

1871-12

Southampton County Chancery

Gardner, William H. vs

Ten Kins, John B. (admin.)

Recover Debt

Cogsdale, William H.
(admin.)

Norfleet, Jerry
Daughtrey, Solomon P.
Daughtrey, Wm. H.
Crumpler, Edward C.
Wiggins, John B.
in parts { Gardner, Faristina
" , Mary A.

~~75 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99~~

Gardner's adm

v { Papers

Jenkins

1871 November

Gardner, edw?

Bill
& Schmitt

Gentlemen &c

1867 April Rules

To The Hon. Richard H. Baker, Judge of the Cir-
cui Court of Southampton County - In Chancery

Humbly complaining that under
your Honor's Order William H. Copeland
Administrator of William Gardner died,
that at the October term of the County Court of South-
ampton County, your Order qualified ~~as~~ and
Administration, as well as ~~as~~ a certificate
of qualification ~~in~~ ⁱⁿ ~~the~~ ^{marked "A"} and
ordered to be taken as a part of this bill, and as such
entered in the case belonging in the estate of
William Gardner died. That at the May term of
the County Court 1855, John B. Jenkins quali-
fied as guardian of William Gardner, Fanny
Gardner and Mary A. Gardner, giving bond in
the penalty of \$2000 - with John Norfleet, Solomon
P. Daughtry and William H. Daughtry as his securities,
a certified copy of which bond and a certificate
of his qualification are ~~in~~ ⁱⁿ ~~the~~ ^{marked "B"}
and proposed to be taken as a part of this bill. That
John Norfleet ^{one of his sureties} has since departed this life intestate,
and that at the Nov. County Court 1863, John B.
Jenkins qualified as his Admin^r giving bond
in the penalty of \$1500 - with Edward C. Campbell
and John B. Whiggins as his securities, a certified
copy of which bond together with a certificate of
such qualification is ~~in~~ ⁱⁿ ~~the~~ ^{marked "C"} and proposed
to be taken as a part of this bill. That no assets
belonging in the estate of William Gardner
died has yet come in the hands of your Order
the Administrator as appointed. That the whole
of the assets belonging in the estate of William
Gardner are now in the hands of John B. Jenkins
the guardian of William Gardner appointed at the

time of the death of the said William Gardner, that the
said John B Jenkins in the year 1860 rendered an
account of his transactions as guardian of and
of William Gardner, before one of the Comptrol-
lers of the County Court of Southampton County
by which it will appear that on Oct. 1st 1860 there was
a balance ^{in his hands} due William Gardner of \$539.31 a
certified copy of which account ^{is being filed} as herein
marked "D" and prayed to be taken as a part of this
bill, your Honor desires it and of this Court
to compel John B Jenkins guardian as aforesaid
and his executor, and his executor as Adm^r of Jane
Worplett, to pay the aforesaid balance with interest
from Oct. 1st 1860 ^{to your Honor} in consideration of the
premises and inasmuch as your Honor is without
remedy save in a Court of Equity when and under
any peculiarly cognizable & relievable to the said John
B Jenkins may be done, your Honor pray that
John B Jenkins both in his own right and as
Adm^r of Jane Worplett, Solomon B Daughtry,
Wm H Daughtry, Edward C Campbell, John B Whiggins,
Harrison Gardner and Mary A Gardner ^{his true names} may be
made parties, defendants in this bill, and
that and her past answers to the allegations
thereof be compelled to make, that now fit and
proper terms be assigned to the said defendants
as well as to the said parties in this suit,
that your Honor will grant a decree com-
pelling the defendants to pay to your Honor
Adm^r as aforesaid the above balance of \$539.31
with interest from Oct. 1st 1860, that your Honor
will charge all necessary & proper account
to be taken, and grant such other and several
reliefs as the nature of his case may
require or as to Equity and good conscience

may seem meet, and as in duty bound your
Honor will ever pray &c

Prattlow Jr

The joint and separate answer of ^{infants under the age of twenty} ~~Harriette Gardner~~
and Mary A Gardner infants under the age of twenty
one years by L R Edwards their guardian as then
in the foregoing bill filed by Wm H Campbell Adm^r of
Wm Gardner in Southampton County Court as
John B Jenkins &c

Then defendants by L R Edwards
their guardian as then, in their answer to and in
of said bill as they are advised it is and shall be
their answer, answering say, that the allegations
in the plaintiffs bill they believe to be true, but
being infants under the age of twenty one years
they have to entrust their interests in this
matter to the protection of this Honorable Court,
and having answered pray leave to be dis-
missed

Edw A Williams

Gardner adm^y }
Dec^r
Mr
Gen Pierce

Nov. 10. 1867

To be entered

R. H. Baker

Gardner Adm^r }
as }
Jenkins &c } Deem

This cause this day came on to be heard on the bill of the plaintiff taken for confessed as to the defendants Jno B Jenkins both in his own right and as adm^r of Jno Waples. Wm B Daughtry, Edward C Crampton Jno B Higgins upon whom process has been duly served, and it appearing that the absent defendant Solomon P Daughtry was procured against according to law ^{by order of publication} the bill taken for confessed as to him on the answer of the infants defendants by L R Edwards their guardian ad litem, on exhibits with general replication thereto and was argued by counsel - On consideration whereof the court doth adjudge order and deem that one of the commissioners of this Court take the following accounts viz 1st the accounts of Jno B Jenkins transactions as guardian of William Gardner taking the account as made out and returned to the Court of Southampton as prima facie correct - 2nd the accounts of Jno B Jenkins transactions as adm^r of Jno Waples which said accounts the commissioners is directed to examine and alter, and make report thereof 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

Gardner's adm

v. { Co. Secord

Jenkins &

Southampton Circuit Court, November Term 1867.

W^m St. Coys date administrator of W^m Gardner dec. Plff:

against-

John B. Jenkins in his own right and as administrator
of Torre Nerflut dec. Solomon S. Daughtry, William
H. Daughtry, Edward C. Crumpler, John B. Wiggins,
Faustrina Gardner, and Mary A. Gardner last two infants. Defts.

In Chancery.

This Cause this day came on to be heard in the Bill of the Plaintiff, taken
for Confessed, as to the Defendants, John B. Jenkins both in his own right
and as administrator of Torre Nerflut, W^m St. Daughtry, Edward C. Crumpler
John B. Wiggins, Upon whom process has been duly served, and it appearing
that the absent Defendant Solomon S. Daughtry, was proceeded against
according to law, by Order of publication, the Bill taken for Confessed
as to him, in the answer of the Infant Defendants by L R Edwards
their Guardian ad-litem, in Exhibits with general replication thereto,
and was argued by counsel, On Consideration whereof the Court doth
adjudge, Order and Decree, that one of the Commissioners of this
Court take the following accounts (Viz:) 1st. An account of John B.
Jenkins transactions as late Guardian of William Gardner, taking the
account as Made out and returned to the County Court of Southampton
as prima-facie correct. 2nd. An account of John B. Jenkins trans-
actions as administrator of Torre Nerflut, which said accounts the
Commissioner is directed to examine, State, and Settle, and Make
report thereof 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.

Attest

Teste

L R Edwards clk

Gardner, Adm.
or
Jenkins &c } Deane

May 1864

To be entered

R. H. Baker

194

Gardner's Adm: }
 21 } Deems
 Jenkins &c }

This cause this day came on again to be heard on the papers formerly read, and on the report of Commissioner Howard made pursuant to a decretal in this cause entered at its November Term 1867, to which no exceptions have been filed and was argued by Counsel. On consideration whereof, the Court confirming said report do it adjudge, order and decree, that John B Jenkins late Guardian of William Gardner, pay to Wm H Cogsdale Adm: of William Gardner dec'd, the sum of \$548.91 with interest thereon from 1st day of October 1861 till paid, ^{the costs of this suit being the} amount ascertained to be due Compt: Howard's report, and libels is removed as plaintiff ^{for} further relief ^{against the securities} should this decree prove unavailing. This decree is subject to the provisions of the act of the General Assembly of Virginia passed March 2^d 1866 entitled an act to regulate the collection of debts for a limited period.

Gardner's ~~Adm.~~

Exhibits with bill

Jenkins Y²

4. 13. 16

11.50

Adm. 11.50

6.

Know all men by these presents that we John B Jenkins, Edward C Crumpler, & John B Wiggins are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of fifteen thousand dollars good and lawful 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 December A.D. 1863.

The condition of the above obligation is such that if the above bound John B. Jenkins as administrator of Jeremiah Norfleet dec^d 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. 3

John B Jenkins (Seal)
Edward C ^{his} Crumpler (Seal)
John B. ^{on} Wiggins (Seal)

At a Court held for the County of Southampton on the 21st day of December 1863.

On the motion of John B Jenkins who made oath and together with Edward C Crumpler & John B ^{Wiggins} his sureties (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of fifteen thousand dollars conditioned according to law. Certificate is granted him for obtaining letters of administration on the estate of Jeremiah Norfleet dec^d in due form.

Copies

Teste

JR Edwards & Co

A

Southampton County Court. October Term 1865.

On the motion of William H. Cogsdale who made oath and together with James R. Gardner 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. Certificate is granted him for obtaining letters of administration on the estate of William Gardner dec'd in due form.

Attest

J. R. Edwards 66

B

Know all men by these presents that we John B. Jenkins, Jeremiah Norfleet, Wm. H. Daughtrey & Solomon P. Daughtrey are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Three 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 16th day of May A.D. 1859.

The condition of the above obligation is such, that if the above bound John B. Jenkins as Guardian of William, Faustina & Mary A. Gardner orphans of Everett Gardner dec'd, 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 }

John B. Jenkins

(Seal)

Jer. Norfleet

(Seal)

Wm. H. Daughtrey

(Seal)

Solomon P. Daughtrey

(Seal)

At a Court held for the County of Southampton the 16th day of May 1859.

The Court doth assign John B. Jenkins, guardian of William, Faustina & Mary A. Gardner orphans of Everett Gardner dec'd. Whereupon he together with Jeremiah Norfleet, Wm. H. Daughtrey & Solomon P. Daughtrey, his Securities (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of three thousand dollars conditioned according to law.

Copies

Teste

J. R. Edwards 66

Gardners adms

& } Sum. Chy

Jenkins Feb

1867 April Rule

Executed on John B. Jenkins
Wm. H. Daughtery & Edward
H. Crumpler March 27th
1867 by delivering a copy
to each. P. Garoon Deft
for S. Kello off

Executed on John B. Higgins
March 29th 1867 by deliver-
ing him a copy. Solomon
P. Daughtery no inhabitant -
Faustana Gardner and Mary
A. Gardner not found.

E. L. Story Deft
for S. Kello off



THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU to summon

*John B Jenkins. in his own right & as admor of
Jeremiah Stoflet. Solomon P. Daughtery. Wm H Daughtery. Edward B
Brumpley. John B. Wiggins. Faustin Gardner & Mary H Gardner -*

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

*April next to answer a bill in chancery
exhibited against them in our said Court by Wm. H. Cogsdale admor of Wm.
Gardner dec^d*

and have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-

house, this *20* day of

March

1867, in the

91st

year of the Commonwealth.

L. R. Edwards

Gardners adm.

~ } Affr.

Jenkins & Co

Southampton Circuit Ct. Clerk's Office Aug 7 1867

Wm H Cogsdale admr of William Gardner dec
against

Jeff

} In lty.

John B Jenkins in his own right & as admr of Jane Kasket dec Solomon
P Daughtrey & them.

Affs }

This day E. L. Story made oath before me clerk of the Court aforesaid, in my Office
that Solomon P Daughtrey a defendant in the above Suit as he is informed and verily
believes is not a resident of the State of Virginia.

L R Edwards clk

Gardners adm

to } Gr. Pub.

Jenkins & Co

Copy posted at front door B. House
Sep. 6th day 1867

L R Co

At Rules held in the Clerk's Office of the Circuit Court of Southampton
County on the first Monday in September 1867
William H Cogsdale administrator of William Gardner dec. Plff.
against.

John B Jenkins in his own right and as admor. of Jere. Norfleet dec.
Solomon P. Daughtriey & others Defs. }

In Chancery

Left: }

The object of this suit is to recover the balance due from the Defendant John B Jenkins
as late guardian of William Gardner and affidavit being made and filed that the Defend-
ant Solomon P. Daughtriey is not a resident of the State of Virginia it is ordered
that he do appear within one month after due publication of this order and do what is
necessary to protect his interest.

Attest

John

LR Edwards Clk

Gardners admor.

& } Ex: with 13d6

Jenkins & Co

D

William Gardner. a minor.

In Account with John B Jenkins his Guardian.

1859			\$	cts	\$	cts
Oct 1 st	By balance received from former guardian				540	85
1860	" interest on last years balance				32	45
	To Commissions on \$573. 30 cts at 5 per cent.		28	66		
	" paid taxes & tickets		2	00		
	" paid Wm B. Shands account		3	33		
	" Balance		539	31		
			573	30	573	30
October 1 st	By balance due the ward				539	31
	with interest from this day					

Respectfully Submitted by

Commissioners fee \$1. }
Chg^d to the guardian }

Wm B. Shands Commissioner

Southampton County In the Clerks Office the 12th day of November 1860.

This account of John B Jenkins' Guardianship of William Gardner, was returned and filed for exceptions. And at a Court held for the said County on the 17th day of December 1860, 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

J. R. Edwards Clk

Attest

Teste

J. R. Edwards Clk

This day personally appeared before me W. R. Parker a Justice of the Peace for the county of Southampton State of Virginia Henry S. Smith made oath that the executed on John B. Jenkins W. H. Daughtry & Edward C. Crumpler the 14th day of March 1868 by delivering a copy to each of them. Solomon P. Daughtry not inhabitant of my county since under my Grand Jury the 14th day of March 1868

W. R. Parker J. P.

Handed to

to } Com. Justice

Jenkins,

Executed Mar. 17th. 1868
in the W. W. Bogdale &
Jno. B. Wiggins by deliver-
ing to each a copy.

E. S. Smith Clerk
for W. W. Bogdale

COMMISSIONER'S OFFICE,

Jerusalem,

Feb 10

1868

To William H. Logsdale administrator of Wm Gardner dec'd

Against

John B. Jenkins in his own right and as administrator of Jere Norfleet
dec'd Solomon P. Daughtery Wm H. Daughtery Edward C. Crumpler John B.
Wiggins Fanchiana Gardner & Mary A. Gardner last by infants
by L. R. Egan and their guardian ad litem. Defts

You are hereby notified that I have fixed upon the 21 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 one of the Commissioners of this Court take the following
account viz 1st An Account of John B. Jenkins transactions as late Guardian
of Wm Gardner. taking the Account as made out and returned to the County
Court of Southampton as prima facie correct. 2nd An Account of John B. Jenkins
transactions as admin of Jere Norfleet, which s^d acct the Commissioner is directed
to examine state & settle & make report thereof to this Court with any matter, spec-
ially stated deemed pertinent by himself or which may be required by any of the parties
whoso 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.

Gardners aim

v

} Commup: Report

Jenkins Jr

1868 April 2^d

William Gardner, a minor
In account with John B Jenkins his guardian

			Dr	Cr
1859				
Oct	1	By balance recd from former Guardian		540 85
1860		" interest on last year's balance		32 45
		To commissions on \$573.30 at 5%	28 66	
		" paid Taxes tickets	2 00	
		" " Wm B Shands account	3 33	
		" Balance due ward	539 31	
			<u>\$573 30</u>	<u>\$573 30</u>
Oct	1	By balance due the ward brot down		539 31
apl	30	To paid the ward	20 00	
Octo	1	" Balance Due ward	519 31	
			539 31	539 31
"	"	By balance due ward brot down		519 31
Octo	1	" Interest on \$519.31 to this		31 15
"	"	To commissions on \$31.15 at 5 per cent	1 55	
"	"	" balance due ward	548 91	
			<u>550 46</u>	<u>550 46</u>
"	"	By balance due ward brot. down with interest thereon from this 1 st day of October 1861 till paid		548 91

Respectfully Submitted
Henry S Howard
Clerk.

The Estate of Jeremiah Norfleet Decd
In Account with John B Jenkins. his administrator

1864		Dr	Cr
July 6	By amount Sales this day due		5965 86
"	hire of negroes this year		250 00
"	rent of land " "		50 00
"	Cash from S Henderson		31 00
	To commissions on \$1296.84 @ 5%	314 83	
"	paid for keeping expensive negroes	250 00	
"	" Jenkins & Harrison acct	4 00	
"	" W B Shands "	30 00	
"	" do "	50 00	
"	" Taxes	86 00	
"	" J. J. Lawrence "	50 00	
"	" S Henderson "	44 47	
"	" J H. Parker "	19 50	
"	" appraisers & clerk	60 00	
"	" E W Maysenburg "	50 00	
"	" R. I. Neely "	45 00	
"	" E Parker est "	22 00	
"	" G. E. Johnson "	20 00	
"	" E Darden "	14 00	
"	" Clerks tickets	8 00	
"	" J R Copeland "	8 00	
"	" M. E Daughtry "	60 00	
"	" A. H. Barnes "	150 00	
"	" M. E Daughtry "	40 00	
"	" taxes	46 83	
"	Balance	4924 31	
		1296 86	1296 86
Dec 31	By Balance due the estate in Confederate money with interest thereon from this day till paid		4924 31

Respectfully submitted
Henry J. Howard, Commis.

Commissioners Office
Jerusalem March 31, 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 William H. Cogsdale adm of Wm Gardner decd Plff and John B Jenkins in his own right and as adm of Jue Norfleet decd Solomon P Daughtry, William H Daughtry & Others. Defts

the undersigned one of the Commissioners of the said court to whom was referred for settlement, by said decree the following account, That one of the Commissioners of this court take the following accounts viz 1st An account of John B Jenkins transactions as late guardian of William Gardner taking ~~any~~ the account as made out and returned to the county court of Southampton as prima facie correct 2nd An account of John B Jenkins transactions as adm of Jue Norfleet which said account the Commissioner is directed to examine, state & settle & make report thereof 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, reports to the court that on the 10 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 24th day of March 1868 which were returned to your Commissioner duly executed on all the parties except Solomon P. Daughtry against whom an order of publication was issued & published in the proceedings in this cause and the Commis. at the same time posted a copy of said notices at the front door of the Court house of Southampton County, that the parties appeared before him in obedience of said notices by their atty and he thereupon made up the foregoing account. 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 with the decree & notices aforesaid are herewith returned,

Given Under my hand as Commissioner aforesaid the day & year first aforesaid
Commissioners fee \$20.00
Shff. fee 3.00
Henry J. Howard
Commis.

Gardner's ad

to { Prof pub

Jenkins

Petersburg, Va., Sept 7 1867.

Mr. W. H. Pretlow

THE PETERSBURG INDEX, Jr,

CAMERON & SYKES, Proprietors.

Wm. E. Cameron.
G. A. Sykes.

No. 60 SYCAMORE STREET.

To adog chancery order Cogsdale, Admin'r
Gardner, vs. John B. Jenkins 21c.w.4w. \$ 7 00

AT RULES HELD IN THE CLERK'S
office of the Circuit Court of Southampton
county, on the first Monday in September, 1867:
William H. Cogsdale, administrator of William
Gardner, dec'd, plaintiff,
against
Jno. B. Jenkins, in his own right and as adm'r of Jere
Norfleet, deceased, Solomon P. Daughtrey, and oth-
ers, defendants.
IN CHANCERY.
The object of this suit is to recover the balance
due from the defendant, John B. Jenkins, as late
guardian of William Gardner; an affidavit being
made and filed that the defendant, Solomon P.
Daughtrey, is not a resident of the State of Virginia.
It is ordered that he do appear within one month
after due publication of this order and do what is
necessary to protect his interest.
A Copy—Teste:
L. R. EDWARDS, C. C.
WM. H. PRETLOW, p. q. 207—Saw

City of Petersburg, to wit:

This day personally appeared before
me, the undersigned, a Justice of
the Peace for the City aforesaid, G. A.
Sykes, and made oath that the an-
nuxed was inserted weekly four
successive weeks in the Petersburg

Index, commencing Sept. 7, to the best of his knowledge
and belief. Given under my hand this 2nd day
of November, A. D. 1867.

J. I. Jones

82.77 78

Gardner's admn

v. { Stat. Rules

Jenkins JP

lts

1478

Shff

8 00

Comm. 14 on ans

22 00

Law 10

15 50

Or. Pub.

15028

7
15728

In Southampton Circuit Court

William H Cogsdale administrator of William Gardner dec?
against

John B Linkins in his own right & as admor of Terr. Koslet dec? Solomon P.
Daughtry M^{rs} H. Daughtry Edward G. Crumpler John B Wiggins Faustina
Gardner & Mary A Gardner last two infants.

1867 March 20th Summons issued
April Rules Summons returned Executed - Bill filed - J R Edwards
assigned Guardian ad litem to infants - Answer of infants. G. Rep. & Note to
adult Defts. except. Sol. P Daughtry
May 1st Bill taken for confessed as to adult depts? except Sol P Daughtry
cause set for hearing

Sept. R. Br. Pub. v Dft. Solomon P Daughtry
Nov T. Decree for account

1868 Apr 2nd Report

" May T. Decree re Confmy report

1871 Nov Dismissed