1869-03 Southampton County Chancery Rowe, Jason E. vs Atkinson, William (et als)

(regain money held since infant)

Nathaniel P. Young } exc's. of
Hardy Chapman } Hall, Thomas

~~66~~ ~~55~~ 78.

Rowe

v. } Papers

Atkinson &c

1868 May Term

Eqk. } 10.56

~~84~~ 86

Rowan
Mr Atkinson } Bills & Liabilities

1867 August Rules

To the Hon. Richard H. Baker, Judge of the Circuit Court of Southampton County. In Chancery sitting.

Humbly complaining sheweth unto your Honor, James Overton Jones Executor of Thomas Hall deceased, that on the 21st day of February 1859 William Atkinson qualified as guardian of your orator in the County Court of Southampton County, giving bond in the penalty of $1000.00 with Thomas Hall as his surety, as will appear by reference to a certified copy of his bond and qualification thereunto filed marked "A" and prayed to be taken as a part of this bill, that Thomas Hall has since departed this life, having first made and published his last will and testament appointing thereby Nathaniel S. Young and Mary Chapman as his Executors who qualified as such in the County Court of Isle of Wight County at June Rules 1864 as will appear by a certified copy of such qualification and bond thereunto filed marked "B" and prayed to be taken as a part of this bill. That your orator since the qualification of William Atkinson as his guardian as aforesaid has attained his majority, and is now twenty five years of age, that he has repeatedly called upon his guardian as aforesaid for a settlement and he has refused so to do, that the said William Atkinson guardian as aforesaid in the year 1864 rendered an account before one of the Commissioners of the County Court of Southampton County, [illegible] a certified copy of which is herewith filed marked "C" and prayed to be taken as a part of this bill, by which it will appear that on the 18th day of January 1864 there was a balance in his hands due your Orator of $75-20.58 for and which money came into his hands prior to the [illegible] as will appear

of an exhibit hereunto filed and marked "D." and directed to be taken as a part of this bill, your Orator now claims the aid of this honorable Court to compel William Robinson his aforesaid guardian to account with him, and pay him the aforesaid balance of $8.20.58 with interest from the 18th of May 1864

In tender consideration of the premises and in as much as your Orator is without remedy save in a Court of Equity where such matters are properly cognizable and relievable. To the end & it is as proper that William Robinson, Nathaniel Young and Wesley Chapman Esqrs of the last will and testament of Thos. Hall deceased [illegible] defendant to this bill and required to answer the allegations thereof. That your Honor will grant a decree compelling William Robinson to pay to your Orator the aforesaid balance of $8.20.58 with interest from April 18th 1864. that your Honor will decree all mesne and proper accounts to be taken, and grant such other and general relief as the nature of his case may require, or as to Equity and good conscience may seem meet, and as in duty bound, your Orator will ever pray &c

Pattison & C

Wm Atkinson

ats } am.

Jason E. Rowe

1867. Nov Term

To the Hon. R. H. Baker, Judge of the Circuit Court of Southampton County.

The Answer of William Atkinson to a Bill in Chancery exhibited in the Circuit Court of Southampton County by Jason E. Rowe, against him and others.

His Respondent saving &c says that it is true, that he qualified as the guardian of said Jason E. Rowe, and received the moneys as in said Bill alleged, and that he rendered the accounts to Court as stated.

But your Respondent denies that he should be now held responsible to pay to the said Jason E. Rowe any thing whatever on said claim, because of the following facts — That the said Rowe went into the Military service of the late Confederate States sometime in the year 1861 and remained like the war ended, and that the said Rowe became twenty years old soon after he went into such Military service and before the war ended — That at the time when the said Rowe became of age, your Respondent had Lands, Negroes & Bonds & money & other estate and was able and desirous to settle with the said Plaintiff; That the war was raging violently and no man knew what

to do — all was anxiety and uncertainty — negroes were escaping to the then Enemy of the Confederate states, and proclamations of freedom being issued by the United States Government — property becoming insecure — the money of the Government under which we lived & by which we were governed becoming more & more depreciated; Under these Circumstances this Respondent, not being able to pay over what sum he owed his said ward, applied to this Hon: the Judge of this Court for an order, under the Law to invest the same in Stock of the said Confederate states Government, which was accordingly granted on the 24th day of July: 1864, and is here to annexed, marked (X). That accordingly this Respondent invested the amount due said Rose in said Confederate states Bonds. That after the said Rose came home & the war had ended, this Respondent offered to settle with him then being really, then nothing due, but the said Rose refused to grant this Respondent a discharge.

That at the time this Respondent became the guardian of said James E. Rose he had a [illegible]

[illegible]

This Respondent reluctantly became the guardian of said Jane, when he had no friends to aid him, and only did so after earnest solicitation, and now after having done all a prudent man could do he protests against being made to make good losses incurred in consequence of the war and which no prudence could prevent—

If it be alleged that this Respondent should pay the amount originally received for said ward, because your Respondent was the Debtor—having received the money before the war, then your Respondent would say, that he knows of no rule of Law or Equity which would deny to him, because he might be the Debtor, the privilege of paying his indebtedness under the Laws of the Land by which he was governed, simply because he was also the guardian, whilst the same Laws would allow him to collect of any other Debtor, any money due him for his

ward – thus denying a privilege to a party who might happen to be a guardian that was allowed to every one else – Thus inflicting a penalty & punishment on a party who might attempt to befriend a ward by becoming his guardian. – who, under such circumstances would become guardian?

Your Respondent further says that just before the end of the war, while the Confederate States Tax collector was trying to make collections, your Respondent looking on the Confederate States Government as about to end, paid away the same stock he had then invested in payment of his taxes, considering it then as about worthless – realizing no value for it, & by which he did no damage to his ward as it was then substantially lost & would soon have been entirely lost by the failure of the Confederate States' Government.

Your Respondent, in conclusion says that he has acted in all that he has done in perfectly good faith, and as he has with his own, & as thousands of others did, and that he should not be made responsible for the plaintiffs claim.

And having answered, your Respondent prays to be dismissed &c.

signed William A Wilson

Southampton County, to wit.

I Saml B. Kello a justice of the peace forsaid County, do certify that Wm Atkinson, whose name is signed to the foregoing answer, this day made oath before me, that the facts set forth in the foregoing answer are true to the best of his knowledge and belief. Given under my hand this 16th Day of September 1867.

S. B. Kello J.P.

[illegible] and no man knew what

agree that this may be
decided on testimony
John R Kelly
P. O.

sometime during the year 1863. I met Mr. Wm Allison in Richmond. and in conversation with him he remarked. that he held a Bond of $500— which he had invested for the benefit of his Ward. J.E. Howe. without any order of the Court which he denominated a Cotton or fifteen Million loan. Bond. which he spoke of selling. I do not know that he did so however. I also recollect that he remarked that it was worth a premium.

May 4th 1868.

M. D. Burton

Rome
vs
atkinson

1869
May Court
Final decree
To be Entered
E. F. Pitts

Rowe v. Atkinson

This cause came on this day to be again heard on the papers formerly read & on the ~~Report~~ Receipt of I. E Rowe filed in the cause, shewing the payment of the amount decreed to be paid said Rowe by the decree of May Term 1865 and was argued by Counsel: on consideration whereof the proceedings had in this cause are confirmed, and nothing further remaining to be done in the cause, it is ordered that the case be removed from the Docket.

The depositions of William Atkinson and others taken before me Henry S Howard a Commissioner in Chancery for the County of Southampton, pursuant to notice hereto annexed, at my office, in the Town of Jerusalem on the 2nd day of May 1868, between the hours of 6 A.M. and 6 P.M. To be read as evidence on behalf of Jesse E Rowe, in a certain suit in Chancery depending in the Circuit Court for the County of Southampton, wherein Jesse E Rowe is Plaintiff and William Atkinson and others are Defendants—

Question by pltfs atto:

State whether you invested the funds of your said ward the said Jesse D. Rowe in a Bond or stock of the Confederate States Government, usually called as "Cotton Bond or Cotton Loan".

Ans. I cannot say positively whether I invested in the name of my said ward, but I did invest all the money I got from time to time during the war in the Bonds of the Confederate Government, I cant say whether they were Cotton Bonds or not — some were registered Bonds.

2d. Question by same.

Were not the funds of your said ward invested as above asked, if not what became of the funds you received.

ans. I recollect that the money remained in my hands for some time, and I invested all the funds I had on hand, and of course that included all I had on hand for my ward -

3d Question by same.

What became of the Confederate Bonds in which you invested your ward funds,

Ans. I have on hand many of the Confederate Bonds in which I invested those my own funds.

4th Question by same.

Did you or did you not sell any of the Confederate bonds invested as before alluded to including your wards funds. If so when as near as you can state?

Ans. Finding out that there would be some objection to my ward taking any of these Confederate bonds I set about to get the money for him, but I do not recollect how I got the money, whether by sale of a Confederate bond or in some other way. The foregoing investments spoken of were made prior to the one alluded to in my answers made under the order of Judge Baker.

1st Question by the Defendants Attorney

What kind of money did you receive for your ward, and could you at the time lend it out safely and judiciously?

Answer. I think a part of it was in State Bank Money and a part of it in Confederate money. The country was getting in great confusion Money was plentiful and I did not think I could lend it out safely. I considered the Government the best investment

2nd Question by same.

Did you take as good care of your wards money as you did of your own & invest it in the same securities as you did your own?

Answer. I did until the 24th of February 1864, when I invested it under the order of Judge Baker.

Re-examined by Plaintiffs Counsel

Question by Same.

Did you or did you not sell a Confederate bond of some description prior to the investment under Judge Baker's order, and if so, what was the premium thereon.

Answer. I don't recollect, I might have done so.

And further this Deponent saith not

William Atkinson

Sworn to and subscribed before me as Commissioner aforesaid this 2nd day of May 1868

Henry S. Howard, Com.

The Deponent Jason E. Rowe being first duly Sworn deposes and says as follows.

1st Question by Plaintiff's Counsel.

State what has been said between you and William Atkinson your former guardian in relation to his transactions as such late guardian commencing some time in the year 1861.

Answer. In 1861 he told me he invested the amount in his hands in a five hundred Dollar bond of the Confederate fifteen Million Loan which he afterwards showed me. In July 1863 I became twenty one years of age, but did not see him until June 1864 he then proposed a settlement, but had sold the bond saying that as he did not get an order to invest he could not have compelled to have taken it, although I was aware that he did not get an order to invest, I believed he made the investment for my interest and I expected to receive the bond in full payment. After I found that the bond had been sold for a premium I then refused to settle with him upon the ground that he had speculated with my funds and owing to the depreciation of the currency. Sometime during the year 1864 he wrote to me that he had obtained an order from the Judge to invest, which he said he had done and wished me to receive the bond, which I refused to do, believing that as I was twenty one years

of age, that it was then a debt as individuals
As soon as I returned home from the Army
after the Surrender, he made the last pro-
position by offering me a piece of land
somewhere in Isle of Wight County in pay-
ment. I had often heard him say it brought
him in no income & therefore considered it of no
value to me.
Question by Defendants Counsel.
You have said that you would have received
the Confederate bond first invested by said
Atkinson in settlement with him. If he had
that Bond now or have would receive it
in settlement with him?
Answer. I would not.
Question by Same
When were you at the time the 1st Investment
referred to in Confederate bonds was made
and also where were you when Investment was
made under Judge Baker's order?
Answer. I was in the Confederate Army
on the South Side of James River near Smith-
field when he told me he had made the
investment - this was in the Summer of 1861.
When the order was made by Judge Baker
the 24th of February 1864, I was in Danville
in the Confederate Army.
Re-examined by Plaintiffs Counsel.
Question by Same.
Can you state from your personal knowledge
at what time your late guardian William
Atkinson received your funds and the sources
of your information?
Answer. I think he received them in the year

1861 prior to Dec of that year and I saw that they were received prior to that time in Mr. Atkinson's account Book where he kept his transactions with me.

Question by Same.

Would you not have received from Mr. Atkinson any bonds, Confederate or other in which your funds were invested, provided you thought that the said investment had been made in good faith and that he was not speculating with your funds?

Answer. I would.

And further this deponent saith not

J. E. Rowe

Sworn to and subscribed before me as Commissioner aforesaid this 2nd day of May 1868.

Henry S. Howard, Com.

The Deponent Geo. H. Gardner being first duly Sworn on behalf of the Defendant deposes and says as follows:

Question by Defendants Counsel.

State all you may know about any state or money being received by said Wm Atkinson as guardian for the plaintiff and all the circumstances connected with the acts as such guardian?

Answer. Mr. Atkinson qualified as the guardian of the plaintiff and I qualified as the guardian of his brother Wm F. Rowe and I received the same amount of money for my ward that Mr. Atkinson received for his ward & we received the same from the same sources. I think about three hundred Dollars each was received in State Bank money. Money was so plentiful that I could not lend it out and I retained it in my hands some time and not knowing what to do with it asked the County Court of Southampton to authorize me to invest the same in Confederate State Stock which I did & have the bonds now in my hands for my ward and I invested money of my own at the same time & in the same way in Stock. I think the balance was received in Confederate money.

Question by Plaintiff's Counsel.

Do you really know any thing at all of Mr. Atkinson's management of his ward's estate?

Answer I do not.

And further this deponent saith not

Geo H. Gardner

Sworn to and subscribed before me as Commissioner aforesaid this 2nd day of May 1868.

Henry S. Howard Com.

The further taking of the Depositions in this cause is continued until the 4th day of May 1868.

Henry S. Howard Com.

Rome

v

atkinson

1868

May Ct.

Decree

To be entered

R. H. Baker

Rowe v. Atkinson

This cause came on this day to be again heard on the papers formerly read and on the report of Com'r Howard made pursuant to the decree of the November Term 1867, and on exception to said Report and on examination of witnesses, and was argued by Counsel: On Consideration whereof the Court, sustaining the exception to account "A" of said report, doth confirm the remainder of said Report - and it appearing to the Court that the defendant, Wm. Atkinson invested for his said, the said plaintiff in the sum of $507.74 in a "Cotton Bond" of the Confederate States, which he afterwards sold for forty per cent premium, & again invested the amount in Bonds of the Confederate States and that he used the same in payment of his taxes when the same was worth only fifty dollars to one of gold money, making the said Investment and premium obtained by resale to be worth $14:20; And the Court believing that this sum and $13.24 balance due by account "B" of said Com'r Howard's Report, to be the amount which the said William Atkinson ought to pay to said plaintiff, doth adjudge, order and decree that the plaintiff recover of the said defendant the sum of $27.44 with Interest from the 24th day of February 1864 till paid and his costs expended in the prosecution of this suit

Rowe

W. Geo. Dennis

Atkinson

Southampton Circuit Court. November Term. 1867.

Jasn E. Rowe Plff.
against
Wm Atkinson and Nathaniel B. Jenny and Hardy Chapman, Executors of the last Will and testament of Thomas Hall decd. Defts. } In Chancery

This Cause this day Came on to be heard on the bill of the Plaintiff, taken for Confessed as to N. B. Jenny and Hardy Chapman, Executors of Thomas Hall, answer of William Atkinson, one of the Defendants this day filed by leave of the Court, an Exhibits, general replications thereto &c. and was argued by Counsel, On Consideration whereof the Court doth adjudge, Order and Decree, that William Atkinson, Settle before one of the Commissioners of this Court, an account of his transactions as late Guardian of Jasn E. Rowe, taking the account Made out and returned to the County Court of Southampton, as prima-facie Correct, liable to be Surcharged and falsified, and that the Commissioner report the Same to this Court, with any Matter Specially Stated deemed pertinent by himself or which may be required by any of the parties to be so Stated.

A Copy

Test L R. Edwards Clk

Rowe
vs
Atkinson et al } Decree

Nov. Co. 1867
To be entered
R. M. B.

Rowe
vs
Atkinson &c. } Decree

This cause this day come on to be heard on the bill of the plaintiff. [illegible] for confessed as to W.P. Young and Hardy Chapman Executors of Thomas Hall, answer of William Atkinson one of the defendants, on exhibits. This day filed by Clerk of the Court. General application thereto had and way argued by Counsel - On consideration whereof the Court doth adjudge order and decree that William Atkinson make before one of the Commissioners of this Court an account of his transactions as late Guardian of Jacen E Rowe taking the account made out and returned to the County Court of Southampton as prima facie correct to be examined and falsified, and that the Commissioner report the same to this Court with any matter specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated

Pettibone's Island

Blk. $ 12.06
Shff. 3.90
Commr. 20.00
Law 1:50 $ 17.46 Paid to J. R. Kelly

Defts: Costs

Blk. $ 2.55
Law 1:50 $ 17.55 Paid to J. R. Kelly

$ 64.01
27.49
$ 96.45

Southampton Circuit Court, May Term, 1868.

Jason E. Rowe, Pltff.

against

William Atkinson & Nathaniel F. Young and Hardy Chapman, Exrs. of the last Will & Testament of Thomas Hall, dec'd. Defts.

In Chancery

This cause came on this day to be again heard on the papers formerly read and on the report of Comm'r. Howard made pursuant to the Decree of November Term, 1867, and on exceptions to such report and on examination of witnesses, and was argued by Counsel. On consideration whereof, the Court sustaining the exception to Account "A" of said Report doth ensiem the remainder of said Report, and it appearing to the Court that the Defendant, William Atkinson, invested for his ward, the said Plaintiff, the sum of five hundred and seven dollars and seventy four cents in a "Cotton Bond" of the Confederate States, which he afterwards sold for fifty per cent premium and again invested the amount in Bonds of the Confederate States, and that he used the same in payment of his taxes, when the same was worth only fifty dollars in gold as good money, making the said investment and premium obtained by resale to be worth Fourteen dollars and twenty cents, and the Court believing that this sum and Thirteen dollars and twenty four cents, balance due by account "B" of said Comm'r. Howard's Report, to be the amount which the said William Atkinson ought to pay to said Plaintiff, doth adjudge, order and decree that the Plaintiff recover of the Defendant the sum of Twenty seven dollars and forty four cents, with interest from the 24th day of February 1864 till paid, and his costs expended in the prosecution of this suit.

A Copy Teste L.R. Edwards Clk

24.00
13.44
27.44

"A"

Rowes Bar.

To } Bond

Commonwealth

Know all men by these presents that we William Atkinson & Thomas Hall are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of One thousand dollars, current money of Virginia, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally firmly by these presents. Sealed with our seals and dated this 21st day of Feby A.D. 1859.

The Condition of the above obligation is such that if the above bound William Atkinson as guardian of Jason E Rowe shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void or else to remain in full force and virtue.

Signed, Sealed and delivered in the presence of the Court

William Atkinson (Seal)
Thos Hall (Seal)

At a Court held for the County of Southampton the 21st day of February 1859. Jason E Rowe a minor above the age of fourteen years, this day made choice of William Atkinson as his guardian. Whereupon he together with Thomas Hall his Security (who justified on oath as to his sufficiency) entered into and acknowledged a bond in the penalty of One thousand dollars conditioned as the law directs.

A Copy
Teste J.W. Edwards. Clk

Rond

To } Ex with bill

Atkinson Jr.

$13"

Exam?

At a quarterly Court held for the County of Isle of Wight on Monday the 2nd day of November 1863

A paper purporting to be the last Will of Thomas Hall decd. dated the 30th of January 1863, and a Codicil thereto dated the 1st of July 1863., ~~was~~ presented in Court by the Executors for probate, and there being no Subscribing Witnesses thereto, Robert H Whitfield and Charles B Hayden were sworn and severally deposed that they are well acquainted with the testators hand writing and Verily believed the said writing and Codicil and the name thereto subscribed, to be in the hand writing of the testator, and thereupon the said writing & Codicil are ordered to be recorded as the true last Will and Testament of Thomas Hall decd. And on the motion of Hardy Chapman and N. P. Young the Executors therein named, who made Oath, and with Robert H Whitfield, Thomas J. Clements, and Irvin W. Duke, their Securities, who justified, entered into and Acknowledged a bond in the penalty of Fifty Thousand Dollars Condition according to law, Certificate of Probate is granted them on said will in due form, Ordered that the said Bond be recorded, and it being directed by the Testator will, no Appraisement are appointed.

Teste N. P. Young Clk.

A Copy.

Teste, N. P. Young Clk.

Judge Baker
Instruction

Mr William Atkinson
Berlin
Southampton County
Virginia

To the Honourable Richard H. Baker Judge of the Circuit Court of Southampton County.

Your petitioner William Atkinson, states that he is the Guardian of Jason E. Rowe and that he had in his hands on the 18th day of January 1864 (at which time the Confederate currency was stated) Five hundred and seven dollars and seventy four cents in confederate money which he has received in the due course of his Guardianship, which he has been unable to lend out, and is still compelled to retain, in consequence of not being able to settle with his ward. Your petitioner suggests the propriety of investing the sum in interest bearing bonds, or certificates of the Confederate States, or of the State of Virginia, and he asks the leave of the Court to make such investment under the provisions of the act of the General Assembly passed March the 5th 1863

William Atkinson Gdn
of Jason E. Rowe

Address Berlin
Southampton Co Va

Judge Baker's Instruction

Mr. William Atkinson
Berlin
Southampton County
Virginia

(+ 7

Upon the Petition of William Atkinson Guardian of Jason E. Rowe, representing that as such guardian he is in possession of the sum of five hundred & seven dollars and seventy four cents ($507 74/100) belonging to his said ward, and that he desires to invest the same pursuant to the act of the general assembly passed March 5th 1863, It is therefore ordered that the said William Atkinson as such guardian, have leave to invest the said sum of money, or any part thereof, in interest bearing bonds, or certificates of the confederate states or of the state of Virginia, the said bonds, or certificates if practicable to be taken in the name of the said guardian for the benefit of his said ward, preserving the bonds thus taken and exercising due diligence in collecting the interest accruing thereon, & making a proper application thereof - Given under my hand, in vacation, as Judge of the circuit court of Southampton County, this 24th day of Feby. 1864.

Rich.d H. Baker

Rowe

v Summ. Chy.

Atkinson &c

1867 Aug Rules

Executed June 15-th
1867 by delivering ~~Lim~~
a copy to Wm. Atkerson.

E. L. Story Dep.
for S. Kello Shff

A. P. Young & Hardy Chapman are no inhabitants of my county.

E. L. Story Dep.
for S. Kello Shff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon Wm. Atkinson & A. P. Young & Hardy Chapman Exrs. of Thomas Hall 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 August next to answer a bill in Chancery exhibited against them in our said Court by Jason E Rowe

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 5th day of June 1867, in the 91st year of the Commonwealth.

L R Edwards Clk

Executed by delivering a true copy of the within to N P Young & Hardy = = Chapman Exors. of Thomas Hall dec'd" on monday July 1st 1867

Mills. E: Powell D.S.
for E. L. Exley Shff

Powell
vs.
Atkinson & al
1867 August Rules.

THE COMMONWEALTH OF VIRGINIA, Isle of Wight

TO THE SHERIFF OF ~~SOUTHAMPTON~~ COUNTY—GREETING:

WE COMMAND YOU to summon Wm Atkinson & A. B. Young & Hardy Chapman Exrs of Thomas Hall 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 August next to answer a bill in Chancery exhibited against them in our said Court by Jason. E. Rowe

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this 5 day of June 186 4, in the 91st year of the Commonwealth.

L. R. Edwards Cl

Rowe
v
Sfar
Atkinson

4 May 1868 at Jerusalem

Executed 2nd day of
May 1868 by reading
to him the summons
W. G. Holmes Dept
for S. Kello Shff

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON N D Butler

to appear before ~~the~~ Comm. ~~of our~~ Howard ~~Court of Southampton County~~ at the Courthouse, on the 24 day of May 1868 ~~Term~~ at Jerusalem to testify and the truth to say on behalf of Jason E Rowe in his deposition then & there to be taken in a certain matter of controversy in our said Court, depending and undetermined between said Rowe, Plaintiff, and Wm M Kinson Defendant. And this he shall in nowise omit, under the penalty of £100; and have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 21 day of May 1868, in the 92 year of the Commonwealth.

L R Edwards Clk

Jason E. Rowe

Guardian Account

"C" "D"

No 2

Jason E Rowe a minor.

In Acct with William Atkinson his Guardian

			Dr	Cr
1861				
Dec 31	By Amt due ward			$ 181 67
	" int on this amt one year			28 90
	" Comm on $ 28.90 at 5 pr Ct		1 43	
1862				
Dec 31.	By bal due the ward		309 12	
			$ 510 57	510 57
	By bal due the ward brought down			$ 309 12
	" int on this amt one year & 18 days			30 71
	" Comm on $ 30.71c at 5 pr Ct		1 54	
1863				
Sept 31	To paid Sheff taxes &c		9 81	
" "	" " Uriah Bracy for shoes		3 50	
	" " Clerks fee for recording this Acct.		1 00	
	" " Comm's fee for making up this Acct.		3 00	
1864				
Jany 18	By bal due the ward		520 98	
			$ 539 83	539 83
	By bal. due the Ward brought down		$	$ 520 98
	with int from the 18th January 1864 till paid			

Respectfully Submitted to the Court

James W Parker Comm

Southampton County. In the Clerks Office the 2d day of February 1864

This account of William Atkinsons guardianship of Jason E Rowe was this day returned and filed for exceptions. And at a Court held for the said County on the 21st day of March 1864. the said account having lain one month and upwards in the Clerks Office and there being no exception thereto, was examined, confirmed and ordered to be recorded.

Teste

L R. Edwards Clk

Copy

Teste L R. Edwards Clk

"9"

Jason E Rowe a minor.

In account with Wm Atkinson his Guardian

			$ Dts cts	$ Cts cts
1861				
		By Cash from Patsey Simons Est		8 24
Apl		" Cash from Eli Joyners est		117 93
May		" Cash from Eli Joyners est		366 72
Dec		" Cash from Levi Hundleys est		15 70
		To Commissions on $ 508 59 cts at 5 pr. Cent	25 42	
		" Commissioners fee returned	1 50	
		" Balance	481 67	
			508 59	508 59
Dec	31	By balance due the Ward with interest from this day		481 67

Respectfully Submitted by

Wm B Rhando Commissioner

Southampton County In the Clerks Office the 18th day of February 1862

This account of Wm Atkinsons guardianship of Jason E Rowe was returned and filed for exceptions. And at a Court held for the said County on the 21st day of March 1862, the said account having lain one month and upwards in the Clerks Office and there being no exception thereto was, examined, confirmed and ordered to be recorded.

Teste

J.R. Edwards Clk

A Copy

Teste J.R. Edwards Clk

Executed by delivering a true copy of the
within to N P Young & Hardy Chapman
on the 8th March 1868

E L Eley Shff

Rowe
v
Atkinson &
Com Notice

COMMISSIONER'S OFFICE,

Jerusalem, Feby. 15 1868

To Jason E Rowe

Pltff

Against

William Atkinson & Nathaniel P. Young & Hardy Chapman

Executors of the last will & testament of Thomas Hall decd

Defts

You are hereby notified that I have fixed upon the 17th day of March next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit: That William Atkinson settle before one of the Commissioners of this Court. An account of his transactions as late Guardian of Jason E Rowe. taking the account made out and returned to the County Court of Southampton as prima facie correct liable to be surcharged and falsified. and that the Commissioner report the same to this Court with any matter 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.

paid away the same Stock. he had thus invested in payment of his Taxes considering it them as about worthless realizing no value for it & by which he did no damage to his ward, as it was then substantially lost & would soon have been entirely lost by the failure of the Confederate State government; The Commissioner further reports to the Court that after the completion of the said account he attained the same in his office ten days for the examination of the parties. Which with the decree and notices aforesaid are herewith returned.

Given under my hand as Commissioner aforesaid the day & year first aforesaid

Henry S. Howard
Comrs

Commissioners fee $20.00
Sheff fees 2.00

Rowe
&
Commrs Report
&
A. Winslow

1868 April 1st

Account &c
Comrs Report &c
Executed &
Comrs
Sheriffs
Fees

"A"

Jason E. Rone, a minor
In account with William Atkinson, his Guardian.

			Dr		Cr	
1861						
		By Cash from Patsey Denson Est			8	24
April		" " " Eli Joyners Est			117	93
May		" " " Eli Joyners Est			366	72
Dec		" " " Levi Hundleys Est			15	70
		To Commissions on $508.59 at 5 p/c	25	42		
		" Comms fee retained	1	50		
		" Balance	481	67		
			508	59	508	59
"	31	By bal due the ward			481	67
		" interest on this amount one year			28	90
		To Commns on $28.90	1	45		
1862						
Dec	31	By balance due the ward	509	12		
			$510	57	$510	57
		By bal due the ward brot down			509	12
		" interest on this amt one year & 18 days			30	71
		To commissions on $30.71	1	54		
1863						
Sep	31	" paid Shff taxes &c	9	81		
		" " Uriah Bracy for shoes	3	50		
		" " Clerks fee for recording this Acct	1	00		
		" " Commissions fee for making up this acct	3	00		
		By bal due the ward	520	98		
			$539	83	539	83
1864						
Jany	18	By bal due the ward brot down			520	98

with interest thereon from the 18 Jany 1864 till paid.

Respectfully Submitted
Henry S. Renard Commr

"D"

Jason E Rowe, a minor
In Account with William Atkinson, his Guardian

			Dr		Cr	
1861		By cash from Patsey Denson Est			8	24
Apl		" Cash from Eli Joyner Est			117	93
May		" Cash from Eli Joyner Est			366	72
Dec		" Cash from Levi Hundleys Est			15	70
		To Commissions on $508.59 at 5 p.c t	25	42		
		" Commissioners fee retained	1	50		
		" Balance	481	67		
			508	59	508	59
Dec	31	By balance due the ward brot down			481	67
		" int on this amt one year			28	90
		To Comms on $28.90	1	45		
1862 Dec	31	" balance due ward	509	12		
			510	57	510	57
		By balance due ward brot down			509	12
		int on this Amt one year & 18 days			30	71
		To Comms on $30.71	1	54		
1863 Sept	31	" paid Shff taxes &c	9	81		
		" " Uriah Bracy for shoes	3	50		
		" " Clerks fee for recording this acct	1	00		
		" Commissioners fee for making up this acct	3	00		
1864 Jany	18	" balance due the ward	520	98		
			539	83	539	83
"	"	By balance due Ward brot down			520	98
Feby	24	To amount invested in Confederate State bonds by an order of R H Baker Judge of the circuit court of Southampton County of this date $	507	74		
"		To balance due Ward	13	24		
			$520	98	520	98
		By bal due ward brot down			$13	24
		with interest thereon from 18th Jany 1864 till paid				

Respectfully Submitted
Henry S. Harrard
Comm'r

Commissioners Office
Dendalem 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 Jason E Rowe Plff, and William Atkinson & Nathaniel P Young and Hardy Chapman Exrs of Thomas Hall dec'd Defts, the undersigned one of the Commissioners of the said Court, to whom was referred for settlement, by said decree the following account, That William Atkinson settle before one of the Commissioners of this court, an account of his transactions as late guardian of Jason E Rowe, taking the account made out and returned to the County Court of Southampton as prima facie correct liable to be Surcharged & falsified, and that the Comms report the same to this court with any matter specially stated deemed pertinent by himself or which may be required by any of the parties interested stated reports to the court that on the 15 day of February 1868. he issued notices against the several parties aforesaid requiring them to attend the settlement of the said account before him at his said office on the 17 day of March 1868. which were returned by your Commissioner duly executed, that the parties appeared before him, in obedience of said notices by their attys and at the instance of said attorneys, your Commissioner made up the foregoing Account in two ways marked A & B. without deciding the legality of the investment made by the said Guardian. The Account A. is an account of the said Guardian transactions in which the said investment is ~~not~~ allowed, and shows a balance of $520.98¢ due the ward with interest from 18 January 1864 till paid. Account B. is an account of the said Guardian transactions in which the investment of $507.74¢ in Confederate State bonds has been allowed shewing the balance due the ward $13.24¢ with interest thereon from 18 Jany 1864 till paid. Your Commissioner here reports, that the Guardian admits in his Answer to the bill in this cause, that at the time of the said investment his ward Jason E Rowe, was 21 years of age And that he subsequently and just before the end of the war, while the Confederate States Tax Collector was trying to make collections he looking on the Confederate State govt as about to end

Rome

E } Com. notice

Atkinson

Executed on J. E Rowe
March 5th 1868 and on
Wm Atkinson March 6th
1868 - by delivering to
Each a copy
W. G Holmes Deputy
for S. Kellogg Sheriff

COMMISSIONER'S OFFICE,

Jerusalem, July 15 1868

To

Jason E Rone Pltff.

Against

William Atkinson and Nathaniel P. Young and Hardy Chapman Executors of the last will & testament of Thomas Hall decd Defts

You are hereby notified that I have fixed upon the 17 day of March next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit: That William Atkinson settle before one of the Commissioners of this Court, An account of his transactions as late Guardian of Jason E Rone, taking the account made out and returned to the County Court of Southampton as prima facie correct, liable to be surcharged and falsified and that the Commissioner report the same to this Court with any matter 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 J. Howard Commissioner.

To the Sheriff of Southampton County to execute.

Peff. Costs

Clk	$ 32.06
Stff	3.90
Bom	2.00
Sum &c	15.50
	$ 51.46

Rowe

vs Stat: Rules.

Atkinson &c

Defts Costs

Clk.	$ 2.55
Law	15.00
	$ 17.55

In Southampton Circuit Court.

Jason E Rowe.

against

William Atkinson & Nathaniel P Young & Hardy Chapman Executors of the last will and testament of Thomas Hall dec^{d}.

1867 June 5th Summons issued

" Aug. Rules Summ^{s} returned Executed Bill filed. Decree nisi v Defts.

" Sep " Bill taken for confessed. v Defts

" Oct " Cause set for hearing &c

" Nov. T. Decree for account &c

1868 Apl. 1st Report

" May T. Decree for plff