1889 ~ 08 Southampton County Chancery - Kindred, David H. vs Kindred, John et al

recover from guardian funds from the sale of real estate
+ interest due for a number of year

Vick, George W. (admin)
Maget, James (dec.)
" , Penelope
" , William
" , James
" , Walter
" , Roswell
Pope, Sallie
Hart, Robert H.
" , Cornelia
Parker, Hersey
" , Agnes
Maget, Chestine
" , Louisa
Williams, W. W.
" , Sallie
Deloach, W. I.
" , Bettie
Kindred, Henry

8

Kindness
Bill
a 3 Reading
Kindness wals

May 10th.
1878 ~~August~~ F. Rules

To The Honorable George W. Stone judge of
the Circuit Court of Southampton County
in chancery sitting

Humbly complaining your
Orator David H Kindred by this his bill
of review & the case of Kindred's guardian
vs Kindred in which there was a final
decree at the May term 1874 of this
court and the case removed from the docket
a copy of all the papers in which case
an Exhibit files and prayed to be taken
as parts of this bill, Shewith unto your
Honor that in April 1852 James Nagel
as guardian of your Orator and his
two sisters Betsie and Sallie Kindred and
his brother H H B Kindred files his bill
for the sale of certain lands belonging
to them, that at the Nov term 1852 there
was a decree directing John I Kindred
as commissioner to sell the Melvin
farm of 100 acres, the mill farm of
120 acres, another farm containing 250
acres and the Taylor farm containing
100 acres, and in May 1854 John I
Kindred reports that he had sold these
lands for the sum of $5850 on the
terms directed by the decree, and that

Both of whom have since married
Betsie to Wm S Black of P. Co Virginia
and Sallie to W. W. Williams of Southampton

the last bonds fell due on the 23rd of December
1834, At the May term 1837 this report was
confirmed, and John I Kindred was
directed to collect the said bonds and
pay to James Magee, as guardian of Govr.
One sixth part thereof to wit the sum of
$97.5; one sixth to him as guardian
of Sallie Kindred, one sixth to him
as guardian of Bettie Kindred one
sixth to him as guardian of Henry
B Kindred, one sixth to John I
Kindred and one sixth to E.C. Magee
and his wife Louisa, But Kindred
was not to act until he had given
bond in the penalty of $12.000 for a
faithful performance of his duties
under the said decree, and the guardian
James Magee to whom the said money
was to be paid, should invest the
same either in state stock bearing
six per cent interest or lend it out
taking from the borrow sufficient
security either real or personal, but
so much of the decree as authorized
the guardian to invest this money of
his wards was suspended until the
guardian executes a bond in the clerks
office for double the amount he

rents payable to the commonwealth and conditions to invest the same as directed and both the said Kindred and Magt were directed to report their proceedings in order to a final decree, James Magt executed his bond for $12.000 with John I Kindred and Benjamin B Kindred his securities and John I Kindred executed his bond for $12.000 with Benj B Kindred his security, James Magt has never reported and John I Kindred never reported until Nov 1875-

The case then slumbered on the docket until at the Nov term 1871 when an order was made to remove it from the docket to be re-instated on the motion of any of the parties interested

At the Nov term 1873 On motion of H.C. B Kindred the case was re-instated new parties made and John I Kindred directed to report what he had done under the decree of the May term 1854

At the November term 1875- John I Kindred reports that he executed the decree of the May term 1854 had

collected the bonds thereon remains and paid over to the parties entitled as due as would appear by receipts filed therewith and also by their receipt and discharge in the suit now pending in this court wherein Williams & wife and others were plaintiffs and he defendant

At the May Term 1871 his report was confirmed and the case removed from the docket

Your Orator further shewith unto your Honor that James Magee qualified as his guardian in March 1852 and continued the same up to the year 1852 when he died, That when he filed his bill 1852 your Orator was nine years old and is now thirty three that he came of age in 1866 in the midst of the war, he was an infant when these proceedings commenced and when James Magee his first guardian died his brother qualified as such in November 1862, He is aware that the war swept away nearly all the personal estate in Virginia, His father left him land, slaves, and money, which he can make every allowance for the times, yet he is satisfied that

if the orders of the court had been obeyed his monies estate would of would have been saved

Your Orator emphatically and truly denies that I John I Kinard ever settled with him in full or that he ever gave him any such receipt or discharge he applied to him for one and he refused to give it, He did get a receipt from his brother and two sisters a copy of which is herewith filed marked A and he supposes it is that receipt his brother I ohn Allsbrooks

And your Orator now for more distinctly charges, alledges and avers that he has never had a settlement either with James Magit in his lifetime or with his administrator George W Dick since his death or with his last Guardian I ohn I Kinard but that James Magit did owe him the sum of $975- last money owned or lost by his neglect, and if he or his representatives pair it over then I ohn I Kinard owes him the sum $2022.05 cts with interest from the 31st of Dec 1841, This is his first

assignment of error in his bill of
review

Your Orator states that the reason
why he has delayed so long to assert
his rights was because it is only very
recently after a full investigation that
he has become acquainted with his
rights and his power to recover the
the money due

Your Orator in this his bill of
review assigns as the second error that the
court should not have made a final
decree and remand the cause from
the docket while James Magee or
his personal representation who is
George W Vick former sheriff of
Southampton as such his administration
reports — what he had done with the $3.8.50
which he received from Commissioner
Kindred for the sale of the land

Your Orator has examined all the
reports made by James Magee and can
no where find that he has accounted
for this land money On April 21st
1855 he reports that he had received
from John J Kindred and Benja
B Kindred executors of Henry Kindred
the sum of $1700 on 18th Feby 1855 and

$1400 in Portsmouth city scrip. On
Dec 23rd 1853 $738.50 cts from him of
negros, his first guardian account
of Dec 31st 1853 shows a balance
due your Orator of $1985.43 cts this
was made up of $1400 recivs from
Ebenezer B Kinds executor and
negro him
The 2nd account shows a balance of
$2123.47 cts due 31st Dec 1855 and all
that was recivs this year additional
was from negro him
The third account of 31st Dec 1857 shows
a balance due of $2414.28 cts and
all recivd this year additional
was $300 from Ebenezer Kinds executor
and negro him In the years 1853, 1858
1860 and 1861 he rendered accounts and
the court will see from an examination
of them, that all the money he
recivd in addition to the orginal
amounts of $1400 and $300 from
E. Kinds executor was from
negro him, All of which will more
fully appear by copies of the said
accounts herewith filed marked
B. C. D. E. F. G. H. I and J and prayed to be
Taken as parts of this bill

So the court will procive that his
guardian James Magee who hires the
eight years after 1854 has never
reports what he dis with this
land money or his personal
representation since

He charges that James Magee has
committed a devastaint on his estate
If he had in 1857 as he was
directed invests this land money
as he had ~~been directed~~ this money
would have escaped the general wreck
of the war, and therefore he asks a
decree against James Magees estate for
the sum of $97.5 - from the 31st of
Dec 1854, and as it is alledged that
his personal representation has pass
over to his last guardian John
I Kinard the sum of $2022.0.5-cy
balance due 31st Dec 1857 he asks
a decree against him for that
sum with intrest from that time

Your Orator states further that
Sallie, Bettie and Henry Kinard
have no further interest in this
suit John I Kinard having settled
with them in full,

He states further that James Magee-

is dead and George W Vick is his administrator and that Penelope Maget his widow, and Sallie A. married to H. B. Pope, and now dead William Maget, Wallie Maget, Roscoe Maget, James Maget, Cornelia married to Robert G Hart, and Agnes Maines of Bussey Parker are his children are his distributees and him at law, and that there is no estate belonging to James Maget except a tract of land now held by Mrs Maget as her dower and that Benjamin B Kindred is dead and your Orator is his administrator

In Tender Consideration whereof and inasmuch as your Orator is without relief at Law and only entitled to relief in a court of equity where such matters are peculiarly cognizable he Thereon prays that the court would allow him to file this his bill of review to the said case of Kindreds guardian vs Kindreds, and that John I Kindred, George W Vick administrator of James Maget dec'd, Penelope Maget William Maget, James Maget, Wallie Maget, Roscoe Maget, ~~H B Pope and~~ Sallie A Pope ~~as supra~~, Robert G Hart

and Cornelia his wife, and Henry Parker and Agnes his wife may be made parties defendant to this bill and that the court would compell them as fully and perfect answer make to the allegations therein contained as if they had been thereunto more fully and specially interrogated, and that the court would direct all proper accounts to be taken, and if it should appear that George W Dick has no assets than that the real estate of James Major should be sold to pay the said sum of $67.5 due your orator and costs and that the court would grant a decree against John J Kinsler for the sum of $2022.50 cts with interest from 31st Dec 1841 till paid with liberty to proceed against his securities should he not pay it.

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 &c

Rawls & Chambers p.q.

Christian Major and Louisa his wife vs W. W. Williams and Sallie his wife, W. J. Delaware and Sallie his wife and Henry B Kinsler

Kindred

vs

Kindred et als

Note of R. H. Rawles

atty for

D. H. Kindred Deff.

Kindred
vs 3 Notes by Rawles for Pltff.
Kindred et als.

The main facts in this case are so clearly set forth by the record and by my colleague General Shands and so generally conceded by the defendants counsel that it is hardly necessary for me to repeat them. In 1852 in the Circuit Court of Smithsonian James Magette guardian of D. H. Kindred filed a bill asking for the sale of the said Kindred's real estate. He obtained a decree to that effect and the land was sold for the sum of $5850 and the share of D. H. Kindred being one sixth was $975- with interest from the 25th December 1854. In May 1854 John J. Kindred the Commissioner of sale was directed to collect the land money and pay over D. H. Kindred's share ($975) to James Magette his guardian who was directed to invest the same, taking good security. Magette and Kindred were both required to give and both gave large bonds. It is conceded that James Magette, although he rendered many accounts afterwards, never accounted for this

sum of $975- and certainly he never paid it over.

About 1862 Maguffe died and Jno. J. Kindred qualified as guardian of D. H. Kindred and received from Maguffe's representatives $2022.05- with interest from the 31st December 1861 but this sum did not include any part of the $975- realized from the land sale.

It is conceded that all the parties entitled, have been settled with except the plaintiff D. H. Kindred.

It is also fully well conceded that we are entitled to a decree against Jno J. Kindred for $2022.05.

Are we not equally entitled to a decree against Maguffe's estate for $975 and interest? If not, why not? He was the guardian of our client, the plaintiff. He filed a bill for the sale of our land and obtained a decree for the sale. He was ordered by the Court to receive the money and specifically instructed by the Court how to invest it so as to protect the infant's rights. Was it not clearly his duty as guardian to obey the order of the Court and to use due diligence in the collection and investment of his ward's estate? If it was not his

duty to see that this money arising from the land sale was duly collected and properly invested, where duty was it? And to whom could the infant have looked for the protection of his estate? Did the infant have a right to look to any other? Certainly not.

It was the duty of guardian James Magette to have obeyed the order of Court — to have used due diligence in pressing the collection of this money and to have invested it as directed. He did not do this — he was guilty of the greatest negligence, and for it he is liable for the $975 & interest which if he had done his simple duty would long since have been secured to the infant.

The Court in 1st Rand. 113 says "the guardian must account for all the ward's estate which with due diligence might have come into his possession" Would not this $975 have come into Magette's hands with even ordinary diligence? Most assuredly. Then must he not account for it? If not, why not? Must a ward lose by the laches of his guardian? Where is the law to sustain such an absurd and unjust supposition?

Mr. Prince, Counsel for defendant says that Magette did all he ought to have done

in regard to the land transaction. Let the Court examine the record and say whether this is true or not. The truth is, he did nothing except sit down in negligence and see his ward's estate suffer for want of proper attention. Why did he not ask for a report of Commissioner Kindred so as to find out the condition of his ward's estate? He was aware of all the facts in the case. He filed the bill: he knew the land was sold: he knew the money was due. He knew he was the proper party to receive it. Why did he not seek it? Has a fiduciary no duties whatever to perform? It will not do for counsel to say that John J. Kindred the Commissioner appointed to sell the land is the brother of the plaintiff. This is no argument. It is fairly "begging the question at bar" and is a feeble attempt to "beg off" from the payment of a claim which is otherwise shown to be just.

Neither will it do for counsel to argue that "if Magill had collected this money, upon his death it would have been paid back to Jno. J. Kindred who afterward became guardian." It is enough for the Court

to know that Maguire did not do his duty. That makes him liable.
The parties are all properly before the court. The whole record and all necessary exhibits are here.
The plaintiff asserted his rights as soon as he become fully aware of them.
We think he is entitled to and ought to recover and we therefore ask a decree against James Maguire's estate for $975 with interest from the 25th Dec. 1854 and one against Jno. J. Kinard for $2022.05 with interest from the 31st Dec. 1861.

R. H. Rawles
Atty for Plaintiff.

Kindred
vs
Kindred

Note by Mr. B Shands for plaintiff

It appears from the papers in this cause that in the year 1852 James Majette as guardian of D. H. Kindred and others files his bill in the circuit court of Southampton for the sale of his wards lands which were sold for the sum of $3850 and the share of D. H. Kindred amounts to the sum of $975 - with interest from the 25th of December 1854, In May 1854 John J Kindred who was the commissioner to sell the land was directed to collect the land money and pay over D. H Kindreds share to wit the sum of $975 - to James Majette his guardian who was directed to invest the same in six per cent Virginia State stock or lend it out on real estate or good personal security and both Kindred and Majette were ordered to give large bonds for the faithful performance of their duties which was done Afterwards James Majette settles many guardian accounts running from 1854 down 1861 which are in these papers and in none of them does it appear that he ever accounts for this land money to wit the sum of $975 -

Sometime in 1861 or 1862 James Majette dies and John J Kindred qualifies as guardian of D. H. Kindred and recives from James Majettes personal representative the sum of

$2022.05-cts with intrest from the 31st of Dec 1841

It is conceded that all the parties have been settled with but D. H. Kinder and the answer of John I Kinder or rather his report claiming to have settled with D. H. Kinder is not true in point of fact as the paper he files is a receipt from the other wards and not from D. H. Kinder and he emphatically denies any such payment or receipt and John I Kinder's averment of payment is not sustained by any evidence

Davis H Kinder is properly in court in a proper suit viz by bill of review file by leave of the court, both the former guardian representation and hims and the present guardian are upon the court all the accounts necessary upon which a decree can be granted are in the paper and the suit is now defended by one of James Majetts children and is now ready for a decree And I ask for a decree against James Majetts estate for $975 - with intrest from the 25th of December 1854 and one against the present guardian for $2022.05cts with intrest from 31st Dec 1841

The court of appeals in the case of Burnley vs Duke 1st Randolph 113 said "A guardian must account for all the wards estate that did come, or with due diligence might have come into his possession" Now can any one doubt but that James Majetts in failing for seven years from 1834 to Dec 1841 to collect from Commissioner Kinder and his security the sum of $975 - who were solvent all that time, and most under the order of the court, has been guilty of gross neglect of duty and committed a devastavit on his wards estate I do not think I ever saw a clearer case of devastavit committed by a fiduciary

The law attaches a peculiar sacredness and a higher value to land than any other kind of property it is real estate something that will stand by us in war pestilence and famine nothing can waste or destroy it, When is an infant nine years old possessed of land, slaves, and money and his guardian himself files a bill and sells his real estate when he is not in debt and then fails to collect the purchase money and invest it as ordered by the court.

The court cannot hesitate to charge him and his estate with the sum amount so negligently lost, It is no answer to say that James Majetts had the utmost confidence in Commissioner Kinder that he would look after the interests of his infant brothers and sisters as well as his own, The answer has

court of Chancery that by this myself I John J Kindred and the adult children named in this county and Mayette named D. H. Kindred [illegible] his

The case of Corporation vs Boyle 1 Ala 284 4th Grattan 284, and Lacy vs Hampton 1 Ala, and Camp vs Hampton 1 Ala 27 Grattan 42 are guides for us here, In Corporation and Boyle when the sergeant of Norfolk had been made to give a second bond and a suit was brought against him and his securities all the parties being before the court it decided how the sureties on each bond were liable for money he had failed to pay over, In Lacy and Hampton and Camp and Hampton when the succeeding administrator of James Hampton were all before the court the court adjusts the liabilities of the succeeding administrators and their securities with the creditors

In this case the first guardians representation and his sureties and the second guardian now living are all before the court all accounts that are necessary on which to base a decree are in the papers And I now ask for a decree against the estate of James Mayette for $6.75 with interest from 25th of December 1837 in favor of D. H. Kindred and one against John J Kindred the present guardian

for $2022.01 cts with interest from the 31st
of December 1861 Amount received from
former guardian

Shands P.G.

The separate Answer
of Jno I. Kindred - to a Bill filed in the
Circuit Court of Southampton County, against him
& others, by David B. Kindred -

This Respondent for answer says
that he filed as Commissioner to divest the parties
of the nett proceeds of the real estate sold by him
as Commissioner as aforesaid in Virginia State Stock to which the said
Complainant was entitled and has paid the same to the said Master Gardiner
and as directed
by the Decree of the said Circuit Court -

That this Respondent, as Guardian of the
said Complainant, expended considerable
sums of money for the said Complainant
during his minority - The Respondent had
hoped that the amounts so expended would have
been satisfactory to the said Complainant in
full of all demands -

The Respondent would long ago have stated
and reported an Account as Guardian as
aforesaid of the Complainant, but that
during the late war the Respondent lost
many papers and among them many vouchers
for expenditures for the said ward -

but if required by the Court, the Respondent
will now endeavor to have stated and reported
an Account as guardian as aforesaid,
as correctly he can.

And having answered prays to be hence dismissed -

Jno I. Kindred

Southampton Co-Court.

Personally appeared before me, Jno. N. Le=
Vill- a Comr. in Chancery, for the Circuit Court
of Southampton, ~~and Jno J. Kindred~~, whose
name is signed to the answer on the other
side of this paper made oath that the same is
true, & for as he believes. Given under my
hand Nov 6. 1838.

J. N. Sebrell Comr. in Chancery.

David H. Kindred
vs
Jno J. Kindred & others

Filed 6th Nov. 1838

An Inventory and report of the negroes belonging to the heirs of late Henry Kindred decd, received this 26th December 1853 of John D and Benj.n B Kindred executors. One undivided fifth of which belongs to said John D. Kindred and four fifths to David N. Sally V. Elizabeth G. and Henry Kindred orphans of said Henry Kindred decd by James M Daggett Guar.n for said orphans (E. C. Maget's Share having been allotted to him on the 24th inst.) Also the report of hire of said negroes for the ensuing year (1854) due 1st day of January 1853.

Negro Man	Seymour	hired to	Stephen Henderson for	$ 93.50
"	Stephen	"	Benj.n B Kindred	68.00
"	Jacob	"	D.o D.o	115.25
"	Andrew	"	John D. Myrick	139.50
"	Jake	"	D.o D.o	139.50
"	Lewis	"	Elijah Joyner	90.00
boy	Caleb	"	Benj.n B Kindred	96.50
"	Burwell	"	D.o D.o	51.00
"	Jack	"	Miles Story	15.00
"	Davy	"	E. C. Maget	Exempt
Woman and Seven and three Children				
Florence, Sarah and Tooley			James D. Darden	20.00
" Lucy and 2 Children				
Sear and Lydia			Rich.d N. Blythe	21.00
" Edith and 2 Children				
Francis and Mason			Wm. S. Burwell	20.00
" Denah and Child Harriet			Benj.n B. Kindred	40.00
Girl	Abigail		James Sebrell	25.00
"	Mary		James W. Barnes	25.00
"	Margarette		E. C. Maget for to keep	10.00
				$ 958.25
			less	10.00
				$ 948.25

Sets one fifth, (Jno. I Kindreds Share) 189. 65
Orphans portion $738.60

The within is the first and only property belonging to the orphans of Capt Henry Kindred dec'd which has come in to my hands as Guar'n up to this date Dec'r 26th 1853 and this is my reason for not having reported to the Court before.

James Majette Guar'n

Southampton County, In the Clerks the 20th day of February 1854. This Inventory of the property of David H. Sally V. Elizabeth I. and Henry Kindred, orphans of Henry Kindred dec'd was this day returned by James Majett their guardian and admitted to record.

Teste, I.R. Edwards C.C.

A Copy,

Teste, I.R. Edwards C.C.

The undersigned Guar. for the orphans of the late Capt. Henry Kindred dec'd beg leave to report to the County Court of Southampton County that he has received of John D. and Benj.ⁿ B. Kindred, executors of said Henry Kindred the sum of five thousand six hundred dollars in cash on the 18.th day of February last (1855). Also the sum of one thousand four hundred dollars in scrip in the Town of Portsmouth received on the 19.th April 1855. This scrip was dated 3.rd April 1855.

James Hayett Guar.

April 4.th 1855.

Southampton County, In the Clerk's Office the 21.st day of May 1855. This Return was presented and admitted to record.

Test,

S.R. Edwards C.C.

David N. Kindred a minor,

1854 In account with James Hayett his guardian.

			£	s.	£	s.
		By negro hire this year			189	67
		To commissions on £189.67 cts at 5 pr. cent	9	48		
		" paid George W. Neal for tuition	10	07		
		" paid for expensive negroes	11	30		
		" Balance	158	82		
			189	67	189	67
Dec.	31	By balance due the ward			158	82
1855		" hire of negroes this year			206	90
		" amount of money from N. Kindred's estate			1400	00
		" amount of Portsmouth town scrip			350	00
		To commissions on £1956.90 cts at 5 pr. cent	97	84		
		" paid Clerk's tickets	3	36		
		" paid for expensive negroes	11	97		
		" paid Pope and Hunter	6	63		

		" paid Dr. Rochelle's Med.c bill	7	50		
		" paid Dr. Rochelle's Med.c bill	3	00		
		" Balance	1985	43		
			2115	93	2115	93
Dec.	31	By balance due the ward with interest from this date.			1985	43

Respectfully Submitted by
Wm. B. Shands, Commissioner

Commissioner's fee $1
Chg.d to the guardian

Southampton County, In the Clerk's Office the 23.d day of April 1856. This account of James Hazlett's guardianship of David M. Kindred, was returned and filed for exceptions. And at a Court held for the said county the 16.th day of June 1856, the said account having lain one month and upwards in the Clerk's Office and there being no exceptions thereto, was examined, confirmed and ordered to be recorded.

Teste, S.R. Edwards C.C.

A.C. Jno.

Teste, S.R. Edwards C.C.

David N. Kindred, a minor.

2nd account with James Majett his guardian.

1856			Dr		Cr	
			$	cts	$	cts
Dec	31	By balance due the ward by the last report			148	89
1857		" Amount from Henry Kindreds ex January 1st			300	92
		" hire of negroes this year			187	00
		" interest on last years balance			12	93
		" interest on $288. 77 cts for 11 months			15	88
		To Commissions on $635. 93 cts at 5 pr. cent	31	78		
		" paid Jesse and Monroe account	37	26		
		" paid R. J. Darden do	49	01		
		" paid Wm B. Shands Commissioners fee	1	00		
		" paid Clerks ticket	1	18		
		" paid taxes	8	60		
		" paid wards portion for expenses negroes &c,	21	96		
		" paid Joseph N. Pruden board and tuition	138	08		
		" paid Thomas N. Briggs account	8	43		
		" paid Richd J. Darden do	34	57		
		" paid George C. Bobbe do	8	50		
		" paid James J. Darden do	8	19		
		" paid James J. Darden do	1	79		
		" balance	244	28		
			784	62	784	62
Dec.	31	By balance due the ward with interest from this day.			244	28.

Respectfully Submitted by
Wm B. Shands Commissioner.

Commissioners fee $1
Chgd Guardian

Southampton County, In the Clerks Office the 11th day of October 1858.
This account of James Majetts guardianship of David N. Kindred
was returned and filed for exceptions. And at a Court held for

The said County on the 15th day of November 1858, the said account having lain one month and upwards in the Clerk's office and there being no exceptions thereto, was examined, confirmed and ordered to be recorded.

Teste, S.K. Edwards C.C.

A Copy.

Teste, S.K. Edwards C.C.

(1)

David H. Kindred, a minor.

In account with James Majett his guardian.

1855			Dr		Cr	
			$	cts	$	cts
Dec	31	By balance due the ward by the last report			1985	43
1856		" interest on Portsmouth Scrips for 1855			21	00
		" Hire of negroes this year			214	30
		" interest on last year's balance			119	12
		To Commissions on $354.42 cts at 5 per cent	17	72		
		" paid Jesse S Barham	1	00		
		" paid taxes	7	94		
		" paid Clerk's ticket	1	00		
		" paid Commissioners fee	1	00		
		" Cash furnished ward	5	00		
		" paid Lucy H. Kindred for three years board	150	00		
		" paid your part of the negro expenses	7	30		
		" Balance	2148	89		
			2339	85	2339	85
Dec	31	By balance due the ward with interest from this day			2148	89

Respectfully Submitted by
Wm B. Shands, Commissioner

Commissioner's fee $1
Chg. to the guardian

Southampton County, In the Clerk's Office the 23rd February 1857.
This account of James Majetts guardianship of David H. Kindred, was returned and filed for exceptions. And at a Court held for the said County on the 20th April 1857, the said account having lain one month and upwards in the Clerk's Office and there being no exceptions thereto, was examined, confirmed and ordered to be recorded.

Teste, S R Edwards C.C.

A Copy. Teste, S R Edwards C.C.

David H. Kindred, a minor.

In account with James Majett his guardian.

1857.			Dr. ℔	Dr. cts	Cr. ℔	Cr. cts
Dec.	31	By balance due the ward by the last report			1414	28
1856		" interest on last years balance			144	85
		" hire of negros this year			145	30
		To Commissions on ℔1490. 15 cts at 5 pr. cent	14	50		
		" paid Dr. John Rochelle	7	50		
		" cash furnished ward	5	00		
		" paid Dos. H. Prince board and tuition &c.,	188	76		
		" paid Jas. J. Darden	6	28		
		" paid Commissioner's fee	1	00		
		" paid Clerk's fee	1	00		
		" paid Sheriff taxes	9	65		
		" paid for negro expenses &c.,	10	74		
		" balance	1460	00		
			1704	43	1704	43
Dec.	31	By balance due the ward with interest from this day.			1460	00

Commissioner's fee ℔1
Chq'd to the Guardian }

Respectfully Submitted by
Wm B. Shands, Commissioner

Southampton County. In the Clerk's Office the 24th day of October 1859. This account of James Majetts guardianship of David H. Kindred, was returned and filed for exceptions. And at a Court held for the said County on the 19th day of December 1859, the said account having been one month and upwards in the Clerk's Office and there being no exception thereto, was examined, confirmed and ordered to be recorded.

Teste, S R Edwards C.C.

A Copy.

Teste, S R Edwards C.C.

David H. Kindred, a minor.

In account with James Majett, his guardian.

1858			$	Cts	$	Cts
Dec.	31	By balance due the by last report			2460	00
1859		" interest on last years balance			147	60
		" hire of negroes this year			181	20
		To commissions on $328.80 cts at 5 per cent	16	44		
		" paid George C Pope account	22	53		
		" paid taxes	9	60		
		" paid Clerks ticket	1	25		
		" paid Commissioners fee	1	00		
		" paid Jos. H. Prince board tuition &c.,	210	93		
		" paid Pope and Woodard account	86	41		
		" paid J. J. Darden do	7	40		
		" paid J. J. Darden do	4	71		
		" paid portion of expenses of negroes	21	10		
		" paid Darden & Vick account	8	13		
		" paid W. A. Barker Medc bill	12	00		
		" Balance	338	31		
			2788	80	2788	80
Decr	31	By balance due the ward with interest from this day.			338	31.

Respectfully Submitted by
Wm. D. Shands. Commissioner

Commissioner's fee $1.50
Chgd to the guardian

Southampton County, In the Clerks Office the 3rd day Sept. 1860.
This account of James Majett's guardianship of David H. Kindred was returned and filed for exceptions: and at a Court held for the said County on the 15th day of October 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, S.R. Edwards C.C.

Attest.

Teste, S.R. Edwards C.C.

" "

David N. Kindred, a minor

In account with James Majett, his guardian

1859			$	Dr cts	$	Cr cts
Dec	31	By Balance due the ward by the last report			338	31
		" hire of negroes this year			209	35
		" interest on last years balance			143	23
		To Commissions on $352. 58 cts at 5 per cent	17	60		
		" paid Va., M Institute tuition &c.,	400	00		
		" paid taxes	11	59		
		" paid tickets	2	00		
		" paid D. N. Briggs account	4	50		
		" paid Pope & Edwards "	39	20		
		" paid Seaton & Harrison "	16	73		
		" cash furnished	5	00		
		" paid your portion for expenses of negroes	8	54		
		" paid Drs. N. Prince board & tuition	191	84		
		" Balance	2042	87		
			2739	89	2739	89
Dec.	31	By Balance due the ward with interest from this day.			2042	89

Respectfully Submitted by
Wm. B. Shands, Commissioner.

Commissioner's fee $2.00
Chg'd to the guardian

Southampton County, In the Clerk's Office the 17th day of September 1861.
This account of James Majett's guardianship of David N. Kindred was returned and filed for exceptions: and at a Court held for the said County, on the 21st day of October 1861, the said account having lain one month and upwards in the Clerk's Office, and thereto being no exceptions thereto, was examined, confirmed and ordered to be recorded.

Teste,
S. R. Edwards C.C.

A Copy.
Teste, S. R. Edwards C.C.

David N. Kindred, a minor.

In account with James Majett, his guardian.

				Dr.		Cr.	
1860				$	Cts	$	Cts
Dec	31	By balance due the ward by the last report				2043	87
1861		" interest on last year's balance				132	57
		" hire of negroes this year				180	00
		To commissions on $362.57 at 5 per cent		15	12		
		" paid taxes		14	33		
		" paid Clerk's ticket		1	00		
		" paid Commissioner's fee		1	50		
		" paid portion of negroes expenses		36	44		
		" paid T. N. Driggs	account	15	00		
		" paid Va. Military Institute	tuition	350	00		
		" Balance		2022	05		
				2345	44	2345	44
Dec	31	By Balance due the ward with interest from this day.				2022	05

At the request of the guardian the Commissioner states specially that $400 of the above balance is in Portsmouth City bonds and $200 invested in Confederate bonds by order of the Court, all of which is respectfully submitted by,

Wm. B. Shands Commissioner

Commissioner's fee $2
Sh'f's to the Guardian }

Southampton County, In the Clerk's Office the 3rd day of May 1862. This account of James Majett's guardianship of David N. Kindred, was returned and filed for exceptions: and at a Court held for the said County, on the 16th day of June 1862. The said account having lain one month and upwards in the Clerk's office and there being no exceptions thereto, was examined, confirmed and ordered to be recorded.

Teste, I. R. Edwards C.C.

A Copy.

Deste, S R Edwards & Co.

At a Circuit Court for the County of Southampton at the Court-house of said County, on the fifth day of May one Thousand eight Hundred and seventy six.

Be it remembered, that heretofore, to wit: on the 22nd day of March 1852, James Mageth, guardian of David N. Sally V. Elizabeth S. and Henry Kindred orphans of Henry Kindred decd by his Counsel, sued out of the Clerk's Office of the Circuit Court of Southampton County a summons in Chancery against David N. Sally V. Elizabeth S. Henry Kindred and Louisa J. Benjamin B. and John D. Kindred, which writ with the return thereon made by the Sheriff is in these words, to wit:

The Commonwealth of Virginia,

To the Sheriff of Southampton County - Greeting.

We command you, That you summon David N. Sally V. Elizabeth S. and Henry Kindred and Louisa J. Benjamin B. and John D. Kindred to appear at the Clerk's Office of our Circuit Court of said County, at Rules to be holden for said Court, on the first Monday in April next to answer a bill in Chancery exhibited against them in our said Court by James Mageth, guardian of David N. Sally V. Elizabeth S. and Henry Kindred, orphans of Henry Kindred decd. And have then there this Writ. - Witness, Littleton A. Edwards, Clerk of our said Court, at the Court-House, the 22nd day of March 1852, in the 76 year of the Commonwealth.

L.R. Edwards C.C.

Sheriff's Return - "Executed on Louisa J. Benja B. and John D. Kindred.

Wm J. Sebrell dep'y of
Jesse Carter, Sh'ff."

At another day, to wit: At Rules held in the Clerk's Office of the said Court, on the first Monday in April in the year

(over)

1853, came the complainant by his Counsel and filed his bill against the Defendants in the following words and figures, to wit.

To the Hon. Richard K. Baker, Judge of the Circuit Court of Southampton.

Humbly complaining sheweth unto your honor, your Orator, James Doget, guardian of David K. Kindred, Sally Virginia Kindred, Elizabeth S. Kindred and Henry Kindred, that Henry Kindred departed this life in the month of December A.D., 1849, having first duly executed his last will and testament, which is hereunto filed (marked A.) and prayed to be taken as a part of this bill. Your Orator represents further that in the month of March A.D., 1852, he qualified as guardian as aforsaid, a copy of the bond then executed and a certificate &c., of the qualification are hereunto filed (marked B. & C.) and prayed to be taken as a part of this bill.

Your Orator represents that his said four wards are worth each about fifteen hundred dollars in money and two thousand dollars in negro slaves, as is represented to him by the executors and the following tracts of land, to wit: a farm known as the low ground or mahogany farm containing 600 acres, the mill and farm attached thereto containing about 120 acres, and a farm or small parcel of land called "the Everitt place" containing about 250 acres and another small piece of land called the Saylor place containing about 100 acres. The land above mentioned belongs in common to the four wards aforsaid and to Mrs. S. Kindred and Louisa J. Kindred in equal shares undivided. The estate just mentioned is the whole property of the said wards as is represented to your Orator by the executors of said Henry Kindred, not having yet had a settlement with them, he can not speak with absolute positiveness, but he believes these representations to be entirely reliable.

Your Orator states that the reversionary interest of his wards and their mothers life estate must be added to Complete the whole estate real and personal of the said wards.

Your Orator represents that as the rents of the above lands are but small and as they are yearly depreciating in value and as there is now a special demand for the Mehenning farm, it is his opinion that the interest of his wards would be promoted by a sale of all their real estate. He, therefore, prays your honor to make a decree ordering the sale of the said lands, appointing a Commissioner for that purpose, and to do all other things as equity may dictate and the nature of the case may require - and as in duty bound he will ever pray &c., He prays your honor to make the said wards together with Jno. D. Kindred, Benjamin B Kindred and Louisa D. Kindred (who would be the heirs of the infants, in the event of their death) parties defendants to this bill, and compell them as true and perfect answer make as if they had been thereunto more fully interrogated.

James Maget Guard'n

Personally appeared before me, a Justice of the Peace, James Maget and made oath that the facts stated in the foregoing bill are true so far as he knows or believes.

Given under my hand and seal this 28th April A. D., 1852.

Alex. Myrick J.P. (seal)

The following are copies of the exhibits filed with the bill.

(Exhibit A.)

In the name of God Amen - I, Henry Kindred being of sound mind and disposing memory do make this my last will and testament.

1st Pay all my just debts.

2d I give my wife Lucy W. Kindred the plantation whereon I now

live including the Williams, the Tuck and the McMinis tracts.
I also give her one third of all my money and bonds due my estate, when after my estate being settled. I also loand her one third of my negro slaves during her natural life.
3rd I give my son David N. Sarah V. and Elizabeth S. Kindred, also, to the chile which is not yet borned, one thousand four hundred dollars to each one of them making five thousand six hundred dollars to be divided between the four children.
4th I give my daughter Louisa J. Kindred four hundred dollars.
5th If there should not be money enough to the amount which I have given away to my children my wish is for negroes to be valued to make that amount without selling them to make the amount of money which I have given away to my children.
6th My desire is that all the balance of my estate to be equally divided between John D. Louisa J. David N. Sarah V. and Elizabeth S. Kindred including the chile which is not borned.
7th If either of my before named children should die before they should arrive to the age of twenty one years the portion of my estate which they would be entitled to should be equally divided between all of my surviving children except one should die having a lawful issue of her body, then my wish is that her issues should receive the mother portion of my estate which the mother would of got provi- that she had a lived until twenty one years of age. The slave which I have loaned to my wife Lucy N. Kindred at her death is to be equally divided between John D. Louisa J. David N Sarah V. and Elizabeth Kindred and the chile which is not yet borned. If either of the above named children should die before the death of my wife my wish is that the portion which that chile or children would receive at her death to be equally divided between all of my surviving children or there lawful issue of there bodies. In Witness whereof I have hereunto set my hand and affix my seal in presence of

seal

Enterlined before signed.

I leave my son John J. Kindred and Benjamin B. Kindred my Executors to this my last Will and Testament. signed and sealed in presence of.

Esum Bryant — Henry Kindred (seal)

Benjamin D. Pope

Richard X his mark Attaway

At a Court held for the County of Southampton on the 19th day of December 1849.

This last Will and Testament of Henry Kindred dec'd was proved by the oaths of Esum Bryant and Benjamin D. Pope two of the subscribing witnesses thereto and ordered to be recorded. And on the motion of John J. & Benjamin B. Kindred, the executors therein named, who made oath and together with Richard Darden, Peter Edwards and Harrison P. Pope, their securities, entered into and acknowledged a bond in the penalty of sixty thousand dollars, conditioned as the law directs. Certificate is granted them for obtaining a probate of the said Will in due form.

Teste, L.R. Edwards. C.C.

A Copy.

Teste, L.R. Edwards C.C.

(Exhibit B.)

Know all men by these presents, That we James Kaget, John J. Kindred, Benjamin B. Kindred and Davis Darrell are held and firmly bound unto the Commonwealth of Virginia, in the sum of thirty thousand 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 15th day of March 1852.

The Condition of the above obligation is such, That if the above bound James Kaget who has this day qualified as

guardian of David N. Sally Virginia, Elizabeth S and Henry Kindred, orphans of Henry Kindred decd in the County Court of Southampton 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.

James Maget (seal)
Jno. I. Kindred (seal)
Benj. B. Kindred (Seal)
Davis Barrett (seal)

A Copy.

Teste, S R Edwards C.C.

(Exhibit C)

Southampton County Court March 15th 1852.

The Court doth assign James Maget guardian to David N. Sally Virginia, Elizabeth S. and Henry Kindred, orphans of Henry Kindred decd. Whereupon he gave bond and security according to law.

A Copy.

Teste, S R Edwards C.C.

And the summons in this cause being returned executed on the Defendants, John I. Kindred, Benjamin B. Kindred and Louisa Kindred, and they failing to appear and file their answers, on the motion of the Plaintiff it is ordered that the bill of the plaintiff be taken for confessed as to the said defendants, John I. Benjamin B. and Louisa Kindred, unless they appear and plead, answer or demur at the next Rules to be held for this County. And on the further motion of the plaintiff John I. Kindred is assigned guardian ad litem to the infants defendants, David N. Sally V. Elizabeth S. and Henry Kindred to defend their interests in

this cause. Afterwards, to wit. At Rules held in the Clerk's Office of the said Court on the first Monday in May in the year 1853 aforesaid, came the Defendants by Counsel and filed their answers to the plaintiffs bill, which answers are in the following words, to wit:

To the Judge of the Circuit Court of Southampton.

The answer of Louisa J. Kindred and John J. Kindred to a bill exhibited against them and others in this Court by James Maget guardian to the infant children of Henry Kindred dec'd.

These defendants saving &c., admit the facts charged in the bill and further that they are satisfied in their own minds from their knowledge of the estate of the plaintiffs and the value thereof, that the interests of the infants would be manifestly promoted by their sale of their real estate, and that the rights of no other person would be violated thereby, neither would any limitations in the Will of Henry Kindred be defeated by such sale. That they are equally interested in said real estate with the said infants, and independently of them, and that they would be the heirs of the infants in the event of their death. And they further represent that as far as they individually are concerned they are exceedingly anxious for the sale of said estate. And having answered they pray to be hence dismissed.

Louisa J. Kindred
Jno. J. Kindred.

Personally appear before me, the above named Louisa J. Kindred and Jno. J. Kindred, and signed the foregoing answer and made oath that the facts therein contained and stated are true so far as they know or believe.

Given under my hand and seal this 6th day of May A.D. 1853.

Benl. C. Pope J.P. (seal)

To the Judge of the Circuit Court of Southampton.

This answer of Benja. Kindred to a bill exhibited against him and others in this Court by James Maget Guardian to the infant children of Henry Kindred decd.

This defendant saving &c., admits the facts charged in the bill, and further that he is satisfied in his own mind from his knowledge of the estate of the plaintiffs, and the value thereof, that the interest of the infants would be manifestly promoted by a sale of their real estate, and that the rights of no other person would be violated, neither would any limitations in the will of Henry Kindred be defeated by such sale. That he would be one of the heirs of the infants in the event of their death. And having answered prays to be hence dismissed.

Benl B. Kindred.

Personally appeared before me this 3rd day of May A.D. 1852, the above named Benja. B Kindred and made oath that the facts stated in the above answer are true so far as he knows or believes.

S. P. Kells J.P.

Answer of David K. Sally V. Elizabeth S. and Henry Kindred by Jno. D. Kindred their Guardian ad litem to a bill filed against them in this Court by James Maget their guardian.

These defendants are of too tender years to enable them to defend their interests in the matters involved in this cause but so far as their information extends, they feel confident that their interests would be promoted by a sale of their real estate. They are informed that their deceased father entertained a similar opinion, and probably, if he had acted with his usual deliberation when he made his will, he would have, in all probability, have directed the sale by his will. They have no

doubts, that the facts charged in the bill are true, but being infants, they submit their interests in the premises to the judgment and protection of the Court, and having answered pray to be hence dismissed &c.,

Jno. J. Kindred

Guardian ad litem.

Personally appeared before me the above named Jno. J. Kindred and signed the foregoing answer and made oath that the statements therein made are true so far as he knows or believes.

Given under my hand and seal this 3rd May A. D. 1852.

Wm R Summerell J. P. (seal)

Afterwards, to wit: At Rules held in the Clerk's Office of the said Court on the first Monday in July in the year 1852, aforesaid, On the motion of the plaintiff by Counsel this cause was set for hearing. And on the 10th day of November 1852, John J. Kindred, guardian ad litem to the infant defendants filed his answer to the plaintiffs bill, which answer is in the following words, to wit:

The answer of Jno. J. Kindred, guardian ad litem to the infant defendants, David N. Sally C. Elizabeth J. and Henry Kindred to a bill filed in this Court against the said infants by James Magee their guardian for the purpose of selling their real estate. This defendant saving &c, answers that he admits the allegations in the plaintiffs bill. That he has no doubt of the propriety of the sale prayed for. The infants are young— their interest in the land small. The value of the land constantly diminishing— and he does not perceive that the interest of others would be violated by the sale, while that of the infants would be manifestly promoted. And having answered prays to be hence dismissed.

May it please the Court.

Jno. J. Kindred.

Southampton County, to wit:

Jno. I Kindred personally appeared before me this day and made oath that the facts contained in the forgoing answer are true to the best of his knowledge and belief.

Given under my hand this 10th day of Nov. 1852.

Patrick Doles J. P.

Afterwards, to wit: At a Circuit Court held for the County aforsaid at the Courthouse thereof on the 10th day of November 1852, This day this cause came on to be heard on the bill, the answer of the guardian ad litem upon oath and other answers of the defendants, replications thereto, exhibits, examinations of witnesses, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that John J. Kindred who is appointed a Commissioner for the purpose, after giving thirty days of notice by advertisement in some news papers published in the city of Norfolk and at the Court-House door of this County, for a like period and on some Court-day, of the time and place, sell to the highest bidder on a credit of one and two years equal instalments, the real estate in the proceedings mentioned, devised by Henry Kindred to his children, that is, first the low ground or Meherrin farm, containing two acres: 2nd, the mill and farm thereto attached, containing 130 acres, another tract containing 250 acres, and third, the Taylor place containing 100 acres, all of which lands lie in the County of Southampton. That the Commissioner take of the purchaser bonds with good security for the purchase money and retain the title to the lands until the purchase money is paid, and make report returning said bonds to Court.

A Copy.

Teste,

Henry S. Harvard, D.C.

Afterwards to wit: At a Circuit Court held as

aforesaid on the third day of May in the year 1854.
This day this cause came on again to be heard on the papers
formerly read and on the report of the Special Commissioner
Jno. J. Kindred, and the Court confirming said report,
on consideration whereof doth adjudge, order and decree
that the said Jno. J. Kindred proceed to collect the pur-
chase money for the said lands in the proceedings mentioned
so soon as it may become due and payable, that he pay
over to James Magee guardian for David N. Kindred, one
sixth of the said purchase money, as guardian for Sally
Virginia Kindred, one sixth, as guardian for Elizabeth
S. Kindred, one sixth, and as guardian for Henry Kindred
one sixth, to E. E. Magee and his wife Louisa J. Magee, who
was Kindred one sixth, and that the said Commissioner re-
tain for his own proper use and benefit and in his own right
the other and remaining sixth of the proceeds for the sale
of the said lands. The said Commissioner is directed first
to pay the expenses attending the execution of this decree.
And the said Jno. J. Kindred is hereby appointed a special
Commissioner with full powers to execute deeds to the said
purchasers respectively as soon as the purchase money shall
be paid. But the said Jno. J. Kindred is not to proceed to
collect the said purchase money or any part thereof, until he
shall have executed in the Clerk's office of the Circuit Court
of Southampton County, bond with good and approved secu-
rity in the penalty of $12.000. & conditioned for the faith-
ful and proper performance of the duties enjoined by this decree
And the Court doth further order and decree that the said
guardians of the said infants plaintiffs to whom the money of
his wards is above directed to be paid, shall invest the same
either in State Stock, bearing and interest of six per cent, or
by lending it out taking sufficient security real or personal
for the same. But so much of this decree that authorizes

the said guardian to invest the money of his said wards, shall be suspended until the said guardian shall have given and the said Clerk's Office bond with sufficient security in a sum of double the amount of money so to be paid to him, payable to the Commonwealth of Virginia conditioned to invest the same as hereinbefore directed. And the said Special Commissioner and the said guardian are directed to report to this Court in order to a final decree.

The following is a copy of the report of the Commissioner made under the decree entered in this cause on the tenth day of November 1853, to wit:

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

James Maget, guardian for David H. Sally V. Elizabeth S. and Henry Kindred,

Against

Jno. J. Benjamin S. Louisa J. Kindred & others.

Jno. J. Kindred, the Special Commissioner appointed by a decree rendered in this cause at the November term A. D., 1853, of this Court, to sell the lands belonging to the heirs of Henry Kindred deceased and in the said decree mentioned and specified, begs leave to report that having complied with the directions in the said decree contained as to advertising the said lands &c., he has sold the same, in the manner and on the terms therein directed and to the persons and for the sums respectively shown by the following Statement — and that in each case good and sufficient security has been taken of the purchasers of the said tracts of land.

"The low ground of Meherrin farm containing 600 acres" more or less — sold on a credit of one and two years equal installments for $4000.00 — William E. Myrick became the purchaser and executed two bonds of $2000.00 each,

one on demand the 25th December 1853 and bearing interest from that time, the other on demand the 25th December 1854 bearing interest from December 25th 1853. Benl E. Pope, Harrison B. Pope and Alexander Myrick are securities to the said Wm E. Myrick in the said two bonds.

"The Mill and land thereto attached containing 120 acres" more or less — James G. Worrell and Miles Worrell, jointly, became the purchasers for $700.00 — They executed two bonds for $350.00 each, one on demand December 25th 1853. and bearing interest from that date — the other on demand the 25th December 1854, but bearing interest from December 25th 1853.

"The track containing 250 acres," more or less and the track known as "the Taylor place containing 100 acres" more or less, were sold together as they lie adjoining — Everill D. Hill became the purchaser for $1150.00 — The said Hill executed two bonds of $575.00 each, one on demand the 25th December 1854 and bearing interest from that date and the other on demand the 25th December 1855, but bearing interest from the 25th December 1854. Edward Beaton and Henry Cook are securities to the said E. D. Hill in the said bonds. The latter sale was not made till the 10th of December 1853 — The Commissioner delayed to sell, because he thought it would be to the advantage of those interested to do so.

All the bonds mentioned in the foregoing report are herewith presented to the Court by the said Commissioner.

Jno. D. Kindred

Special Comr.

Afterwards, to wit: At a Circuit Court held as aforesaid on the 11th day of May in the year 1871.

There appearing nothing further to be done in this cause the same is dismissed from the docket, subject to be reinstated

on the motion of any party interested therein.

Afterwards, to wit: At a Circuit Court held as aforsaid on the 7th day of November 1873.

On the motion of Henry Kindred it is ordered that this cause, which was dismissed from the docket of this Court on November 1871, be restored to the docket. And it being suggested that the said James Magee has departed this life, and that his said wards have arrived to the age of twenty one years, and that the said Sally Virginia Kindred has intermarried with W. W. Williams, and that the said Elizabeth S. Kindred has intermarried with W. J. Deloatch, on motion it is ordered that this cause be revived and proceeded in in the names of Henry Kindred, W. W. Williams and Sally V. his wife, and W. J. Deloatch and Elizabeth S. his wife as plaintiffs, and it being also suggested that the defendant Benjamin S. Kindred has also departed this life and that David A. Kindred has qualified as his administrator, by the consent of the said David A. Kindred, it is ordered that this cause be abated as to the said B. S. Kindred and that it be revived as to him in the name of his said administrator, and with like consent, it is ordered that this cause be proceeded against the said D. A. Kindred in his own right. And this cause coming on to be again heard upon the papers formerly read, was argued by Counsel: on consideration whereof the Court doth adjudge, order and decree that John J. Kindred who was by a decree entered herein at the May term 1854, of this Court, directed as Special Commissioner to collect the bonds of the purchasers and to further execute the said decree according to the terms thereof, and to make report, and who has failed to make any report, do within sixty days after the entering of this decree, make report of his proceedings, as Special Commissioner under said decree to this Court and file the said report when made with the Clerk of this Court to be placed in papers of this cause.

4

And now at this day, to wit. At a Circuit Court held as aforesaid in the day and year herein first aforesaid, to wit: on the fifth day of May 1876,

This cause came on this day to be again heard on the papers formerly read and on the report of John J. Kindred, Commissioner made under decrees of May Term 1854, and November Term 1873; to which report there is no exception and was by Counsel. On Consideration whereof, the Court doth confirm the said report, and doth adjudge, order and decree that the said report be confirmed, and that the proceedings had in this cause be confirmed and made final and binding between the parties, and nothing further remaining to be done in this cause, it is ordered that the same be removed from the docket.

The following is a copy of the report of the Commissioner made under the decrees entered in this cause at May Term 1854 and November Term 1873, to wit:

To the Circuit Court of Southampton County.

The undersigned reports to the Court that in this case, by decree of May Term 1854. (Co: Ct.) he was as the Commissioner therein named, directed to collect certain bonds and to pay the proceeds to the parties therein named. That he had neglected to make said report, and by decree of this Court of the November Term 1873, he was directed to make said report. Your Commissioner reports that he executed said decree of May Term 1854, (Co: Ct.) and collected the bonds therein named, and paid over to the parties entitled all due them, as will be seen by receipts filed herewith and also by their receipt and discharge filed in the suit now pending in this Court wherein Williams wife and others are plaintiffs and the undersigned defendants — so that the whole matter has long since been settled.

Respectfully Submitted,

Nov: 1875.

Jno: J. Kindred

The following are copies of the receipts filed with the foregoing report, to wit:

Jno: D. Kindred Exr: of Henry Kindred, In account with C. C. Maggett and Emma his wife one of the distributees.

To balance due on Exr's last report,	14132.11	
Int: on $11250.25 part thereof from Augt 1856,	1860.13	
By atty's fee to J. J. Kindred		30.00
By legacies under the will of C. Barrett		1836.75
Int: on $1173.45 part of last named legacies from Augt 26th 1856 to May 17th 1859.		192.00
	15992.24	2058.75
Bal: due from Jno: D. Kindred to estate,	13923.49	
By widow's third of above balance		4641.16
By legacies under H. Kindred's will		6000.00
Int: on legacies from Janry 1st 1851 to May 17th 1859		2987.00
		13628.16
Balance now due from Jno. D. Kindred to estate,	295.33	
Mrs Maggett's one sixth of above balance of $295.33		49.22
Mrs Maggett's legacy under H. Kindred's will		400.00
		199.13
Mrs Maggett's legacy under C. Barrett's will		612.25
Int: on $391.15 part thereof from Augt 26th 1856		41.07
Rent of land year 1853 $576.17		
Int on same from June 1854 166.43		
Mrs Maggett's one sixth of (742.60) =		123.76
" " Share Portsmouth Scrips		228.67
Int: on said Scrips from Jan: 1855		59.93
Rents for 1850. $532.25		
Int from Jan: 1851 267.51		
	799.76	
Comms off	39.98	

Mrs Maggetts one sixth of (759.78) = 133.29

Hires for 1851 $644.35

Commis off 32.21

612.04

Int. from Jan. 1853 59.01

Mrs Maggetts one sixth of 883.05 = 147.17

Hires for 1852 $635.50

Commis off 31.77

603.73

Int. from Jan. 1853 230.85 over 1994.49

1994.49

Mrs Maggetts one sixth of $834.58 = 139.08

Hires for 1853 781.25

Commis off 39.06

742.19

Int. from Jan 1854 23954

Mrs Maggetts one sixth of 981.73 = 163.62

Sales of land.

Meherrin Plantation 4000.00

Int. from June 25th 1854 1174.67

$5174.67

Mill Plantation $700.00

Int. from June 25th 1854 205.57

$905.57

Taylor Place 1150.00

Int. from June 25th 1853 268.72

1418.72

5174.67
905.57
1418.72
7498.96

7498.96 X

Deduct Costs of suit $206.92

" Cryer's fee 3.50

" Printer's fee 9.00

219.42

7498.96
219.42
7279.54

Net balance from sales of land 7279.54

Mrs Maggets one sixth of said 7249.54 = 1213.25

Credits

Paid E.C. Magget Jan. 1st 1854.	1546.15
Int. from Jan. 1st 1854 to May 17th 1859	499.10
Paid E.C. Magget Jan. 15th 1855	509.26
Int. from Jan. 15th 1855	132.57
Paid E.C. Maget Jan. 15th 1856	400.00
Int. from that date	80.13
Excess in value of slaves allotted Mrs Magget	3.50
	$3172.65 $3510.44
Balance due from Jno. D. Kindred to Mrs Magget	337.79
	$3510.44 $3510.44

Balance due with Int from May 17th 1859. 337.79

In this account the hire of the slave Lewis is not included subsequent to year 1853, as he was not in the possession of Jno. D. Kindred but had been delivered to the guardian of the minor children who is responsible for Mrs Maggets Share of said hire upto the death of Mrs Nicholson when the interest of Henry Kindred in Lewis expired. I have examined C. Barrells will and have concluded that the children living at her death only are entitled and have stated the foregoing account accordingly

E. V. Mapenburg

Balance due Mrs Maget on two statements $237.39.

Received January 16th 1860, of Jno. D Kindred Exr. of Henry Kindred deceased, two hundred and Thirty seven dollars and thirty nine cents in full, and final settlement for all sums due me in right of my wife from the estate of the said Henry Kindred - also in full for my wifes portion of the hire of negros as set forth in the foregoing statement,

after the death of the said Henry Kindred - also in full for all sums that may be due to me in right of my said wife

all mistakes and omissions in law or in fact, are excepted.

E. F. Hagenberg.
atty for E. C. Maggett.

Amended Statement.

July 16th /49. This amount omitted in account current of H. Kindred's Exr's collected from Smith and

$ 421.49

Deduct Comm. C. & Pr. ct. 21.07

$ 400.42

Add Int. from July 16/49
to Jany 16/60 = 10 years $ 240.25

640.68. $640.68

Jany 31 Paid Kinchen Gray for keeping
for life old negro man Peggin $100-
Int. to Jany /60 = 9 yrs 54 $ 154.00
Due the estate of H.K. $ 486.68
Deduct for widow 1/3 162.23
$ 324.45
Divide by 6 — Due E. C. Maget - $54.09

Jany /58 Money sent by Jno. N. Stith $150.
Int. to Jany /60- 18 $168.00
Due H. Kindred's Exrs $ 112.91

Received Damsany 30th 1857 of Jno. D. Kindred one hundred and fifty dollars to be delivered by me to E. C. Majett - and the said E. C. Magett has authorized me to promise the said Kindred that he will refund the said sum or so much thereof as may be just and right, if found to be proper on a final settlement of his accounts as executor

of N. Kindred and as Commissioner to sell the lands of the deceased &c., &c,

John N. Stith

This Writing is to say that on the year 1860, Jno: J. Kindred Executor of Henry Kindred deceased, did have a final settlement with us, in full for all demands of every kind whatsoever due to us from the estate of the said deceased, including therein all that was due from said Jno: J. Kindred as Commissioner to sell the real estate of which said decedent died seized - and in full of every thing whatever of every kind due to us from said estate.

Witness This June 13th A.D., 1874.

Teste Eldridge C. Maget.

D.K. Kindred

The following are copies of the bonds executed by the Commissioners under the decree entered in this Cause on the 3rd day of May 1854, to wit:

Know all men by these presents, That we John J. Kindred Benj: S Kindred are held and firmly bound unto the Commonwealth of Virginia, in the sum of twelve thousand 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 20th day of June 1854.

The Condition of the above Obligation is such, That if the above bound John J. Kindred who was by a decree of the Circuit Court of Southampton County made on the 3rd day of May, 1854, in a suit in Chancery therein pending between Maget guardian of Kindreds against Kindreds &c., appointed to collect the money due for for the sale of certain lands in the proceedings mentioned and to pay over the same as directed by said decree, shall faithfully discharge the duties of said

Office or trust according to law, the then above obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the presence of } Jno. D. Kindred {seal} B. D. Kindred {seal}

L R Edwards C.C.

Know all men by these presents, That we James Maget, John D. Kindred & Benj. B. Kindred are held and firmly bound unto the Commonwealth of Virginia, in the sum of Twelve thousand 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 17th day of February 1855.

The Condition of the above obligation is such, That whereas by a decree of the Circuit Court of Southampton County pronounced on the 3rd day of May 1854 in a suit in Chancery therein pending between Maget gor of Kindreds against Kindred &c., the said James Maget as guardian of David N. Sally V. Elizabeth S. and Henry Kindred was directed to invest the money which might come into his hands as guardian aforesaid under the direction of the said decree, either in State Stock bearing an interest of six per cent or lending it out taking sufficient security real or personal for the same. Now, if the said James Maget shall faithfully discharge the duties enjoined on him by the said decree, the then above obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and acknowledged in the presence of, } James Maget {seal} Jno. D. Kindred {seal} Benj. B. Kindred {seal}

L R Edwards C.C.

The following are copies of the Depositions taken and filed in this Cause, to wit:

The deposition of D. C. L. Barham and Charles C. C. Saville, taken at Sofe's Store in the County of Southampton on the 29th day of April A.D. 1852 by mutual Consent of

parties and without notice, John D. Kindred the guardian ad litem being present, to be read as evidence in certain suit now depending in the Circuit Court of Southampton in which James Maget, guardian of David, Sally, Elizabeth and Henry Kindred, orphans of Henry Kindred, is plaintiff, and David, Sally, Elizabeth and Henry Kindred by their next friend and guardian ad litem John D. Kindred, are defendants.

C. D. Barham having first been sworn upon the Evangelists of Almighty God, says and deposes as follows: I have a general acquaintance with the lands belonging to the estate of N. Kindred deceased. I live in the neighborhood – I have no doubt but the said lands should be sold, believing that the interest on the money for which they would sell would exceed the annual rent. The lands, I think, will generally get worse or less valuable. There is now a particular demand for the farm known as the Meherrin place – and the will yields but a small annual rent, and is often in need of repairs. Upon the whole, I think the interests of the heirs of Henry Kindred would be promoted by a sale of said real estate.

C D Barham

Charles C. C. Baille having first been duly sworn upon the Evangelists of Almighty God, says and deposes as follows: I live in the immediate neighborhood of Kindred's mill and am well acquainted with the property. It rents for but a small sum, and the mill is very often in need of repairs. I know nothing about the other lands belonging to the estate of N. Kindred deceased. But as to the mill I am very positively of opinion that it would be decidedly to the interest of the heirs, that the mill and small piece of land attached thereto, should be sold. There can be no doubt of it.

Charles C. C. Baille

shaw said place now rents for. Shirdley, the Taylor and Everett place I know well, and think it would be to the interest of the orphants of said Henry Kindred to sell those places as they have but little fence around them, poorly enclosed, and the Everett place having no improvements sufficient to accomodate a family or to induced one to rent it for a fair price. The Taylor place is very poor and can rent for little or nothing, while I suppose it would sell tolerably well, as it is common for small places to sell well, particularly in the neighborhood in which it lyes. The Taylor place also has but little improvement, I think a single log house which would not accomidate a renter.

Further this deponent saith not.

H. P. Pope

Magistrate's fee for attendance in taking the above deposition one hour 75 cents

William Bowers J. P.

Virginia — Southampton County:

I, William Bowers, a Justice of the Peace, in and for the County and State aforesaid, do hereby certify that the foregoing deposition of Harrison P. Pope was taken, sworn to and subscribed before me, at the time, place and purpose in the caption.

Given under my hand this 30th September 1853.

William Bowers J. P.

The depositions of taken at the Cross Keys in the County of Southampton Tuesday the second day of November A. D. 1852. by the mutual consent of parties and without notice, to be read as evidence on behalf of the plaintiff in a suit now pending in the Circuit Court of the said County in which James Mage (guardian for David K. Sarah E. Elizabeth S. and Henry Kindred) is plaintiff, and Jno. J. Kindred & others are defendants — taken in presence of

Jno. J. Kindred guardian ad litem to the said minors.

Henry Cook having been duly sworn upon the Evangelists of Almighty God, deposes as follows: I know the most of the lands belonging to the estate of Henry Kindred deceased. I live in the neighborhood. The farm called the McDermid place is a very good farm, and would sell I suppose for three thousand dollars at least. The annual rent is $150. or about it. It is a very favorable time to sell it, as several persons now wish to buy it. It would be decidedly to the interest of H. Kindred's heirs that this farm should be sold. If it is rented out for a number years it will depreciate in value yearly. The farm called the Everitt place yielded heretofore about $50. or but lately the dwelling house has been burnt down and now the rent would be much reduced. The land is very poor, and would not sell for more than $2 or $3 per acre. The place called the Taylor place is quite small and very poor. The rent must necessarily be little though I dont know how much it rents for.

The mill I know nothing about, and further this deponent saith not.

Henry Cook

I hereby certify that the foregoing deposition of Henry Cook was taken at the time, place and manner mentioned in the caption.

Given under my hand this 2nd day of November A.D. 1852.

Edward Beaton J. P.

A Transcript of the Record

Teste.

E. R. Edwards c c

This Writting is to say, that Jno. D. Kindred, our late guardian, has settled in full with us, his late wards this day, and we hereby release and acquit him from all liability and responsibility whatever, in Connection with our late father's estate, either as his Executor, Commissioner to sell his real estate, or in any other capacity whatever. This receipt being intended as an acquaintance to him from all demands whatsoever of every kind, as well as guardian. And we do further release and acquit the said Jno. D. Kindred and Benjamin B. Kindred from all liability to us as securities to James Majette as our former guardian, in his life-time, in Consideration of money and stocks this day paid and transferred to us as well as heretofore.

Witness our hands this tenth day of March A.D. 1871.

Witness:

David N. Kindred

E.C. Barnett

S. T. Kindred

S. S. Kindred

N. B. Kindred

The above is a true copy of the receipt filed in the office of the Circuit Court of Southampton County in a Chancery suit therein lately depending between Williams wife and Others plaintiffs against Kindred &c. defendants.

Teste

L. R. Edwards C.C.

Kindred

vs 3/3 Note & Counsel for heirs of Jas Majette.

Kindred & others

This is a suit in chancery, brought by David A. Kindred, to recover of the Estate of James Majette the sum of $975- with interest from 1853- which is one sixth of the net sales of real estate belonging to Estate Henry Kindred. made by J. J. Kindred as Special Comr. I say that this is the real Objet of the suit, because all the other parties are insolvent, and a decree against them would prove utterly unavailing. Upon the facts as they appear from the bill, the exhibits and the answers of Geo W. Vick, Admr. Jas Majette dec'd, and J. J. Kindred. there ought not in law or Equity, in our judgment to be any recovery against James Majette's Estate for the sum claimed by the plaintiff: and why? Because James Majette never received this money, and was guilty of no negligence in not receiving it.; there never was a time when he could have brought any suit to recover it.. What are the facts? In 1852, James Majette as Gdn of the plaintiff and other orphans of Henry Kindred brought a suit, by J. J. Kindred, atty. who was the brother of these orphans, to sell some

Real Estate belonging to their Fathers Estate -; a decree was obtained for the sale. and Jno. J. Kindred was appointed the Comr. to sell the same. He qualified, and gave bond with security in the penalty of $1200.00, to sell & collect the money. The security to said bond was amply able at the time and was able at the close of the War to have paid the whole sum. He was the brother of J. J. Kindred and a man of large means. J. J. Kindred the Comr. was directed to collect the purchase money for the land and when collected to pay 1/6 of same (which is $975.) to James Majette as Son for D. H. Kindred. and Majette was ordered to give bond to secure its receipt & to invest it when paid him. Majette did give the bond. with J. J. Kindred and B. B. Kindred as his sureties and placed himself in a condition legally to receive the said money, whenever the said Comr. J. J. Kindred should collect it & announce his readiness to pay. This was all he ought to have done under the circumstances attending this transaction. J. J. Kindred. did not report in the lifetime of James Majette

that he had collected this money, and
Majette had no means of receiving
it until Kindred reported that he
had collected it. J. J. Kindred having
given bond with ample security as
Comr., Jas Majette had a right to expect
that the money was not collected, and he
knew, if that if collected, it was amply
secured by the Commissioners bond and
its surety. How was Majette to enforce
payment to him, until there was
a report from the Comr., either reporting
collection or that he was unable to
collect. Bear in mind that whilst
the suit for the sale of the land was
brought in the name of Jas Majette as
Com, yet it was managed throughout
by Jno. J. Kindred as Counsel and as
Commissioner. He was the active party;
was the own brother of this plaintiff
and gave as his surety another brother.
It wont do for this plaintiff to come into
Court now, after sleeping upon his
rights for nearly 15 Years and say he
knew nothing of his rights until very
recently. The record is against him.
Certainly as early as 1871 ~~before~~, he
knew of these transactions, for he
was a witness to a settlement made

by Jno J. Kindred with his two sisters and his brother H.B. Kindred - in which settlement all these matters were attended to and adjusted between the said Jno. J. Kindred so as to exonerate the said Jno. J. Kindred and B. B. Kindred as his surety from any further liability - (See Copy next from S.V. Kindred, B.S. Kindred & H.B. Kindred on last page of transcript of Record - Kindred & Son vs Kindred filed with the papers in this suit) - At that time B. B. Kindred the surety of Jno J Kindred was worth property sufficient to have met this demand. But this plff, after having this positive notice of all his rights, rests quietly for seven years, until B. B. Kindred dies and his estate has become utterly insolvent - before he institutes any proceedings - During all these years and indeed since 1862, James Majette has been dead, and his Estate has been settled as far as possible - (See answer of G. W. Rich filed in this suit) - But further - soon after the death of James Majette in 1862 - Jno J. Kindred who had this $975 - in his hands as Comr, qualified as the Guardian of this plaintiff, giving his brother B. B. Kindred as his surety - Suppose he

had have previously reported the collection of this land money & had have paid it all over to Majette, would he not have received it all back again, after his qualification as Exr of this deft: undoubtedly he would: and because then, he did not report, so that Majette could make him pay over, and because Majette did not assert a most Extraordinary claim, and because now, Majette's estate has a little remnant of land left and Jno J. Kindred and B. B. Kindred are both insolvent, Majettes Estate must make good a loss, it had not had in creating; must pay money, it never received & never had the means of legally enforcing payment of—. By no means. It is against Equity and good conscience. Let the blow fall where it ought. If any body owes this plaintiff, it is Jno J. Kindred. Let him & his sureties bear this burden. James Majettes Estate has paid every cent it ever received. Let his children rest. We confidently ask the Court to dismiss this suit so far as the Estate of James Majette is concerned and have prepared decree to that effect.

J. B. Prentiss atty for
Jas Majette heirs

Kindred
vs
Kindred &c.

Note of L. B. Price
atty for
Jas Majette
Heirs

The answer of Geo. W. Vick, late Sheriff & as such Admr. of James Majett dec'd to a bill of complaint, Exhibited in the Circuit Court of Southampton, against himself & others by David H Kindred. This respondent for answer to said Bill says. That he has long since settled the Estate of James Majett and paid all the monies he received to the legatees theirs. I also paid to Jno. J. Kindred as Guardian for the plff in this suit the balance reported as due him by Com'r. all of which will appear from proper vouchers filed in a chancery suit styled Davis &c vs Majett's Adm'r &c., which was brought for a settlement of James Majett's Estate. And having fully answered he prays hence to be dismissed.

May 5. 1879. G. W. Vick

Southampton County Court.

I, J. J. Pruden, a Notary Public for the County aforesaid in the State of Virginia do certify that Geo W. Vick has sworn to the correctness of the facts as set forth in the above answer to the best of his knowledge & belief. Given under my hand May 5. 1879.

J. J. Pruden N.P.

Kindness

vs 3 Decree.

Kindness vols

To be entered

Geo. Bloss.

Kindred

cr 3 Decm

Kindred et als

On motion of
David C. Kindred
leave is granted
him by the court to file his bill to
review to the case in chancery of
Kindred's guardian vs Kindreds and that
the proper process may be awarded against
the defendants therein named to
answer his bill

Kindred
vs Z Dickle
Kindred Dorthea

In vacation
Norfolk, Feb'y 6th, 1882

To be Entered.

Geo: Blow.

To The Clerk of
Circuit Court for
County of Southampton

Kindred
vs Decree in Vacation.
Kindred & others

This day this Cause came on to be heard on the bill of the Complainant, the answer of G. W. Vick, late Sheff & Admr with will annexed of Jas Majette dec'd, the answer of Jno J. Kindred, Exhibits filed & the argument of Counsel. On consideration whereof, and the Court being of opinion that the claims of the plaintiff against the Estate of James Majette dec'd are not good & valid, doth adjudge order and decree that the plaintiff take nothing by this suit from the said Estate, and that as to the said Estate, this suit be dismissed.

The Court doth further decree that Jno J. Kindred render before one of the Commissioners of this Court an account of his transactions as Guardian of David H. Kindred, which said, the Comr will audit & report to Court, together with any other matters specially stated deemed pertinent by himself or which may be required to be so stated by any interested party.

Kindred
vs Decree
Kindred & others

May Term 1819

To be Entered.

Geo. Blow.

Kindred

vs } Decree.

Kindred Sothers

By Leave of the Court, the answer of G. W. Vick, one of the defendants in this cause, is filed at this term - and this cause is continued until the next term, on motion of the pleff.

Additional note
of
J. W. Prince,
Att'y for
Mozelles heirs -
in
Kindred
vs
Kindred &c

Additional note of J. B. Rucker, atty for Jas Majette heirs.

The case of Corprew & Boyle cited by Counsel for Kindred - in 24 Grat. 284 - does not operate against our view of this case. That case only decides that the Court has authority to take a second bond and that it was valid & binding on the Sureties in it - and 2nd that the Sureties in both bonds are equally liable for money the Fiduciary failed to pay over.

In this case, it is shown by the answer of Gen'l Breckinridge, Adm'r Jas Majette, that every cent Majette has ever received has long ago been paid over. Nor as to Conceive, does the case of Lacy & Hamptons adm'r, 27 Grat. 42 - strengthen Kindreds case. The principle upon which Majettes Estate must be held responsible, if responsible it is, is that this debt of $975 was lost because Majette did not collect it of J. J Kindred: and in our first note, we think we show conclusively that such could never have been the fact.

May 20. "81

J. B. Rucker

Atty for Majettes heirs -

Kimbrough

Kimbrough
et al

Ranph Vincent
Aug Term 1879
Taken as confessed

Geo Blow

Necessary to this
decree

J B Prince p.d

R H Rawls p.q.

Kindred

v

Kindred -

This cause this day came on to be again heard on the papers formerly read & by consent of parties it is ordered that so much of the last order herein as ~~disables~~ a continuance of this cause be set aside & by consent of all parties hereby given in open court & entered of record it is ordered that this cause may be submitted to the Judge of this Court in vacation for decision or decree -

Kindred
vs. 3 decree.
Kindred others

Nov. term 1889.

To be entered—

C. M. Stee

We consent to this decree—

entered 3848

L. B. Prince pd
Wm. F. Shands & Son for
pltf's

Kindred } Decree.
vs.
Kindred & others

This day this cause came on to be further heard upon the papers formerly read & was argued by counsel. On consideration whereof, and it appearing to the Court that nothing further can be done in this cause, it is hereby ordered that the same be removed from the docket—

Kindred

for } Stat. Rules

Kindred &c

In Southampton Circuit Court

David H Kindred Plaintiff

against

John I Kindred, George W Vick administrator of James Maget dec'd Penelope Maget, William Maget. James Maget. Walter Maget, Roswell Maget, Sallie A Pope Robert H Hart and Cornelia his wife ~~and~~ Mersey Parker and Agnes his wife Chastine Maget and Louisa his wife, W W Williams and Sallie his wife, W I Deloach and Bettie his wife and Henry B Kindred Defendants

1878 May 10th Leave to Plaintiff to file bill of review - Bill filed

" July 1st Summons awarded to answer bill

" Aug. 8 Sum's returned Executed on Dft's John I Kindred, George W Vick adm James Maget dec'd, Penelope, James, Walker & Roswell Maget, Hart & wife, Pope, & Maget & wife H B Kindred - the other Dft's not residents

Decree Nisi v Dft's on whom Process executed -

New Process v Dft's Williams & wife

" " 14th Affidavit of non residence filed

" " 22d Order of Publication v Dft's Wm Maget. Mersey Parker & wife, James Maget, W I Deloach & wife

" Sep. 8 Summons v Dft's Williams & wife ret'd Executed - D. Nisi v them - Bill taken for confessed v the other Dft's on whom Process Executed -

" Oct. " Bill taken for confessed as to Dft's Williams & wife and Cause Set for hearing as to Dft's on whom Process Executed -

" " 25th Proof Pub. filed

1882 May [illegible] Dft's as to Majetts [illegible] of decree for Gdm acct.

Kindred

v } Or. Pub.

Kindred Ffa8

Copy posted at front door Courthouse
Sept 6th day 1878 L. R. Edwards cc

3

Virginia:

In the Clerks Office of the Circuit Court of Southampton County on the 22d day of August 1878. Pl.

David A Kindred Plaintiff

against

John A Kindred, George W Vick administrator of James Maget dec'd Penelope Maget & others Defendants.

In Chancery.

The object of this suit is to review the proceedings had in a Chancery suit lately depending in the Circuit Court of Southampton County of Maget guardian of Kindreds against Kindred &c.

Affidavit being made that the defendants William Maget James Maget Hersey Parker & Agnes his wife W. I Deloach and Bettie his wife are not residents of the State of Virginia It is ordered that they appear within one month after due publication of this order and do what is necessary to protect their interest

A Copy

Rawls & Shands p.q.

Teste L R. Edwards Cc

Kindred

= Zaff

Kindred &c

Southampton County to wit

This day David H Kindred

personally appeared before me W. M. Beaton a

Not. Public of the County aforesaid and made oath

that William Majett ~~Virginia~~ James Majett, Hersey Parker & Agnes his wife

W. J. Deloach & Bettie his wife

Defendants in a certain Suit in Chancery upon a bill of review depending

in our Circuit Court of Chancery for the County of Southampton in

which David H Kindred is Plaintiff & John I Kindred & Geo. W.

Vick. admr. of James Majett dec'd & others are Defendant - are not

residents of the State of Virginia

Given under my hand this 14th day of August 1878.

Wm M Beaton Notary Public

Kindred

v. Proff Pub

Kindred & Proctor

1873

Received

3.75 - Oct 25

1878 October 25th

Franklin, Va., Oct 22nd 1878.

H. W. B. Shands Esq.,

To Monitor Job Office Dr.

JOB WORK EXECUTED NEATLY, PROMPTLY, AND CHEAPLY.

1878					
Aug	30.	For Advertising Notice		$3,	75 — 4 weeks

VIRGINIA—IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SOUTHAMPTON COUNTY, ON THE 22D DAY OF AUGUST, 1878.

IN CHANCERY. Plaintiff.

David H. Kindred,
Against
John J. Kindred, George W. Vick, administrator of James Maget, dec'd, Penelope Maget and others, Defendants.

The object of this suit to review the proceedings had in chancery suit lately depending in the Circuit Court of Southampton County, of Maget, guardian of Kindreds, against Kindreds, &c.

Affidavit being made that the defendants, William Maget, James Maget, Hersey Parker and Agnes, his wife, W. J. Delnach and Bettie, his wife, are not residents of the State of Virginia, it is ordered that they appear within one month after due publication of this order and do what is necessary to protect their interest.

A copy—Teste: L. R. EDWARDS, C. C.

RAWLS & SHANDS, P. Q. au30-4w.

The Commonwealth of Virginia:

To the Sheriff of Southampton County:---*Greeting.*

We command you to summon John I Kindred George W Vick administrator of James Majett dec'd Pinkie Majett, William Majett, James Majett, Walter Majette, Rosewell Majett, Robert H Hart Cornelia his wife Sallie A Pope *if they be found within your bailiwick 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 certain bill of review in Chancery exhibited against them and others in our said Court by* David H Kindred

and have then and there this writ. **Witness, LITTLETON R. EDWARDS,** *Clerk of our said Court at the Court House, this* 1st *day of* July *1878 in the* 102 *year of the Commonwealth.*

L R Edwards c c

Executed by delivering to each of the defendants named in the Summons a true copy thereof this 15th day of August 1878

C. W. Bragg Sheriff

Kindred

} Summons to answer
} Bill of review

Kindred &c

1878 August Rules

18
22
216
7
225

The Commonwealth of Virginia:

To the Sheriff of Southampton County:---*Greeting.*

We command you to summon John I Kindred George W Vick administrator of James Majette dec'd Penelope Majette, William Majette James Majette, Walter Majette Roswell Majette & Sallie P Pope *if they be found within your bailiwick 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 of review exhibited against them and theirs in our said Court by* David H Kindred

and have then and there this writ. **Witness, LITTLETON R. EDWARDS,** *Clerk of our said Court at the Court House, this* 1st *day of* July *1878 in the* 102 *year of the Commonwealth.*

L R Edwards c c

52

Kindred

vs

Rule &c

Kindred &c

1st day May Circuit Court
1882.

Executed by delivering
Henry Kindred a
Copy of this Summons
on the 21st day of
February 1882.

W W Driggers Shff

The Commonwealth of Virginia,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON David J. Kindred

to appear before the Judge of our Circuit Court of Southampton County, at the Courthouse, on the first day of May Term next, to Show cause, if any he can why the Suit in Chancery depending in our said Court in favor of the said David Kindred against John J. Kindred, Geo. W. Vick administrator of James Mayette & others should not be removed from the Docket of said Court

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 10 day of February, 1882, in the 106th year of the Commonwealth.

L R Edwards cc

54

Kindred

v

Kindred

R St. Rawls Recpt.

Rec'd of Clerk Chaves papers in the
case of Kinder vs Kinder.
May 6th 1879.

R. H. Rawlins
Atty for Plff.

Kindred

vs } Sums to answer
} Bill of Review

Kindred &c

1878 August Rules

Executed by delivering a copy to
Chesterus Magatt & Louisa his wife, N. J.
Delvach & Bettie his wife & N. B. Kendrick
July 6th 1878 - Newt Harris
for N. W. Briggs Sh'ff -
N. W. Williams & N. B. Parker are not residents of
my County.

The Commonwealth of Virginia:

To the Sheriff of Southampton County:---*Greeting.*

We command you to summon Robert H Hart & Cornelia his wife, Hersey Parker & Agnes his wife, Christine Magee & Louisa his wife W. W. Williams & Sallie his wife W. I. Delaach & Bettie his wife & Henry B Kendrick if they be found within your bailiwick 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 certain bill of review in Chancery exhibited against them & others in our said Court by David H Kendrick

and have then and there this writ. **Witness, LITTLETON R. EDWARDS,** *Clerk of our said Court at the Court House, this* 1st. *day of* July *1878 in the* 102 *year of the Commonwealth.*

L R Edwards Clk

Norfolk Va
July 1878
We acknowledge
the within Summons
Sam'l W. Williams
Sallie V. Williams

Kindred

To } Susan Clay

Kindred &c

1878 Sept. Rules

The Commonwealth of Virginia:

To the ~~Sheriff of Southampton County~~ Sergeant of the City of Portsmouth: --- Greeting.

We command you to summon W W Williams & Sallie his wife

if they be found within your bailiwick 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 September next to answer ~~an~~ a ~~amended~~ bill of review in Chancery exhibited against them and others in our said Court by David H Kindred

and have then and there this writ. **Witness, LITTLETON R. EDWARDS,** Clerk of our said Court at the Court House, this 5 day of August 1878 in the 103 year of the Commonwealth.

L R Edwards cc

The Commonwealth of Virginia:

To the Sheriff of Southampton County:---*Greeting.*

We command you to summon Hersey Parker & Agnes his wife Chastine Maget & Louisa his wife W W Williams & Sallie his wife W J Dillard & Bettie his wife & Henry B Kindred if they *be found within your bailiwick 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 certain bill of review in Chancery exhibited against them & others in our said Court by* David H Kindred

and have then and there this writ. **Witness, LITTLETON R. EDWARDS,** *Clerk of our said Court at the Court House, this* 1st *day of* July *1878 in the* 102 *year of the Commonwealth.*

L R Edwards c c