

1868 - 09

Santhampton Co.

Daughtry, James H. et al

vs

Howell, Henry & Co.

Anne E. Daughtry Kedge

Henry Howell, his son

(Estate Settlement)

Doughtrey & wife &
} Papers .

Howells adm

96 95

Daughtery nals

vs 3 Bill
3 exhibit

Houppli adms

12

1867 October Rules

To the Honorable Richard H. Baker Judge of
the circuit court of Southampton in chancery sitting

Humly complaining your Orator James H.
Daughtrey and Anne E Daughtrey his wife and
Henry Howell an infant who was by James H.
Daughtrey his next friend, shew unto your Honor
that in the year 1861 Henry Howell of Southampton
County departed this life intestate leaving considerable
personal estate and that Joseph E Warren qualified
as his administrator and that he left a widow
Anne E Howell since married to James H.
Daughtrey and Henry Howell a son his heir.
at law, your Orator state further that Joseph
E Warren qualified on his intestate H. Howell's
estate and went on to administer the same
that he settled an account of his transactions
as such before one of the commissioners of the
~~commissioners of the court~~ the county court of
Southampton a copy of which is herewith filed
marked A and prays to be taken as a part of
this bill by which it appears he received the
sum of \$925.23cts in December 1861 and
that after paying sundry claims there was
a balance due the estate of \$548.82cts on
31st of December 1863. It is this balance for
which your Orator bring suit, They are
informed that the administrator does not
deny the receipt of this money but says
that having this money in his hand it
being in Confederate States treasury notes
and finding no one to lend it to, he
invested it in 4 per cent Confederate States
bonds and as it was lost, It is for the

court to decree what shall be done in the premises
Under consideration whereof and inasmuch
as your Orators are without relief at law and
only entitled to relief in a court of equity where
such matters are judicially cognizable they
therefore pray that Joseph E. Wharton administrator
of Henry Howell dec'd may be made a party
defendant to this bill and compel him as
full and perfect answer make to the allegations
therein contained as if he had been thereto
more fully and specially interrogated, that the
court should direct him to settle an account
of his transactions as administrator of Henry
Howell dec'd before one of the commissioners
of this court, and decree the payment of
whatever balance may be found due thereto
according to the right of your orators and
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 orators will ever
pray we

Shanda p. g.

No. 3623

700

Confederate States of America,

Pittsburg

Office,

March 24

1864

This will Certify, That
has paid in at this office

Est Henry Howell
~~Seven hundred~~

Dollars,

for which amount Registered Bonds, of the Confederate States of America, bearing interest from this date, at the rate of four per cent. per annum, will be issued to him, under the "act to reduce the currency and to authorize a new issue of notes and bonds." approved February 17, 1864, upon the surrender of this Certificate at this office.

Don J. Dailson

Depository.

Four per cent. per annum.

Answer of Joseph E Warren to a bill of Henry
Howell filed to a bill in chancery by James
H Daughton and others as heirs in the Circuit
Court of Southampton

This defendant for answer to the said bill or
as much thereof as he is advised it is material
for him to ^{answer} saying, that the facts set forth
in the complainant's bill are substantially true
that he qualified as administrator of H. Howell
and that there is a balance as stated against
him on the 31st of December 1863, he answers
further that he holds the widows bond (now
Anne C Daughton) for \$222.62 etc amount of
her purchase at Henry Howells sale and one
bond to John H Parker & James T Parker for \$9.50 etc
these claims are all the assets of the estate
now worth anything,

This defendant answers further that he
after the 31st of December 1863 received some
other funds in U. S. State Treasury notes, and
then invested the whole amount which he
then held to wit \$700 in 4 per cent Confederate
State stock as will appear by a certificate
of Deposit herewith filed marked A

This defendant states that he had no
order of the court for the purpose, but he did
what the court invariably ordered when
application was made to it viz invested in U. S.
State stock, he did so because he could find
no other investment, He states further that
he tries to manage this estate to the best
advantage that he took as much care of
the funds as he did of his own, and

The Cop of the funds has arisen from
the late war; with this statement of the
facts of the case he leaves it to the equity
of this court to say whether he shall make
good this money or what portion of it
and having fully answered prayers time to be
disregarded with his costs &c

For E. Warren

Received by consent without affidavit

John B. Starnes Counsel
for Plaintiff

Dougherty vs

as

Wells' adms

Admrs of Wells' adms

is exhibited

1867 Oct. 10th.

Daughter Allie W

Ex: with Bill

Howells adv.

-eA-

The Estate of Henry Howell dec.

In account with Joseph E Warren his administrator

1861			1 Dec	1 Oct	Interest
Dec 31	By cash from sale of Chattel estate			925 23	
	To Commissions on \$ 925. 23 ct. at 5 pr. Cent		41 26		
	" paid W. R. Lawrence	account	70 41		
	" paid A. M. Smith	"	10 81		
	" paid A. M. Smith	bond	20 00		
	" paid Taxes		25 08		
	" paid W. B. Shands	account	15 00		
	" paid expenses of adm ⁿ		6 95		
	" paid J. H. Parker	account	1 27		
	" paid Beasley's Trustees	bond	47 50		
	" Balance		681 95		
			925 23	925 23	
Dec 31	By balance due the estate			681 95	
1862	" Negro hired this year			49 50	
	To Commissions on \$ 29. 50 ct. at 5 pr. Cent		2 50		
	" paid M. G. Smith	bond	60 00		
	" paid John Barkham	judgment	19 21		
	" paid J. Norfolk	Order	20 00		
	" paid J. Snow	account	32 00		
	" paid O. W. Bryant	"	2 00		
	" paid J. J. Drans	Notes	54 97		
	" paid Geo. W. Minner	account	14 09		
	" paid J. O. Johnson	"	5 00		
	By interest on last years balance				40 91
	To Balance		521 68		
			731 45	731 45	40 91
Dec 31	By balance due the Estate			521 68	40 91
1863	" interest on last years balance				31 30
	To paid J. H. Barnes	account	12 00		
	Amount Carried over		12 00	521 68	72 21

1863

	£	s	d	Interest
Amounts brought over.	12	00		
To paid J. R. Baldwin	3	00		
" paid W. D. Bryant	2	00		
" paid Taxes	18	67		
" paid expenses to Norfolk	9	40		
" Balance	47	61		
	521	68		72 21
By balance		47	61	
" Interest brought in			72	21
By balance due the estate			548	82
with interest on £47 61 etc. paid thereof from the day till paid				

The Commissioner States Specially, at the request of the administrator that the said administrator informs him that all his receipts and disbursements were in Confederate money or currency and that the balance now in his hands due the estate is in that currency - All of which is respectfully submitted
by

Wm B. Shands Commissioner.

Commissioner's for the Hop of 5.
Charges to the admor: 3

Southampton County In the Clerks Office the 1st day of December 1865
This account of Joseph E Warrens administration on the estate of Henry
Howell dec^d. was this day returned and filed for exceptions. And at a Court held
for the said County on the 15th day of January 1866, the said account having
lain one month and upwards in the Clerks Office and there being no exception
was examined, confirmed and ordered to be recorded

Take 1/2 lb PR & 1/2 lb of 1/2 lb

Мопу

Teste J. R. Edwards 66

Danaher & Wife
2. } Duns 6th.
Hewell & Adm.

1867 Oct. Rules -
Circus went.

Executed by deliv-
ing him a Copy Oct. 4
1867.

J. Carson Dep.
for J. Kello 1867.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon *Joseph E. Warren admr. of Henry Howell decd.*

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 *Oct. next* *a bill in chancery exhibited against them in our said Court by James M. Laughlin*
& Anne E. his wife and Henry Howell an infant who dies by James M.
Laughlin his next friend

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-
house, this *17th* day of *September* 186 *7*, in the *72^d*
year of the Commonwealth.

L R Edwards, Clk

Daughtry & wife

✓ { Commis. Report

Honell's arm

1868 April 2^d

The Estate of Henry Howell
In account with Joseph E. Warren, his administrator

1861			Dr.	Cr.	Int.
Dec 31	By Cash from sale of Chattel estate			925 23	
	To Commissions on \$925.23 cts @ 5%		41 26		
	" paid W. R. Lawrence acct		70 41		
	" " H. M. Smith "		10 81		
	" " H. M. Smith bond		20 00		
	" " Taxes		25 08		
	" " W. B. Shands acct		15 00		
	" " expenses of adm		6 95		
	" " J. H. Parker account		1 27		
	" " Beasley's Trustee bond		47 50		
	" " Balance		681 95		
			925 23	925 23	
Dec 31	By Balance due Estate			681 95	
1862	" Negro hire this year			49 50	
	To Commissions on \$49.50 @ 5%		2 50		
	" paid M. G. Smith bond		60 00		
	" " John Barham, Judgement		19 21		
	" " J. Norfleth order		20 00		
	" " J. Senow account		32 00		
	" " O. M. Bryant "		2 00		
	" " F. J. Deans Note		54 97		
	" " Jno W. Mumfry account		14 09		
	" " J. O. Johnson "		5 00		
	By interest on last years balance				40 91
	To Balance		521 68		
			731 45	731 45	40 91
Dec 31	By balance due estate brot down			521 68	40 91
1863	" interest on last years balance				31 30
	To paid J. H. Barnes account		12 00		
	" " W. R. Darden "		3 00		
	" " W. D. Bryant "		2 00		
	Amount paid forward		\$ 17 00	521 68	\$ 72 21

1863	To Amount brot forward	17 00	521 68	72 21
"	" paid Taxes	18 67		
"	" " expenses to Norfolk	9 40		
Dec 1	" Balance due	476 61		
		<u>\$521 68</u>	<u>\$521 68</u>	<u>\$72 21</u>
"	" By Balance due brot down		476 61	72 21
"	" " interest brot in		72 21	
"	" " balance due Est		<u>\$548 82</u>	

in U.S. Currency or gold money the whole amount having been received prior to December 31st 1861 with interest on \$476.61.4 paid thereof from Decr 1st 1863 till paid

Respectfully Submitted
Henry G. Howard
Commisr.

The Commissioner states that the said Jos E Warren admr of Henry Howell's decd, did on the 24 day of March 1864 invest the sum of \$700.00 in a registered bond of the Confederate States of America bearing interest from that date at the rate of four per cent per annum for the benefit of said Henry Howell's decd. but that he had no order of Court or other authority for so doing - he invested this amount in Confederate State bonds because he could find no other investment which investment if allowed him would about balance or square his account as adm of the said Henry Howell. unless the same should be scaled

Respectfully Submitted
Henry G. Howard
Commisr.

Commissioners Office
Jerusalem April 1st 1868

To the Circuit Court of Southampton County

Pursuant to a decree of the Circuit Court of Southampton County rendered at the November Term 1867 in a suit in Chancery pending in the said Court between James N Daughtry wife & Henry Howell Plffs and Joseph E Warren adm of Henry Howell decd. Defts the undersigned one of the Commissioners of the said Court to whom was referred for settlement by said decree the following account. That Jos E Warren settle an account of his transactions as adm of Henry Howell decd before one of the Commissioners of this Court who will take any account which he may have heretofore settled in the Circuit Court as prima facie correct liable to be surcharged & allowed by any of the parties interested who is also directed to enquire and report whether the said Jos E Warren has made any investment of his intestates funds and if so in what manner and by what authority and also state the present money value of the balance he may report due in Confederate State Currency which account the said Commissioner will examine state and settle & report to Court with any matter specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated. reports to the Court that on the 16 day of January 1868. he issued notices against the several parties of the said account requiring them to attend the settlement of the said account before him at his said Office on the 18 day of March 1868 which were returned to the Commissioner duly executed that the parties appeared before him in obedience of said notices by their atty & he thereupon made up the foregoing accounts

The Commissioner further reports to the Court that after the completion of the said account he retained them some in his Office ten days for the examination of the parties, which with the decree & notices aforesaid are herewith returned, Given under my hand as Commissioner aforesaid the day & year first aforesaid

Commisr. fee \$15.00
Plffs " .50

Henry G. Howard
Commisr.

This day personally approved before me
W. A. Parker a Justice of the Peace for the
County of Southampton State of Virginia
Henry B. Smith made oath that he executed
on Jos. E. Warren the 8th day of March 1868 by
delivering a copy given under my hand
this the 8th day of March 1868

Wm. A. Parker J. P.

I acknowledge service of the within notice as
attorney for the plaintiffs.
Shames Jr.,

Daughter's wife

Comp. notice
Shames as

James M. Daughtry &
wife not found.
E. J. Hargrett
for S. Wells atty

COMMISSIONER'S OFFICE,

Jerusalem, Jan'y 16th 1868

To James H. Daughtry & Ann E. Daughtry his wife and Henry Howell
an infant who sues by James H. Daughtry his next friend
Against

Joseph E. Warren, administrator of Henry Howell dec'd.

You are hereby notified that I have fixed upon the 18 day of March next, if fair,
if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the follow-
ing accounts, to wit:

That Jos E. Warren settle an account of his transactions, as
admor of Henry Howell dec'd before one of the Commissioners of this Court
who will take any account, which he may have heretofore settled in the
County Court as prima facie correct liable to be impeached and falsified
by any of the parties interested, who is also directed to enquire and report
whether the said Jos E. Warren has made any investment of his intestate's
funds and, if so, in what manner and by whose authority and also state
the present money value of the balance he may report due in Confederate
State Currency, which account the said Commissioners will examine, state
and settle and report to court with any matters specially stated, deemed
pertinent by himself or which may be required by any of the parties to
be so stated, —

required to be taken by a decree of Southampton Circuit Court, rendered on the — day of —
November Term 1867, 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.

Henry S. Howard Commissioner.

To the Sheriff of Southampton County to execute.

Doughtrey & Wife 1st

& } Stat. Rules

Stonells adm

Cellar. 116.62

Shff. 1.00

Con 15.00

Law 15.50

5812

In Southampton Circuit Court.

James H Daughtrey and Ann E Daughtrey his wife & Henry Howell an infant
who sue by James H Daughtrey his next friend
against

Joseph E Warren administrator of Henry Howell dec?

1867. Sept. 17. Summons issued.

Oct R. Summons ret. Executed - Bill filed. ans. of Def. Gen. Resp. checked.

Nov. Cause set for hearing &c.

J. Decree for account.

1868 Apr. 2. Report

May J. Decree dismissing bill P

Danbury is wife of

as 3 Decm

Howells adms

Nat. co. 1867

To be entered

R. 14. B.

Daughter is wife ne
as 3 Decem
Howell's admr

This cause came on ~~to be heard~~ This
day to be heard on the plaintiff's bill the answer
of the defendant Joseph E Warren general exception
thence by the plaintiffs, the exhibit filed and was
argued by counsel on the hearing whereof the
court doth adjudge, order and decree that Joseph
E Warren settle an account of his transactions
as administrator of Henry Howell decd before one
of the commissioners of this court who will take
any account which he may have submitted ~~here~~
settles in the county court as prima facie correct
liable to be surcharged and falsified by any of the
parties interested, who is also directed to inquire
and report whether the said Joseph E Warren has
made any investment of his intestate's funds and
if so in what manner and by whose authority
and also state the present money value of the
balance he may report due in Confederate States
currency, which account the said commissioners
will examine, state and settle and report to court
with any matter specially stated deemed pertinent
by himself or which may be required by any of the
parties to be so stated

Daughter & wife of

as { David

Howells adms

May co. 1868

To be entered

R. H. Baker

Doughty & wife vs
as 3 Decr
Howells' adm

This cause came on this day again to be heard on the papers formerly made and the report of commissioner Howard ^{to which exceptions have been filed} made in pursuance to a decree entered at the November Term 1867 of this court and was argued by counsel for conviction whom and it appearing from the report of the said commissioner that the administrator Joseph E. Warrum has misused all the funds in his hands belonging to Henry Howells estate in Confederate States bonds which an overplus that he should not be charged with the same doth adjudge order and decree that the said Joseph E. Warrum deliver up to Anne E. Doughty the bond which he now holds against him for \$222,620 and that the plaintiffs bill be dismissed Joseph E. Warrum paying the costs of this suit and that this cause be removed from the docket

Daughtry & wife 1st

Co. A

Stonells. ar.

Southampton Circuit Court, November Term 1867.

James H. Daughtry and Ann E. Daughtry his wife
and Henry Stowell an infant who Sues by James H.
Daughtry his next friend
against

Plffs.

In Chancery

Joseph E. Warren administrator of Henry Stowell dec'd. Def.

This Cause came on this day to be heard on the Plaintiffs Bill the answer of the Defendant Joseph E. Warren general replication thereto by the Plaintiffs, the exhibits filed and was argued by Counsel, on the hearing whereof the Court doth adjudge, Order and Direct, that Joseph E. Warren settle an account of his transactions as administrator of Henry Stowell dec'd. before one of the Commissioners of this Court, who will take any account which he may have heretofore settled in the County Court as prima facie correct liable to be surcharged and falsified by any of the parties interested, who is also directed to inquire and report whether the said Joseph E. Warren has made any invasions of his intestates funds and if so in what manner and by whose authority, and also state the present money value of the balance he may report due, in Confederate States Currency, which account the said Commissioners will examine, state and settle, and report to Court with any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated.

A Copy

Teste

L. R. Edwards Clk