John W. Gardner, legatee
In account with Wmth Mufsee adm^r. de bonis non of Jesse Gardner

1858	July	1	By your proportion of foregoing balance 's				Dr		Cr	618	81
"	"	"	" Legacy & Interest to this day					331	50		
"	"	"	" Balance due legatee this day					950	31		

Respectfully Submitted
Henry S. Howard, Comr.

Commissioner's Office.
Jrus alon, March 28th 1859.

To the Circuit Court of Southampton County
Pursuant to a decree of the Circuit Court of Southampton
County rendered on the 13th day of November 1858, in a suit in
Chancery depending in the said between Gardner's adm^r and Gardner's
adm^r and also the undersigned one of the Commissioners of the said Court
to whom was referred for settlement by said decree "An account of
William Mufsee's transactions as adm^r. de bonis non with the
will annexed of Jesse Gardner dec'd." Also a distributed account
of the said Jesse Gardner showing how much has been paid to the dif-
ferent legatees and how much may be still due each one of
them, reports to the Court that on the 17th day of January
1859, he issued notices against the several parties afore-
said, requiring them to attend the settlement of the said account
before him, at his said office, on the 10th day of February
1859, which were returned to your Commissioner duly executed.

That William Murfee appeared before the Commissioner in obedience to the said notices and he thereupon made up the foregoing account.

The Commissioner states, specially that Randolph R. Gardner, one of the legatees of Jesse Gardner, died having died intestate after the death of the said Jesse Gardner and previous to the death of Elizabeth Gardner, at whose death the said Jesse Gardner left his estate to be divided amongst children and in default Jesse Cobb qualified as his administrator and put up and sold the undivided and unascertained interest of the said Randolph R. Gardner in the estate of the said Jesse Gardner, when William Murfee became the purchaser thereof for the sum of \$61.10 of - Jesse Cobb adm^r. as aforesaid conveyed the same to him by Deed (which is herewith returned). And the heirs at Law of the said Randolph R. Gardner denying the right of the said adm^r. to sell at public auction the undivided and unascertained interest of the said Randolph R. Gardner in the estate of the said Jesse Gardner dec^d. to pay his debts you Commissioner is of opinion that the adm^r. should not have sold the same without the amount of his debts or the value of his interest being ascertained by a Commissioner under the direction of the Court of equity.

The Commissioner further reports to the Court that after the completion of the said account he retained the same in his office ten days for the examination of the parties which is herewith returned.

Given under my hand, as Commissioner aforesaid the day and year first aforesaid

Henry S. Howard Com.

Com's fee \$20.00,
charged plff. }

P. P. Barton's Acct.

Receipt

for

#61.10

report - especially

1850.

1850 Dec^r 29th Rec^d of M^{rs} Murfee Sixty
one dollars and ten cents in full of
The purchase money for Randolph R.
Gardner's Interest in the Estate of the late
Jesse Gardner dec^d which was sold by
me on the 29th day of June 1850. ~~Adm^r~~
The Adm^r of said Randolph R. Gard-
ner ac^k as witness my hand this day
and date above written.

Witness
Warren Edwards

Jesse Cobb adm^r of
R R Gardner dec^d

Gardners ar.

to } Eschb. with bill

Gardners ar 1^o

ALC

(A)

Southampton County Court. August 17th 1858.

On the motion of William B Shands who made oath and together with W^m W. Briggs & S. R. Edwards his securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of two thousand dollars, conditioned according to law. Certificate is granted him for obtaining letters of administration on the estate of Dimpsey Gardner dec^d in due form.

Attest

Jest^r L. R. Edwards Clk

(B)

Southampton County September Court 1858.

On motion ^{William} B. Shands it is ordered that W^m W. Briggs Sheriff of this County take into his hands the estate of Jane Cobb to be administered according to law.

Attest

Jest^r

L. R. Edwards Clk

Jose Gardner

Will

A copy

Gardner ad

2 } Expt. with bill

Gardner ad 1st

B.

In the name of God. Amen: I Jesse Gardner of Southampton Co. Va. being weak in body but sound in mind do make and ordain this my last Will and Testament in manner and form following. Viz:

First. I give unto my son Geo. W. Gardner the tract of land whereon I now reside to him and his heirs forever.

Secondly. I lend unto my beloved wife Elizabeth Gardner during her natural life all my negroes, stocks and chattel estate and in fact all my estate of every kind and sort whatsoever for her own use and benefit.

Thirdly. After the death of my wife Elizabeth I give out of the above property lent one hundred dollars to my grand daughter Ann Eliza Cobb to her and her heirs forever.

Fourthly. I give out of above mentioned property lent to my wife after her death three hundred dollars to each of my children, except Randolph R. Gardner, Viz. Obediah Gardner, Dempsy Gardner, Jane Cobb. & Geo. W. Gardner, to them and their heirs forever.

Fifthly. I leave after the death of my beloved wife out of the property lent her one hundred dollars in the hands of my son Geo. W. Gardner to be applied as he may think proper for the benefit of Fatima Gardner.

Sixthly. If there should be more property after the death of my wife Elizabeth than will pay the above legacies I then leave the balance to be equally divided among my children Randolph R. Gardner, Obediah Gardner, Dempsy Gardner, Jane Cobb, and Geo. W. Gardner. It is not my intention to give my son Randolph R. Gardner any of my estate unless, there should be more than will pay the before mentioned legacies, he having already rec^d more than his portion of my chattel estate.

Seventhly. I lend unto my beloved wife during her natural life the Brittain Cobb tract of land and after her death I leave it to be sold and thrown in with the chattel estate and divided as before mentioned.

Eighthly. I hereby appoint my son Geo. W. Gardner and friend Jesse Cobb to settle my business and execute this my last Will and Testament. I do hereby make and ordain this my last Will and Testament. Given under my hand and seal this 29th July A.D. 1845.

Signed, Sealed, acknowledged & delivered
in the presence of

Jesse ^{his} Gardner (and
mark)

Willis W. Lawrence

Hardy Rauls

Charles Holland

At a Court held for the County of Southampton on the 21st day of September 1846.

This last Will and Testament of Jesse Gardner dec^d was proved by the oaths of Willis W. Lawrence, Hardy Rauls, Charles Holland the subscribing witnesses thereto and ordered to be recorded. And on the motion of Jesse Cobb and John W. Gardner the Executors therein named who made oath and together with John Moore & and A. M. Howell their securities entered into and acknowledged a bond in the penalty of three thousand dollars conditioned as the law directs. Certificate is granted them for obtaining a Probate of said Will in due form.

Teste.

JR Edwards

Attest

Teste JR Edwards

Gardner's adm.

Exhibits with bill

Gardner's adm. of

D. E. F. G. & I

2.

Southampton County Court October 19. 1857

On the motion of Matthew Joyner who made oath and entered into and acknowledged a bond in the penalty of One hundred - conditioned according to law (but without security the Court requiring none of him) certificate is granted him for obtaining letters of administration on the estate of his deceased Wife Fatima Joyner in due form

Attest

Jesse L.R. Edwards Ck

3.

Southampton County Court October 15. 1855

On the motion of William Murfee who made oath and gave bond and security according to law certificate is granted him for obtaining letters of administration on the estate of Elizabeth Gardner dec. in due form.

Attest

Jesse L.R. Edwards Ck

6.

Southampton County Court June 18. 1849

On the motion of Jesse Cobb who made oath and gave bond and security according to law certificate is granted him for obtaining letters of administration on the estate of Randolph R Gardner dec. in due form.

Attest

Jesse L.R. Edwards Ck

Southampton County Court. November 20th 1854.

On the motion of John Moore & A. H. Howell who are bound in this Court as securities for Jesse Cobb and John Gardner Executors of Jesse Gardner dec^d for the faithful discharge of the duties of their office or trust as Executors aforesaid. This day came the said John Moore & A. H. Howell by their attorney and it appearing that the said Jesse Cobb & John Gardner Executors have had reasonable notice of this motion and of the order made at August Term 1854 requiring them to give a new bond with good security conditions for the faithful discharge of their duties as Executors aforesaid in the penalty of \$2000 and they failing to give said bond as directed It is ordered that their powers as Executors aforesaid be revoked and annulled.

Attest

Teste. L. R. Edwards Clk

Southampton County Court. August the 21st 1855.

On the motion of Wm. Murfee who made oath and gave bond and security according to law certificate is granted him for obtaining letters of administration de bonis non with the will annexed of Jesse Gardner dec^d in due form

Attest

Teste. L. R. Edwards Clk

Know all men by these presents that we William Murfee Joseph E Gillette are held and firmly bound unto the Commonwealth of Virginia in the sum of fifteen hundred dollars to the payment whereof we bind ourselves our heirs Executors and administrators jointly and severally firmly by these presents. Sealed with our seals and dated this 21st day of August 1855.

The Condition of the above obligation is such that if the above bound William Murfee as administrator de bonis non with the will annexed of Jesse Gardner deceased shall faithfully discharge the duties of said office or trust according to law then the above obligation to be void otherwise to remain in full force and virtue.

Signed Sealed and acknowledged
in the presence of the Court

Wm. Murfee (Seal)
Jos. E. Gillette (Seal)

Attest

Teste. L. R. Edwards Clk

Gardners adm.

~ } Exhlt. with bill

Gardners adm. J

J J K

The Estate of Jesse Gardner dec^d.

In account with Jesse Cobb one of his Executors.

1846			Dr	Br	Interest	
			\$	cts	\$	
		By Cash found in the house		10	00	
		To paid Chamberlains of Maryland	10	00		
		" paid James Wells bond	47	29		
		By balance		47	29	
			57	29	57	29
Dec 31		To balance due the executor	47	29		
1847		" paid bond due Jesse Cobb	42	24		
		" Interest due Executor on last years balance				2.84
Dec 31		To balance due the Executor	89	53		2.84
1848		" Interest due on last years balance				5.17
Dec 31		To balance due the Executor	89	53		8.01
1849		" interest due on last years balance				5.17
Dec 31		To balance due the Executor	89	53		13.18
1850		" paid Hemming J. Smith balance due him	73	12		
		" interest due on last years balance				5.17
Dec 31		To balance due the Executor	162	65		18.35
1851		" interest on last years balance				9.76
Dec 31		To balance due the Executor	162	65		28.11
1852		" interest due on last years balance				9.76
Dec 31		To balance due the Executor	162	65		37.87
1853		" interest on last years balance				9.76
Dec 31		To balance due the Executor	162	65		47.63
1854		" interest on last years balance				9.76
Dec 31		To balance due the Executor	162	65		57.39
1855		" interest on last years balance for 10 mo.				8.13
			162	65		65.52
		To interest brought in	65	52		
Oct 31		To balance due the Executor	228	17		
		with interest on \$162.65 paid thereof from this day till paid				

Respectfully Submitted by

Commissioners for \$5.
to the executor

William B. Shands Comm

Southampton County In the Clarks Office the 22^d day of November 1855

This account of Jesse Cobbs executorial proceedings on the estate of Jesse Gardner dec^d was returned and filed for exceptions And at a Court held for the said County the 21st day of January 1856 the said account having lain on month and upwards in the Clarks Office and there being no exceptions thereto, was examined, confirmed and ordered to be recorded.

Juste

JR Edwards Clk

at Copy

Juste JR Edwards Clk

(R)
The Estate of Jesse Gardner dec'd

In account with John W Gardner one of the executors

1846			\$	cts	\$	cts	Interest
		By Cash found in the house			10	00	
		To paid taxes	13	90			
		" paid for Coffin	7	00			
		By balance			10	90	
			20	90	20	90	
Dec	31	To balance due the Executor	10	90			
1847		" paid Dr. Hapenbury Med. bill	15	25			
		" paid Clerk's tickets	3	25			
		" paid Dr. Hapenbury Med. bill	4	00			
		" paid Dr. B. Jenkins account	10	63			
		" paid Dr. G. Cooper d.	13	71			
Dec	31	To balance due the Executor	57	74			
1848		" paid Thomas Harcum		70			
		" paid Thomas Harcum	1	50			
		" paid Thomas Harcum	6	39			
		" interest on last years balance	3	46			
Dec	31	To balance due the executor	69	79			
1849		" interest on \$69.79 at 6% from 31 st of Dec. 1848 to 30 th of October 1855 brought in	32	80			
Oct	30	1855 to balance due the Executor	102	59			

with interest on \$69.79 at 6% per annum from this day till paid

Respectfully Submitted by

Commissioner for \$5.
Chy to the executor 3

Wm B. Shands Commissioner

Southampton County In the Clerks Office the 22^d day of November 1855

This account of John W Gardner's executorial proceedings on the Estate of Jesse Gardner dec'd was returned and filed for exceptions And at a Court held for the said County the 21st day of January 1856 the said account having lain one month and upwards in the Clerks Office and there being no exceptions thereto was examined confirmed and ordered to be recorded.

Teste L.R. Edwards Clk

Attest Teste L.R. Edwards Clk

Gardner's adm.

2. } Exhibit with bill

Gardner's adm of 2

L.

(2)

The Estate of Jesse Gardner dec^dIn account with W^m Murfee adm. de bonis non with the will annexed

1855		D		B		Interest
		\$	cts	\$	cts	\$ cts
Sept	1	By cash from State of Virginia for neg ^r Juba condemned and transported		800 00		
		To Commissions on \$800. at 5 pr. Cent.		40 00		
		" balance		760 00		
		800 00		800 00		
Dec	31	By balance due the estate		760 00		
1856		" amount received from sales of chattel estate and land		4300 63		
		To Commissions on \$4300. 63 cts at 5 pr. Cent.		215 03		
		By interest on last years balance				45 60
		To amount paid Dr. W. Gardner balance due on his executorial account		108 87		
		" amount paid Jesse Cobb balance due on his executorial account.		242 80		
		" paid expenses of trip to Richmond for estate		20 00		
		" paid appraisers		3 00		
		" paid auctioneer		3 00		
		" paid George W. Holland Account		1 00		
		" paid Jesse Cobb		3 00		
		" paid Clerks tickets		7 50		
		" paid Sheriff's ticket		1 50		
		" Clerks tickets returned		5 00		
		" Commissions for returned		5 00		
		" Balance		4444 93		
		5060 63		5060 63		
		By balance		4444 93		
		" interest brought in		45 60		
Dec	31	By balance due the estate with interest on \$4444. 93 cts paid thereof from this day -		4490 53		

Respectfully Submitted by

Wm. B. Shands Commissioner

Southampton County. In the Clerks Office the 21 day of August 1857

This account of William Murfee administration de bonis non on the estate of Jesse Gardner dec^d was returned and filed for exceptions. And a Court held for the said County on the 21 day of September 1857 the said account having lain on months and upwards in the Clerks Office and there being no exceptions thereto, was examined, confirmed and ordered to be recorded.

Jesse

J. R. Edwards Clk

Heoppy

Jesse J. R. Edwards Clk

Gardner's adm

r } Exhibit with amended
b.W.

Gardner's Exam^{er}

A.

KNOW ALL MEN BY THESE PRESENTS, That we *Jesse Cobb & Hemming F. Smith Thomas Marcum*

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of *One hundred* Dollars: to the true 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 *18* day of *June* 184*9*..

THE CONDITION of this obligation is, That if the said *Jesse Cobb* Administrator of the goods, chattels and credits of *Randolph R Gardner* deceased, do make a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands, possession or knowledge of *him* the said *Jesse Cobb* or in the hands or possession of any other person or persons for *him* and the same so made do exhibit into the County Court of Southampton when *he* shall be thereunto required by the said Court; and such goods, chattels and credits, do well and truly administer according to law; and further, do make a just and true account of *his* actings and doings therein when thereto required by the said Court; and all the rest of the said goods, chattels and credits which shall be found remaining upon the account of the said Administrator the same being first examined and allowed by the Justices of the said Court for the time being, shall deliver and pay unto such persons respectively, as are entitled to the same by law; and if it shall hereafter appear, that any last Will and Testament was made by the deceased, and the same be proved in Court, and the Executor obtain a certificate of the probat thereof, and the said *Jesse Cobb* do in such case, being required, render and deliver up *his* letters of administration, then this obligation to be void, else to remain in full force.

Signed, Sealed and acknowledged }
in open Court.

Jesse Cobb (SEAL.)

H. F. Smith (SEAL.)

Thos Marcum (SEAL.)

(SEAL.)

(SEAL.)

Attest

Teste J. R. Edwards

Gardner's Accts.

To { Seed

W. H. H. H.

1850. Dec 14. Ark 2. & H. R.

Revised page 52

Tax paid.

June 3rd 1850
This Deed made the 29th day of June in the
year A.D. 1850, between Jesse Cobb Adm^r
of Randolph R. Gardner dec^d of the one part
and William Murfee (Sr.) of the other part, all
of the County of Southampton and State of Va.
Witnesseth for and in consideration of the
sum of Sixty one Dollars and Ten Cts. in hand paid
by the said W^m Murfee, the receipt whereof is hereby
acknowledged hath given granted bargained
sold and confirmed, and do by these presents
give grant bargain sell and confirm unto
the said W^m Murfee all of the undivided right
title and Interest of the said Randolph R.
Gardner dec^d in the Estate of every kind and
sort including, all personal and real, left to him
the said Randolph R. Gardner by ^{the} last will of his
Father, Jesse Gardner dec^d to the said W^m Murfee
and his heirs forever, And I the said Jesse Cobb
Adm^r of the said Randolph R. Gardner dec^d do
for myself my heirs Ex^{rs} Adm^r or assigns for-
ever warrant and defend the just right and title
of any lawful claim or claims of any person or
persons whatsoever to the only proper use and be-
hoof of him the said W^m Murfee and his heirs for-
ever. In witness whereof I have hereunto set my hand
and affixed my seal this 29th day and date above written.
Jesse Cobb Adm^r (Seal)

Southampton County, In the Clerk's office the 14th day of December 1850
This Deed of Bargain and Sale from Jesse Cobb administrator
of Randolph R. Gordon dec'd of the one part to Wm Kemppe
of the other part was acknowledged by said Cobb, and
admitted to record.

Teste,

L. R. Edwards, C. C.