

1893-03

Southampton County Chancery - Atkinson, Fanny et al vs Bowers, John et al

Sale of real estate

Bowers, Robert
Hudson, Julia
Saunders, Joseph
" , Evelina

Britt, Willis
" , Caroline
" , Joseph
" , Thomas
" , Jesse

Pulley, George
" , Caroline
Mumford, Willis
" , Sally
" , Matthew
" , Emily

Turner, Peyton R.
" , Mary

Darden, Julius C.
" , Lucy

Pittman, Nat
" , Fanny

{ Turner, H. H.
" , Sallie

Council - Catherine & Elizabeth
Garris, R. L.
Turner - Henry H.

{ Turner, Jos. D.
Minors
Griffin, John C.

~~858-86~~
Alkison tocher
vs $\frac{2}{3}$ Bill
Bowers

1880 September Rules

J. B. Prince

To the Hon^{ble} Geo. Blow. Judge of the Circuit
Court of Southampton. In Chancery.

Humbly complaining sheweth unto
Your Honor Your Complainants Fanny
Atherton, formerly Bowers. Robert Bowers,
Julia Hudson formerly Bowers. Jas E.
Saunders and Evalina his wife, Miller
Britt, Caroline Britt, Josiah Britt.
Thomas Britt, Jesse E. Britt, Geo Pulley
& Caroline, his wife, Miller Munford
and Sally his wife Matthew Munford
and Emily, his wife, Peyton R. Turner
Mary Turner, Julius C. Darden and
Lucy his wife, Nat: Pittman & Fanny
his wife, H. H. Turner, Sallie Turner
and Jos D. Turner, last three Minors,
by Mrs: C. Griffin their next friend
that Bartholomew Bowers was in
his lifetime seized and possessed of
certain Real Estate lying in the County
of Southampton, containing about
900 acres and being or seized
thereof, during the present year
departed this life intestate, leaving
Your Complainants and John
Bowers his heirs at law.

And Your Complainants further state
that the said Real Estate is not sus-
ceptible of partition among the

* Notice is also given that the Court will
be asked to allow a reasonable allowance
to J. B. Prince - out of the proceeds of sale.

parties entitled thereto; and if this be
so, then your Complainants desire
the same to be sold and the proceeds
distributed among the parties in pro-
portion to their respective interests.
In consideration of all which*
and inasmuch as your Complain-
ants are without remedy in the
premises except in a Court of Equity
where matters of this kind are
properly cognizable, Your Com-
plainants pray that John Borer
may be made party defendant
to this bill & compelled to answer
its allegations - that the said
real estate may be divided
between the parties entitled
if practicable - and in case
the said real estate be undivisi-
ble in kind that the same be
exposed to sale and the proceeds
thereof distributed among the
parties according to their interests.
and that Your Honor will
grant such other further
General & special Relief as the
nature of this Case may require
or to Equity may seem meet.
As in duty bound your Com-
plainants will ever pray &c
May it please the Court &c.

J. B. Prince
for

20 the Hon Geo Blow. Judge of the Circuit
Court of Southampton. In Chancery.
Humbly Complaining sheweth unto
your Honor. your complainants.
Harry Atkinson, Robt Bowers, Julia
Hudson, Jas Saunders, Evalina her
wife Willis Britt, Caroline Britt,
Josiah Britt, Thos Britt, Geo Pulley
and Caroline his wife, Mills Mun-
ford & Sally his wife, Maehed Munford
Emily his wife, Jesse E Britt,
Peyton R. Turner, Mary Turner, John
C. Dorden, Nat Pittman & Fannie
his wife, H. H. Turner, Sallie Turner,
& Jas D. Turner, last three minors by
Jno C. Griffin their next friends &
John Bowers - that during the
year 1861. Carr Bowers died after
having made & published his last
will and testament, which was
admitted to probat at the July term
1861 of the County Court of Southamp-
ton - as will more fully appear from
copy of the order of probat filed
herewith marked (a) as a part of
this bill. That under item 1st
of said will the said Carr Bowers
devised to Bartholomew Bowers
in fee simple the tract of land

upon which the said Carr Bowers then lived and a large quantity of personal property as will more fully appear from a certified copy of the will of said Carr Bowers, filed herewith as Exhibit B. a part of this bill. That in the concluding part of said item 1st, the testator Carr Bowers, employs the following language. To-wit: "And I do hereby request, as an evidence of love and attachment to me, that the said Bartley Bowers will permit Catherine Council and Elizabeth Council to live and remain with him free from all charge for board, in the same manner as they have lived with me, so long as they may choose to live with him, and for my sake to act towards them as a kind indulgent friend & protector."

That immediately upon the death of said Carr Bowers, the said Bartley Bowers took possession of the real & personal estate devised him under said item 1st, and remained in possession of the same or of such part thereof as was not lost by the

war, until the Year 1880, during which
Year he departed this life intestate
leaving your Complainants his heirs
at Law and distributees. That during
all this period, from the death of
Carr Bowers to the death of Bartley
Bowers, the said Catherine & Elizabeth
Council were allowed by the said
Bartley Bowers to remain with
him in such manner and upon
such terms as he was requested
to do by the will of the said Carr
Bowers. That the said Bartley Bowers
having died, the time limited for
the stay of the said Catherine & Eliz-
abeth Council has expired and they
are not in the opinion of your Com-
plainants entitled longer to remain
upon the farm left by Carr Bowers to
Bartley Bowers & now descended to
your Complainants, according to
the true intent & meaning of
the will of said Carr Bowers.
That the said Catherine & Elizabeth
Council refuse to vacate the
said premises, contending as
your Complainants are informed
that they have the right to remain
upon said farm so long as they

please or live free from any charge
or in other words that the said Carr
Borner intended by his will to
make their support for their lives
a charge upon the estate devised
the said Beutey Borner - a construction
which your complainants most emphatically
deny is the true one - And your complain-
ants are therefore without adequate
remedy except in a Court of Chancery.
Is the end therefore that justice may
be done, your complainants pray
that the said Catherine Elizabeth
Council may be made parties
defendants to this bill & compelled to
answer its allegations - That your
Honor will construe the said clause
of Carr Borner's will and determine
what are the rights of your complainants
and the said Catherine Elizabeth Council
by virtue thereof - And if your Honor
should be of opinion that the said
Catherine Elizabeth Council are
not entitled longer to remain upon
said farm, according to the
true meaning of the will of said
Carr Borner, that your Honor will
enter an order directing the said
Catherine Elizabeth Council to
vacate the said premises or directing
the Sheriff to eject them and that

Your Honor will find such
other further, general & special
relief in the premises as the nature
of this case may require or the equity
may seem meet. And as in duty
bound Your complacencies will
ever prefer & May it please the
Court &c. —

J. B. Thomas Esq.

I John Bowers of the County of Southampton
State of Virginia, do hereby constitute this instru-
ment of writing to be my Last Will & Testament
hereby revoking all others at any time made
by me viz.

Item, &c. I give and devise all of my real estate, ^{and}
all of my stock, cattle, Horses, Mules, Crops of
all kinds & description, that may be growing
at my death, and all of my Household &
Kitchen furniture, farming utensils of all
sorts and provisions laid in, including bacon,
corn, fodder, wheat & other agricultural products,
on my said real estate, just as they may, or
exist at my death, to Bartley Bowers, sometime
called Bat Bowers, Son of my uncle
• Willis Bowers dec. to him & his heirs forever. That
is to say, just as I leave my said Farm, House
& Real Estate, with all the above named property
thereon & used by me, I give & devise the said
Real Estate, & all the personal Estate aforesaid
to him the said Bartly (or Bat) Bowers & his
heirs forever, the following negroes And I
also give to the said Bartley Bowers & his heirs
forever, the following negroes viz. Clements,
Sam, Henry, Tom, Nelson, Ormond, Ned, Eddy &
Sydney - And I also give to the said Bartley
Bowers fifty shares of the Farmers Bank
(Virginia) Stock. And I leave my negro boy
George to the care & keeping of the said
Bartley Bowers, until 1st January 1868. At
which time I set free & emancipate
the said Bay-George, and then I direct

the said Bartley Bowers to pay George, the sum of Two Hundred & fifty Dollars: and this legacy to George, I charge the above estate devised & bequeathed to Bartley Bowers with the payment of. And I do hereby request as an evidence of love & attachment to me, that the said Bartley Bowers will permit Catharine Council & Elizabeth Council to live & remain with him, free from all charge for Board, in the same manner as they have lived with me, so long as they may choose to live with him, and for my sake, to act towards them as a kind, indulgent friend & protector.

Item 2nd I give and bequeath to Ludlow Lawrence (my nephew) & his heirs forever: One hundred shares of Virginia, six per cent. state stock: also fifty shares of Exchange Bank Stock: and also fifty shares of Norfolk City Stock, also two negro men, viz. Allison & Amos, to him the said Ludlow Lawrence forever.

Item 3rd I give and bequeath to John Bowers Walthall (the child of Doctor John B. Walthall) One hundred shares of Virginia, six per cent State Stock & also my negro boy named Everett (the child of the deceased woman named Hannah) but the annual interest, on dividends, arising, or accruing on the above Legacy I give and bequeath to Doctor John B. Walthall, until his son the said John Bowers Walthall attains to the

age of ten years, but thereafter the accruing interest or dividends are to go with the Principal, to the said John Bowers Walthall, to him & his heirs forever.

Item 4th I give and bequeath to Doctor John B. Walthall, One hundred Shares of Virginia six per cent. State stock.

Item 5th I give & bequeath to John Bowers the Bond or debt owing to me by his father Willis Bowers decd: together with the deed of trust securing the same, and also five Shares of Norfolk city Stock. And I give to William Bowers, Barnaby Bowers, Susan Bowers, Fanny Atkinson, formerly Bowers, each five Shares of Norfolk city Stock, and I give unto the children of Lydia Turner decd. formerly Bowers, five Shares of Norfolk city Stock, to be equally divided between them.

Item 6th I give and bequeath unto Dr Francis N. Baykin & his heirs forever, My negro man Merit & his wife Hannah, and the children which the said Hannah may, after date of this Will have.

Item 7 I give and bequeath unto Fannie Baykin, Octavia Baykin & Sarah F. Baykin, daughter of Dr Francis N. Baykin ten Shares of Norfolk city Stock, to them & their heirs forever.

Item 8 I give and bequeath to Joseph Johnson, Allen Edwards & Jordan Edwards & other Deacons of the "Black Lovers Baptist Church" as Trustees &

their successors whom the said Church may from time to time appoint, Ten Shares of Norfolk City Stock, to be by them held & invested; and interest or dividends accruing thereon, in perpetuity, to be paid by the said Trustees to the Pastor of the said Church, for the time being. And I also give to the Persons above named, as Trustees, & their successors, the further amount of Ten Shares of Norfolk City Stock, the interest or dividends therefrom arising I direct to be applied towards repairing the "Jerusalem Baptist Church" and to pay the Pastor thereof who may officiate there from time to time, but if the said "Baptist Church" at Jerusalem should go down entirely, then & in that event the last mentioned ten Shares of Norfolk City Stock, are to be held for the benefit of the said Black Creek Church, in the same manner as the first named ten shares are directed to be held, subject to the same provisions, or objects.

Item 9th I give to the School Commissioners of District number 4, as Trustees and to their successors, ten shares of Norfolk City Stock, for the benefit of the Black Water Free School, near my house; the principal to be kept invested, and the interest, or dividend in perpetuity, to be applied towards the support of the Teacher of the said School, or for the

payment of his Salary, distinct from, but in addition to the bounty quota.

Item 10th I give and bequeath unto Oscar Stephenson the Bond of Three Thousand Dollars I hold against him, and also Fifty shares of Farmers Bank of Virginia Stock, to him & his heirs forever.

Item 11th I give and bequeath to Catharine C. Council Twenty shares of Exchange Bank Stock. And I give and bequeath to Elizabeth L. Council Thirty shares of Exchange Bank Stock, to them forever. I also direct the Legacies herein given to Catharine C. & Elizabeth L. Council to bear or carry interest from the day of my death, and that the same be paid over to them, without any refunding Bonds being required by my Executors, hereafter appointed.

Item 12th I give and bequeath unto Dr Robert Murray & his heirs forever ten shares of Norfolk city Stock.

Item 13th I give & bequeath unto Putnam Owens (Pastor of the Baptist Church & Elder therein) five shares of Norfolk city Stock, to him & his heirs forever.

Item 14th I give & bequeath unto James Holmes (or Holmes) ten shares of Norfolk city Stock. and I give to James Holmes Jr. son of the said James Holmes Sr. ten shares of Norfolk city Stock, to him & his heirs forever.

(over)

Item 15th I give & bequeath unto S. Junius Wilson the Bond of Four hundred Dollars I hold against him, and also ten shares of Norfolk city Stock, to him & his heirs forever.

Item 16th I give & bequeath unto John Whiggins son of Enoch Whiggins, Ten Shares of Norfolk city Stock, to him & his heirs forever.

Item 17th I give & bequeath to Bartley Beale (or Beal) son of Bartley Beal decd. whose mother is a niece of the late Alexander Hygien decd. Ten shares of Norfolk city Stock, to him, the said Bartley Beal forever.

Item 18th I give to Margaret Jones daughter of the late Henry Jones decd. (a Preacher) the sum of one hundred & fifty dollars: and I give to Mary Jones, the widow, that lives near me, the sum of one hundred & fifty dollars.

Item 19 The residue of my estate, not herein before disposed of & after the payment of all debts & charges against the same, I give and bequeath unto Bartley (or Bat) Bowers and his heirs forever.

And Lastly, I do hereby constitute & appoint the said Bartley Bowers and Ludlow Lawrence the Executors of this my Will & Testament and I request that the County Court of Southampton, will permit them to qualify without demanding any security.

In testimony whereof I have hereto affixed my signature & seal this the 5th day of May in the year of our Lord, one thousand

eight hundred and sixty (1860)

Signed, sealed & acknowledged
in our joint presence & attested by
us, in each others presence & in

Carr Bowers Seal

the Testators Presence

Robt. N. Whitfield

Wm. Babb

Nathan ^{his} Turner Jr.
mnx

Codicil 1st: Whereas since the execution of
my above Will, bearing date the 5th of May
1860. John Bowers Waethall, the son of Dr. Jno. B.
Waethall, referred to in the third item of said
Will, having departed this life, I do hereby make
this codicil to the said Will as follows. The one
hundred shares of, six per cent Virginia Stock &c. ^{and}
the negro boy named Everett, in said 3rd item
bequeathed to the said John Bowers Waethall,
I do hereby give & bequeath unto Dr. John B.
Waethall & his heirs forever, and my said
Will in all other respects, I do hereby ratify
& confirm. Witness my hand & seal this the
22nd January 1861

Signed, sealed & acknowledged

Carr Bowers Seal

in our joint presence &

attested by us in each others

presence & in the

presence of Testator

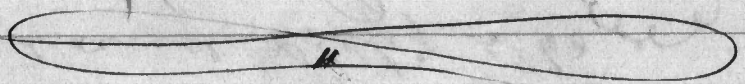
Robt. N. Whitfield

Nathan ^{his} Turner Jr.
mnx

(over)

At a court held for the County of Southampton
July 15th: 1861. This last Will and Testament
of Carr Bowers dec. was this day proved by
the oath of Rob. Whitfield, a subscribing
witness thereto, and the codicil thereto was
proved by the oath of Rob. Whitfield also
a subscribing witness to the same, and
the said Will and Testament having been
proved at the May Term 1861, of this Court by the
oaths of William Babh & Nathan Turner Jr.
also subscribing witnesses thereto, and the
codicil thereto, having been proved also at the
May Term 1861, of this Court, by the oath of
Nathan Turner Junior also a subscribing
witness to the same. The said Will and codicil
were ordered to be recorded as the True last
Will ^{and} Testament and codicil of the said
Carr Bowers dec. And on the motion of
Bartholomew Bowers ^{and} Luallow Lawrence
the executors therein named, who made
oath and entered into and acknowledged a
bond in the penalty of Two hundred and
fifty thousand Dollars, conditioned
according to law. (But without Security the
Will directing that none should be required
of them) Certificate is granted them for
obtaining a Probate of the said Will in due
form.

Teste: L. R. Edwards C. C.
Alamy
Teste: D. A. Blythe D. C.



~~9-1-76~~
Atkinson

&

Bowers &

&

Atkinson

&

Cornell

Know all men by these presents that we Catharine Council
and Elizabeth Council

are held and firmly bound unto the Commonwealth of Virginia in the
just and full sum of five hundred dollars, to the payment whereof
well and truly to be made we bind ourselves our heirs, executors and
administrators jointly and severally firmly by these presents and we
the obligors herein hereby waive the benefit of our homestead ^{exemption} as
to this obligation - Sealed with our seals and dated this day of
1888

The condition of the above obligation is such that whereas in
two causes in Chancery depending in the Circuit Court of Southampton
County one in the name of Atkinson & W. Bowers and the other in
the name of Atkinson & W. Council the above named Cath-
arine Council & Elizabeth Council the Defendants in the second above
named cause on the 23rd day of May 1881, on their motion, ~~on that~~ -
they desiring to present a petition for an appeal from the decree
pronounced in the said cause on the day of May 1881, it was
ordered that so much of the said decree as directs the said Defendants
to quit the farm in the bill and proceedings mentioned and give
possession thereof to the heirs of Bartley Bowers deceased, and so
much of said decree as authorizes Jno. C. Griffin the Commissioner
of Sale to collect and receive the deferred instalments of the purchase
money of the land sold by him and not yet due, be suspended for
the period of ninety days from date of said order - 23rd May 1881 -
(leaving said decree unaffected and in full force in all other partic-
ulars) when the said Catharine and Elizabeth Council or
some on for them, shall before the Clerk of said Court give bond
with sufficient security in the penalty of \$500 - payable to the Com-
monwealth of Virginia with condition reciting said decree and providing
for the payment of all such damages as any person may sustain by reason
of such suspension in case a Supersedeas shall not be allowed and

be effectual within the ninety days aforesaid Now therefore if the
above Catharine Council & Elizabeth Council shall obtain
a Supersedeas from the decree aforesaid of the day of May
1881 and make the same effectual within the ninety days aforesaid
or shall pay and satisfy all such damages any persons may sustain
by reason of the suspension of the decree aforesaid then the above
obligation to be void or else to remain in full force and virtue

Seal
Seal
Seal
Seal

Garrig
vs

Turner's Adm^d

Exhibit "A"

Southampton County Court, July Term 1883

It appearing to the Court that Henry H. Turner, who was not a resident of this State but who has Estate due him in this County, has died intestate, more than three months ago, and no person having applied for administration of his goods and chattels, on the motion of Mr. R. S. Garrig, it is ordered that W. W. Briggs, Sheriff of this County, take the Estate of the said deceased into his hands and administer the same according to law.

Attest
J. B. Poind C. C.

Garrig
v's } Copy of
Com^{rs} Report

Furness's Adm^r

Exhibit "C"

The Estate of Bartholomen Bowers dec^d
In account with John Bowers his Administrator.

1882		/Dr	/Cr
Jan'y 1 st	By amt of Account sales		2255.64
"	" To Commissions on same @ 5 per cent	112.78	
"	" By Cash found in the house		970.65
"	" To Commissions on same @ 5 per cent	48.53	
"	" By proceeds of sale of Norfolk City bonds		950.00
"	" To Commissions on same @ 5 per cent	47.50	
"	" By sale of 8 N. Carolina 4% bonds,		
"	" \$100.00 = 800- @ 77 1/2		620.00
"	" To Commissions on same @ 5 per cent	31.00	
"	" By amt from compromise of Holmes' bond,		
"	" rec ^d from J.B. Prince		225.00
"	" To Commissions on same @ 5 per cent	11.25	
"	" By sale of Corn, Cotton, Pra Hides, Bacon		
"	" & Lambs		183.40
"	" To Commissions on same @ 5 per cent	9.17	
"	" paid Charles Smith, burial Expenses	73.00	
"	" " Frank Holland, as	4.00	
"	" " Dr Lankford, Mt. as of Bowers	184.00	
"	" " J.F. Bryant " "	30.50	
"	" " H. Dr. Bordenave, Auctioneer	45.00	
"	" " Do Appraiser	1.00	
"	" " J. Bowers, C ^l for hire 1880	85.00	
"	" " Bailey Bryant, as	90	
"	" " L.A. Gay, services as Clerk	40.00	
"	" " M. Lankford, Appraiser	1.00	
	Carried over	724.63	5204.69

		Dr.	Cr.
1882-	<u>Amounts brot over</u>	724 63	5204 69
Jan 1	To Paid J. W. Lawrence, asc	1 50	
"	" Wado Mumford "	1 25	
"	" Hannah Powers " Cooking in 80	27 00	
"	" K. R. Griffin "	2 00	
"	" A. T. Stephenson "	15 00	
"	" D. J. Watkins "	1 80	
"	" Vaughan & Gay "	13 10	
"	" John Bryant "	2 00	
"	" J. B. Joyner "	2 00	
"	" Georganna Powers "	3 73	
"	" Hannah Powers "	2 00	
"	" James R. Britto for services	85 00	
"	" Thos G. Elam, for selling bond	10 00	
"	" Taxes for 1881	31 40	
"	" J. B. Prince, atty Fees	25 00	
"	" R. O. Parker asc	14 00	
"	" Harriet Powers "	18 67	
"	" John C. Griffin, for Expenses incurred in business for the Estate	7 00	
"	" Charles Parker asc	82 56	
"	" Expenses to Norfolk	6 00	
"	" Tax on Norfolk City bonds	4 00	
"	" A. T. Stephenson, appraiser	1 00	
"	" Oysters at Sale & Appraisement	2 00	
"	" Bailey Bryant, Appraiser	1 00	
"	" J. C. Griffin, for 3 days Extra services	30 00	
"	" Commission's Fee, for this asc & Copy	10 00	
"	" Clerk's Fee, retains, for recording this account &c.	2 00	
"	Balanced due Estate	4066 00	
		5204 69	5204 69

Respectfully submitted, by

Ja^s H. Tyler.

Apt: Com^{rs} of accts.

In Southampton County Court: Clerk's Office,
Feb. 1st 1883. This account of John Bowers' Administration on the Estate of Bartholomew Bowers dec'd. was returned and filed for exceptions, and at a Court held for the said County, on the 19th day of March 1883, the said account having ~~been~~ in one month and upwards in the Clerk's Office, and no exceptions being filed thereto, it was examined, confirmed and ordered to be recorded.

Testo. L.R. Edwards C.C.

A Copy

Testo J.D. Prince C.C.

Gavis Bill
or } ex hinc
Tinnis adun 1906

To the Honorable Judge Blaw judge of The circuit
court of Southampton County in chancery sitting

Humbly complaining your Orator
R. S. Jarvis who sees for himself and all other
creditors of Henry B. Turner and who will
come in and bear their share of the costs of this
suit sheweth unto your Honor that
sometime since Henry B. Turner departed
this life and his estate has been committed
to the hands of W. W. Briggs, Sheriff of Southampton
for administration as will more fully
appear by a copy of the certificate of Administration
herewith filed marked exhibit A and prayed to be
taken as a part of this bill Your Orator states
further to your Honor that she holds a bond
against the said Henry B. Turner's estate as
assignee of W. B. Jarvis for \$145 due 20th of
November 1867 which bond is herewith filed
marked exhibit B and prayed to be taken as
a part of this bill which is still due
Your Orator sheweth further that the only
estate or property owned by Henry B. Turner
estate is an interest in a certificate of
Deposit held by John C. Griffin Comptroller
in the Marine Bank of Norfolk Virginia
of \$308.65 etc and an interest one twenty
fifth in the sum \$4066.05 etc say \$160

it being the balance reported due from
John Bowers as administrator of Bartholomew
Bowers died All of which will more fully
appear from the chancery cause of Atkinson
vs Bowers admors and a copy of
John Bowers administration of ~~Bartholomew~~
Bowers estate herewith filed marked ~~B~~
and prayed to be taken as a part of this bill

Your Orator asks that John C.
Griffin and John Bowers may be ordered
to pay over three said sums to W. W. Briggs
who will pay them out in due course of
law to the creditors of Henry B. Turner
and others entitled

In Tender consideration wherein 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 she therefore prays that W. W. Briggs
sheriff and administrator of Henry B. Turner
died John C. Griffin and John Bowers
administrator of Bartholomew Bowers die
may be made parties defendant to this bill
and that the court would compel them as
full and perfect answer make to the
allegations therein contained as if they had
been thereto more fully interrogated
and that the court would direct John C.

Griffin Commissioner as sponsor in the case
of Atkinson vs Bowers administrator to pay
over to W. W. Briggs the said \$308.65 and
John Bowers as administrator of B.

Bowers to pay over to the said W. W. Briggs
the said sum of \$160 and that the said
W. W. Briggs receive the same and pay from
estate her died or if other creditors should
come in her pro rata share of the
same And that the court would grant
such other and general relief the premises
considered as equity may dictate and the
nature of the case may require and as
in duty bound your Orator will ever
prayer in

Shanaa a Lon p. 9.

Garris, who does for V.
vs } Sp.

Larner's Admin. &c.

1883. August. Rules

Executed by deliver-
ing W. W. Briggs,
Mr. C. Griffin and
Mr. Brown each a
copy of this sum-
mary on the 2nd day
of August 1883.

A. F. Cobb Dep.
for W. W. Briggs Shiff.

")

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON

*H. W. Briggs, Sheriff and
as such Administrator of Henry H. Turner decd, John
C. Griffin and John Bowers.*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first
Monday in *August* next, to answer a bill in Chancery exhibited against *them* in our

said Court by *R. S. Harris, who sues for himself and all other
Creditors of Henry H. Turner who will come in and
bear their share of the Costs of this suit.*

And this *they* shall in no wise omit; and have then there this writ.

J. B. Paine
Witness, ~~James B. Paine~~, Clerk of our said Court this *23* day of *July*

188 *3*., in the *108th* year of the Commonwealth.

Teste. J. B. Paine c. b.

~~127-128-129~~
~~84-85-86~~ 84-85-86

Atkinson & others

} State Rules

Bowers

In Southampton Circuit Court

Fanny Atkinson formerly Bowers, Robert Bowers, Julia Hudson,
formerly Bowers, Joseph E. Saunders & Evadina his wife, Willis Britt,
Caroline Britt, Josiah Britt, Thomas Britt, Jesse E. Britt, Geo.
Pulley & Caroline his wife, Willis Mumford & Sally his wife
Matthew Mumford & Emily his wife Peyton R. Turner, Mary
Turner, Julius Le Darden & Lucy his wife et al. Pittman & Fanny
his wife, H. H. Turner, Sallie Turner, & Jos. D. Turner, last three
minors by Jno. L. Griffin their next friend } Plaintiffs
against
John Bowers } Defendant

1880 Aug 24th Subpoena issued

" Sept R - Subpo. returned Executed. Bill filed. Decree nisi in
Defendant.

" Oct " Bill taken for confessed

" Nov " Cause set for hearing &c

" " I Decree for sale &c

1881 May 5th Commr. Griffin's Report

1882 May 5th Decree &c

" Nov " Report & Cont.

~~132~~ (120) ~~120~~
Atkinson v 85-86
} Stat. Rules

Comed

In Southampton Circuit Court

Fanny Atkinson, Robert Bowers, Julia Hudson, Jos. E. Saunders, &
Evelina his wife, Willis Britt, Caroline Britt, Josiah Britt, Thos
Britt, Geo. Pally & Caroline his wife, Willis Mumford & Pally his
wife, Josie E Britt, Matthew Mumford & Emily his wife, Peyton
R Turner, Mary Turner, Julius C Darden, Nat Pittman & Fannie
his wife, W. H. Turner, Sallie Turner & Jas D Turner last three
minors by Jno. L. Boffin their next friend & John Bowers Plaintiffs
against

Catharine Council & Elizabeth Council

Defendants

1880 Sept 22 Summons issued

" Oct R Sum Executed. Bill filed. D. Nisi & Defts

" Nov " Bill taken for confessed & cause set for hearing

1882 May Decree &c

" Nov 5 Report &c. & Cont?

Atkinson nals

as

Barnes

Atkinson nals

as

Council

and

Gavis

as

Sumner's nals

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Nov Term 1883

To the intent

Yes. Blow.

We consent to this
decree

Wm B. Shaw

Wm. Parker

✓

Atkinson v al	}	
or 3	}	
Brown	}	
	}	
Atkinson v al	}	
or 3	}	Deere
Cornell	}	
and	}	
Garris	}	
or 3	}	
Turner admors al	}	

This day three causes came on to be heard the cases of Atkinson v al or Brown and Atkinson v al or Cornell on the paper formerly made and the plaintiffs bill taken for confessed as to all the defendants Mr W Briggs administrator of Henry H Turner died John C Griffin and John Brown administrator of Bartholomew Brown died in the case Garris or Turner admors al and exhibit therewith filed and was argued by counsel on consideration whereof the court doth adjudge order and decree that special examination of the C Griffin withdrawn from the papers in this cause the attempt of object to the return of the Maria Turner the 10th day and out

of it after collecting the same from
Mr. H. Briggs administrator of Henry B
~~Turner~~ the sum of \$308.45 as capital
interest from the 1st of October 1882 and
the deposit the residue of the
said certificate with the said
Harrison Bonds of Norfolk and return
the certificate along with H. H. Briggs
receipt with his said account and
the court do hereby adjudge order
and ~~say~~ that one of the commissioners
of this court take the following accounts
1st W. H. Briggs administration account
of Henry B. Turner's estate and an
account of all the debts outstanding
against the estate of Henry B. Turner
shew with their priorities who will
report the said accounts together
with any matters specially stated
demanded pertinent by himself or
which may be required to be so stated
by any of the parties interested

Atkinson & others

vs $\frac{3}{3}$
Bowers.

Report of
Commr. Jno. C. Griffin
with vouchers

May 5. 1881.
Filed. J.C.G.

Received May 16. 1881 of the Clerk of the Circuit
Court of Southampton - the certificate of
Deposit on Bank of Boston for forty three hundred
and seventy six & 4/100 dollars - dated Apl 27.
1881 - and the two bonds of Jno. P. P. P. for
four thousand eight hundred and thirty three
dollars each.

J. C. Griffin, Commr.
in the suit of Atkinson et al vs
Bowers &c -

Atkinson et als }
vs
Bowers & H. }

To the Hon. George Blow, Judge of the
Circuit Court of Southampton County:

In pursuance of a decree of your Honor's Court pro-
nounced at the November term thereof 1880, in the
suit of "Atkinson et als vs Bowers" the undersigned
as special Commissioner begs leave to make the fol-
lowing report, to wit:

That after due advertisement
(a copy of which is filed herewith) in the Norfolk
"Virginian" for three weeks, in the Franklin
"Gazette" for one month and in more than seven
places in this, and in divers places of adjoining
counties, I proceeded at 12 M. on the 8th day of
December 1880, after the terms and conditions pre-
scribed in the decree had been fully promulga-
ted, to sell to the highest bidder the farm known
as "Bedardale" belonging to the estate of B. Bowers,
decd. John Pretlow, Jr. of this County becoming
the purchaser in the sum of (\$14500) Fourteen
Thousands and Five Hundred Dollars; one-third
of which was received in Cash, and bonds of
equal amounts for one and two years respectively
taken for the remaining two-thirds with Mr.
Sankford and J. D. Pretlow as sureties. The
purchaser, as per direction of the decree, was placed
in possession on the 1st of January 1881.

Misses Elizabeth and Catherine Council,
who are parties to the suit "brought by the
Heirs at law of B. Bowers, decd to determine
what are the rights of said Elizabeth and
Catherine Council under the will of Barr

Bowers" are still residing at the homestead of the late B. Bowers and are being supported by the undersigned Special Commissioner.

Below you will please find
A statement of the cash received from the sale made Decr 8th 1880 of the Real Estate belonging to the Estate of B. Bowers dec'd and of the amounts paid out of same—

Amount received, being $\frac{1}{3}$ of 14500⁰⁰ the amount for which the land sold

\$4833.34

Amounts paid out by Special Commr as follows:

For Auctioneers Bill

60.00

To Messrs. M. Langford, A. D. Stephenson
and W. W. Briggs, Commrs $\frac{1}{3}$ each

15.00

To paid Norfolk Virginian &

Franklin Gazette for advertising

64.10

To paid L. A. Gay for services as
Clerk at sale

10.00

To the Special Commr for his Com-
missions on the sale

299.00

To Expenses to and from Norfolk
to deposit money in bank

7.70

To amount paid for supplies, meal re- for
the Misses Leuncill

90

Balance in the hands of the Special
Commr and on deposit to his credit
with Bain & Bros Portsmouth, Va.
as shown by Certificate herewith.

4376.64

\$4833.34

4833.34.

All of which is respectfully
submitted—

J. C. Griffin, Special Commissioner.

Know all Men by These Presents, That we, John C Griffin
J S B Stells Sr A P Stephenson, A L Holmes R M Macquhart
and W W Briggs

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of *Fifteen*
Thousand dollars to the payment whereof well and truly to be made we bind ourselves,
our heirs, executors and administrators jointly and severally, firmly by these presents. And we the obligors
herein, hereby waive the benefit of our homestead exemption as to this obligation. Sealed with our seals and
dated this *6th* day of *November* A. D., 188*8*

The condition of the above obligation is such, that ~~if the above bound~~ whereas the above bound
Jno C Griffin is appointed a commissioner by a decree of the Circuit
Court of Southampton County, entered on the *6th* day of November A.D.
1888 in a certain suit in chancery therein pending in which Atkerson
and others are Plaintiffs and Jno Bowers defendants, for certain
purposes in the said decree mentioned, now if the said Jno C Griffin
under the above and all other decrees which may be rendered in this
suit

shall faithfully discharge the duties of his said office or trust according to law, then the above obligation
to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court.

Jno C Griffin

SEAL

S B Stells

SEAL

A P Stephenson

SEAL

A L Holmes

SEAL

R M Macquhart

SEAL

W W Briggs

SEAL

Southampton County Circuit Court Clerk's Office November
6th 1880 This Bond was acknowledged by the obligors thereto and
S B Kells A T Stephenson A L Kelmus R W Vaguant W W
Briggs the securities thereto who justified an oath as to their
sufficiency according to law, and the said bond is recorded
Note

L R Edwards to b

A copy

Note L R Edwards to b

Attest
Dorcas
to
L R Edwards

Zuni, Va. Oct 22^d 1887.

My Dear Sir,

Yours of the 21st to hand.

I beg to state that the two youngest
Turner children are entitled to all
of the amt of the certificate of deposit
excepting 19 dollars & some cents which
is the balance due the oldest boy, now
of age. They are also entitled to about
\$90 from Mrs. Chittinson's estate and also
to \$115 or \$120 from B. Bowen's personal
estate in all to about \$500 - or near that
amt. I write from memory but
am sure the above statement is very
nearly correct.

Will you do me the favor to get Mr.
W. H. Parker to alter how the Judge
alter the erroneous decree granted at
the May term so that he can get his fee
of \$10⁰⁰ out of the \$19⁰⁰ above mentioned.
I hope he will not fail to attend to it.
Any further information ^{as to the Turner fund.} I can give

you will be done with pleasure.

I have been confined to my bed & the house for more than week with a sharp malarial attack - the result, I suppose, of late frequent exposure at night. Am any thing but well yet.

Yrs Truly
Jno. C. Griffin

Jos. B. Prentice, Esq.

Jerusalem, Pa.

P.S. Permit me to congratulate ^{you on} your recent promotion if I may so put it.

I wish these good places would pass around oftener & some drop this way.
Eg.

Admission
47

Bruce -

Petition of L.B.
Pruce - Son
of H.H. Turner's
orphans

Admission or Powers &c.

In this cause your petitioner J.B. Preece respectfully sheweth unto your Honor or foreman. That at the October Term 1887 of the County Court of Southampton he guaranteed or the guardian of James L & L.G. Turner, orphans of H. H. Turner decd. and gave bond in the penalty of one thousand dollars - a copy of which is herewith filed. That there is a certificate of deposit filed in these papers, for \$1245.²³ out of which the sum of \$661.⁸⁶ was drawn by check entered in this cause 12 Sept 1884 and the balance of said certificate belongs to your petitioner's words. as will more fully appear from a letter from J.B. Griffin dated Oct 22. 1887 - and filed herewith. Your petitioner therefore asks your Honor that he be allowed to withdraw the said certificate & collect the balance due on it for the benefit of his words. and as in and about hereto &c.

J.B. Preece Son
of James L. & L.G. Turner -
orphans of H. H. Turner decd.

Know all men by these Presents, That we

J. B. Prince

and M. W. Turner.

are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of

One thousand

Dollars, to the payment whereof, well and truly to be

made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. And we, the obligors herein, hereby waive the benefit of our homestead exemption as to this obligation, and also waive any claim, right or privilege to discharge any liability arising under said bond in any currency, funds, counter-claims or offsets other than legal tender currency of the United States.

Sealed with our seals and dated this *18th* day of *October*

A. D. 18*87*

THE CONDITION of the above obligation is such that if the above bound

J. B. Prince

*who is this day chosen as guardian of James
J. Turner, and Delian G. Turner, orphans of
Henry J. Turner decd.*

shall faithfully discharge the duties of *his* office or trust according to law, then the above obligation to be void, or else to remain in full force and virtue.

Signed, sealed and delivered }
in presence of the Court.

J. B. Prince
M. W. Turner.



Attest
Teste B. A. McEmore clk.

Atkinson

7 { Prince's Receipt.

Bowers

Rec^d. Nov: 11. 1887. of B. F. M Lemoire
Clerk of the Circuit Court of Southampton
County. a Certificate of deposit on the
Marine Bank of Norfolk Va. dated
Oct 31. 1882 for Twelve hundred and
Forty five & $\frac{23}{100}$ dollars. deposited in
said Bank by Jas. P. Griffin, Special
Commissioner. This receipt is
given in pursuance of a decree
of the Circuit Court of Southampton
County. rendered at the Nov Term
1887 in the Chancery Cause of
Atkinson & Bowers, and Atkinson
& Council - v. &c.

I. B. Prince

An Account ascertaining the present value in money of the courtesy interest of James E. Saunders in the fund of Evaline Saunders, dec'd, his wife, now under the control of the Court, in the Chancery Causes depending in the Circuit Court for Southampton County, styled Atkinson's Adm'r vs Powers's Adm'r &c. Atkinson vs Council & Garrison vs Garrison's Adm'r

1884

June 5 By amt due Evaline Saunders' estate, deposited by Bro: L. Griffin, Com'r, under decree of Court, in Marine Bank, Norfolk Va. 936 58

To amt due Jas E. Saunders, age 42 years, present value in money of courtesy interest of that sum, 661 86

By amt due Evaline Saunders' estate now in the hands of Bro: L. Griffin as Com'r of the Court, 234 14

To amt due Jas E. Saunders, age 42 years, present value in money of courtesy interest of that sum, 165 37

Total amt due Evaline Saunders' estate, this day, \$1170 72

Total amt of Jas E. Saunders' courtesy interest, this day, \$827 23

By amt, bal. due Evaline Saunders' estate under control of the Court, \$342 49

Commissioner's Office,
 Jerusalem Va.,
 June 5th 1884.

The undersigned, in pursuance of a decree entered in the Causes of Atkinson vs Powers's Adm'r, Atkinson vs Council and Garrison vs Garrison's Adm'r, by the

Circuit Court for Southampton County, at the May Term 1884 thereof, a copy of which is hereto attached, having given due notice to Robert R. Prentiss, Atty for Jas E. Saunders, as will appear by the return thereof hereto attached, proceeded on the 5th day of June 1884, to execute the said decree. and the proceedings having been thereforward regularly adjourned from time to time, and being at length completed, the undersigned Commissioner reports as follows:

He has ascertained, from the papers in these causes, that Mr. C. Griffin has collected, as Commissioner, the sum of \$1170.⁷² belonging to the estate of Evaline Saunders, dec'd. out of which sum, he has deposited in the Marine Bank of Norfolk Va., in pursuance of a decree entered at the May Term of the Court 1882, the sum of \$936.⁵⁰ in his name as Commissioner, leaving now in his hands and not deposited, as shown by a report signed by him as Commissioner and filed in the papers of these causes at the May Term of the Court 1882, the sum of \$234.¹⁴. That he has ascertained, calculating on the basis of six per centum interest, of an annuity of one dollar, payable at the end of every year, the present value in money of the Courtsey interest of Jas E. Saunders, the surviving husband of Evaline Saunders, dec'd, he being at the age of 42 years, in the sum of \$936.⁵⁸ to be \$661.⁸⁶, and in the sum of \$234.¹⁴ to be \$165.³⁷, making in the aggregate the sum of \$827.²³, which deducted from the sum of \$1170.⁷² the aggregate amount of the estate of Evaline Saunders, dec'd, will leave a balance of \$342.⁴⁹ under the control of the Court.

Commissioner's fee \$10.⁰⁰
Charged to Jas E. Saunders.

Respectfully Submitted,
Wm. H. Parker,
Commissioner in Chancery.

only be given to Robert R. Trentis Atty.
for James E. Sanders.
By consent it is ordered that these causes
may be submitted to the judge of this Court
for a Decree to be entered herein in vacation.

A Copy.

Test J. B. Prince Clk

Atkins on et al.
vs. Sanders
Causess. Atty. &

May Term
1881

A Copy

Southampton County Court May Term
1884

Atkinson & others,

vs
Bowers Admors

Atkinson & others,

vs
Council,

Garris

vs
Turners Admors.

These causes came on this day to be further heard on the papers formerly read and was argued by counsel on consideration whereof it being suggested that James C. Sanders the surviving husband of Evaline Sanders decd. is willing to commute his right of courtesy in the funds under the control of the Court in these causes therefore the Court doth adjudge order and decree that one of the Comrs of this Court do ascertain and report to the Court the present value in money of James C. Sanders interest in the funds now under the control of the Court in these causes, notice of the time and place of making the said enquiry need

Commissioner's Office,

Jerusalem, Va., 21 May 1884.

To Robert A. Diners, Julia Hudson, Robert
M. Pientis, Atty for James E. Saunders, Willis
Britt sothers,

Catharine Council sothers

You are hereby notified that I have fixed upon the 3rd day of June
next, if fair, if not, the next fair day thereafter (Sunday excepted) to take and
settle, at my office, the following accounts, to wit:

An Account ascertaining the present value in money
of the Courtsey interest of James E. Saunders in the
fund of Evaline Saunders, dec'd, his wife, now under the
control of the Court, in the Chancery causes depending in
the Circuit Court for Southampton County, styled
Atkinson sothers vs Diners's Adm'r, Atkinson sothers,
vs Council, and Garvis vs Turrens's Adm'r.

required to be taken by a decree of Southampton Circuit Court, rendered at the
May term, 1884, in a suit in Chancery, depending in said Court, in
which you are parties, plaintiffs and defendants; at which time and place you
are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the
day and year first aforesaid.

WM. H. PARKER, Commissioner.

To the Sheriff of Southampton County to execute.

Atkinson's rocks 50

To
Governor A. D. M. re.
Atkinson's rocks

To
Council
Garret

To
Tanner's A. D. M.

Report of
Commr. Parker

1884. July 3rd Filed

L.B.P. cc

I hereby acknowledge legal and sufficient service
of the within notice
Dated 12th August
Atty for James C. Saunders

Commissioner's Office,

Jerusalem, Va., May 21st 1884.

To Robert Bowers, Julia Hudson, Robert R. Prentiss, Atty. for James E. Saunders, Willis Britton
others,

Catharine Council others

You are hereby notified that I have fixed upon the 5th day of June next, if fair, if not, the next fair day thereafter (Sunday excepted) to take and settle, at my office, the following accounts, to wit:

An Account ascertaining the present value in money of the Convey interest of James E. Saunders in the land of Evaline Saunders, dec'd, his wife, now under the control of the Court, in the Chancery Causes depending in the Circuit Court for Southampton County, styled Atkinson others vs Dancer's Adm'r, Atkinson others vs Council and Garvis vs Dancer's Adm'r.

required to be taken by a decree of Southampton Circuit Court, rendered at the May term, 1884, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

WM. H. PARKER, Commissioner.

To the Sheriff of Southampton County to execute.

Garrig
Comr's
Notice

Turner's Admin
1884. 27th day Oct

I acknowledge
rec'd of the within
notice. Oct 23rd/84.

Wm B Thomas
att'y for R. L. Jarvis

1884. Oct 27th filed

To R. L. Garrison

You are hereby notified, that on the 27th
day of October 1884. at the Office of
P. H. McLeone in Jerusalem 2nd
between the hours of 10th A.M. & 5 P.M. of that
day, I shall proceed to take the Depositions
of Dr. L. Lankford & others, to be read as
evidence in my behalf, in a certain
Chancery suit depending in the District
Court of Southampton County, wherein
I am Defendant and you are Plaintiff &
if from any cause the taking of the said
Depositions be not commenced, or if com-
menced be not concluded on that day -
the taking thereof will be adjourned from
day to day, at the same place and between
the same hours, until the same shall be
completed.

Wm. W. Griggs, Attorney
of H. H. Farmer,
By Wm. H. Parker,
Atty.

The Deposition of Dr. L. Lankford
taken before Mr. B. F. McLean or
a Commissioner in Chancery for the
Circuit Court of Southampton County,
pursuant to Notice hereto annexed,
at Jerusalem, on the 27th day of
October 1884. between the hours of
10^o A.M. and 5^o P.M. of that day, to be read
as evidence in a certain in my behalf
in a certain Chancery suit depending in
the Circuit Court of Southampton County -
wherein W. H. Briggs, Admin^r of H. H. Turner
de^d is Defendant and W. L. Garip is
Plaintiff.

Present. W. H. Parker, Atty for Def^t -

The Witness, L. Lankford, being duly
sworn, deposes as follows:-

Q: What is your age, where do you reside
and do you know the parties to this suit?

A: My age is thirty years - reside at
"Bowers" in this County and know the
parties to this suit.

Q: State whether or not you were the atten-
ding Physician of Bartholomew Bowers
at the time of his death?

A: I was.

Q: State, as accurately as you can

at what time the said Bartholomew Bowers
departed this life?

A. In June 1882.

And further this deponent says not.

L. Lankford M.D.

Virginia

Southampton County: To wit:

I, B. F. McLeim a Commissioner
in Chancery for the District Court of
Southampton County, in the said State,
do hereby certify that the foregoing
depositions of L. Lankford, were
duly taken, sworn to and subscribed
before me, at the time and place
said for the purpose therein specified.
Given under my hand this 27th day
of October, in the year 1884.

B. F. McLeim
Comm^r in Chancery

Comm^r's fee \$3.00
Witness fee .90 -
due to Plaintiff.

Munro's
for
Clark

Memorandum for clerk

Copy order committing O. H. Lunnist
to W. W. Briggs exhibit exhibit A
Copy Mrs J Bowers' administration
account of Bate & Bowers is C

Zuni 4th May 2nd 1883

My Dear Sir:

Enclosed herewith please find Certificate of appointment and qualification of James D. Boone (Clerk of Superior Court of Northampton Co.) as receiver for the orphan children of Dr. Henry Twinner, dec'd - by his last wife. You know what is the proper disposition to make of this paper.

I rec'd today in the same envelope with the Certif. a letter from Mr. Boone requesting me to employ Counsel to have the judgment on the Garrison bond, held by Genl. Shoups, postponed till the next term of our Circuit Court. He thinks it ought to be done in justice to the children he represents. In obedience to his request therefore, I take the liberty of asking you to take such steps as you may deem best to protect the children's interests. Very truly
D. B. Prince, Esq. Jas. B. Griffin

Southampton Circuit Court: November Term 1883.
Atkinson & als

Plaintiffs

against
Borers

Defendants

Atkinson & als

Plaintiffs

against

Commoilb

Defendants

and

P. S. Garris, who sues for himself
and all other creditors of Henry
H. Turner, who with come in and
bear their share of the cost of this suit. Plaintiffs

Against

W. H. Briggs, Sheriff & Administrator of
Henry H. Turner, dec'd. John C. Griffin
and John Bowers. - - - - - Defendants.

In Chancery.

This day these causes came on to be
heard. the cases of Atkinson et al. vs
Borers. and Atkinson et al. vs Com-
moilb, on the papers formerly read, and
the plaintiffs be taken for Confessed,
as to all the Defendants. W. H. Briggs
Administrator of Henry H. Turner dec'd.
John C. Griffin and John Bowers, Ad-
ministrator of Barthelemy Bowers dec'd.
in the case Garris vs Turners Admins &
als, and exhibits therewith filed, and

was argued by Council. on consideration
whereof the Court doth adjudge, order and
decree, that one of the Commissioners of
this Court take the following accounts
1st. H. M. Briggs' Administration account of
Henry H. Turner's Estate - 2^d. an account
of all the debts outstanding against the
Estate of Henry H. Turner dec'd, with their
priorities - who will report the said ac-
counts, together with any matters specially
stated deemed pertinent by himself, or which
may be requested to be so stated by any of
the parties interested.

Attest

Testo: J. B. Prince C. C.

Atkinson & al

vs

Turners

Atkinson & al

vs

Council

Garris

Copy of

vs

Record

Turners Admin

Nov: Term 1883

See 50.

Atkinson & als
vs }
Bowers
Atkinson & als } commissions
vs }
Bancroft } notice
Garnis
vs }
Turner Admr

I acknowledge
service of this notice
W W Driggs
Jan 29th 1884.

↑
COMMISSIONER'S OFFICE,

Jerusalem, Va., Jan'y 16th 1884

Attinson & als - Plaintiffs
against
TO Bowers - defendants
Attinson & als - Plaintiffs
against
bancill - defendants (and)
R. S. Davis who sues for himself and all other creditors of
Henry H. Turner who will come in and bear their
share of the cost of this suit - Plaintiffs
Against -
W. W. Briggs sheriff & administrator of Henry H. Turner
decd.; John B. Griffin and John Bowers defendants

You are hereby notified that I have fixed upon the 19th day of
February next, if fair, if not, the next fair day thereafter (Sun-
day excepted) to take and settle, at my office, the following accounts, to wit:

1st W. W. Briggs administration account of Henry H.
Turner Estate.

2nd an account of all the debts outstanding
against the estate of Henry H. Turner. with their
priorities &c

required to be taken by a decree of Southampton Circuit Court, rendered at
the November term, 1883, in a suit in Chancery, depending in said
Court, in which you are parties, plaintiffs and defendants; at which time and
place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the
day and year first aforesaid.

JAMES R. TYLER, Commissioner.

To the Sheriff of Southampton County to execute.

Atkinson & als	}	Commissions Notice
vs		
Bawen		
Atkinson & als		
vs		
Council		
Ganis	}	
vs		
Turner Admr		

a copy for
John. L. Griffin

I acknowledge service
of the within notice.

John L. Griffin

†
COMMISSIONER'S OFFICE,

Jerusalem, Va. Jan 16 1884

Attinson & als Plaintiffs; Attinson & als Plaintiffs
against defendants; against defendants
TO Bowers

and
R.D. Gavis who sues for herself and all other creditors
of Henry H. Turner who will come in and bear
their share of the cost of this suit. Plaintiffs

Against.
W.W. Briggs Sheriff & administrator of Henry H. Turner
decd John L. Griffin and John Bowers
Defendants

You are hereby notified that I have fixed upon the 19th day of
February next, if fair, if not, the next fair day thereafter (Sun-
day excepted) to take and settle, at my office, the following accounts, to wit:

1st W.W. Briggs' administration account of Henry H.
Turner's estate

2nd an account of all the debts outstanding
against the estate of Henry H. Turner
with their priorities &c

required to be taken by a decree of Southampton Circuit Court, rendered at
the November term, 1883, in a suit in Chancery, depending in said
Court, in which you are parties, plaintiffs and defendants; at which time and
place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the
day and year first aforesaid.

JAMES R. TYLER, Commissioner.

To the Sheriff of Southampton County to execute.

An account of all the debts outstanding against the
Estate of Henry H. Turner, decd. proved before James
R. Tyler, one of the Commissioners in Chancery of
the Circuit Court of Southampton County.

A Bond for \$145.00 dated Nov.
20th 1867, and carrying interest
from the 3^d day of Sept. 1867
due Mr. R. G. Turner

Interest from 3^d day Sept 1867
to the 3^d day of Oct 1880

\$	cts	\$	cts
		145	00

		140	82
\$		285	82

Respectfully Submitted,
James R. Tyler
Commissioner

Commissioner's Office
Jerusalem, Pa.
February 22nd 1884,

To the Circuit Court of Southampton County:
Your Commissioner reports to the Court that pursuant to a decree of the Circuit Court of Southampton County entered at the November Term 1883, in a suit in Chancery depending in the said Court between R. G. Harris the Plaintiff and all other Creditors of Henry H. Turner dec'd. in and to their share of the estate of this said Plaintiff against Wm. W. Briggs Sheriff and administrators of Henry H. Turner dec'd. John C. Griffin and John B. Jones, Defendants. The undersigned one of the Commissioners of the said Court, to whom was referred for settlement by said decree:

1st Wm. W. Briggs' administrative account of Henry H. Turner's Estate.

2nd An account of all the debts outstanding against the Estate of Henry H. Turner dec'd. with their priorities.

Your Commissioner reports further that Wm. W. Briggs Sheriff and as such administrator of Henry H. Turner dec'd. has never received or come into the possession of any assets of any kind belonging to the Estate of Henry H. Turner dec'd. and only one debt of Two hundred and eighty four dollars and eighty two Cents due Mr. R. G. Harris has been reported to your Commissioner. All of which is

Respectfully Submitted,

Commissioner for
for this Report issuing
Fees &c \$5.00

James R. Tyler

Commissioner

To R. L. Garrison

You are hereby notified that
on the 28 day of October 1884 at the Of-
fice of Reese & Tredway in the village of Hicksford IL
between the hours of 10th A.M. and 5th P.M. of that
day I shall proceed to take the Depositions of
H. S. Standing & others, to be read as evidence in
my behalf in a certain Chancery Suit
pending in the Circuit Court of Southampton
County, wherein I am Defendant and
you are Plaintiff. And if from any cause
the taking of the said Depositions be not com-
menced, or if commenced, be not concluded
on that day, the taking thereof will be ad-
journed from day to day, at the same place
and between the same hours, until the same
shall be completed.

W^m W. Priggs Attorney
of H. H. Turner.

By W^m H. Parker, asso:
Counsel, Reese & Tredway.

I acknowledge service of the within notice
for ~~W. H. Briggs~~ for Mrs R. L. Jarvis

Wm B. Shanks

attly for Mrs Jarvis

October 21st 1884

The deposition of M. S. Harding,
taken before me, W. H. Briggs, a
commissioner in Chy. for the Circuit
Court of Greenville County pursuant
at the office of said court & day in the record on Nov 12th 1884
to notice hereto annexed, to be
read in evidence in a certain
cause pending in the Circuit
Court of Southampton Co., entitled
Garris v. Harris & others

Present, E. C. Frederay, Atty for Plaines
Hins.

Mr counsel for defendant -
M. S. Harding, having been duly
sworn, deposes as follows

Quest 1. Do you know the subject matter
of the suit in which your depo-
sition is now taken

Ans I do.

Quest. 2. Please state the time at which
~~Harley H. P. ... died,~~
February 24th 1872.

Answer

Question 3 How do you know when he died?

Answer I was at this place when he died,
(Mrs Clark's) a few hours after his
death & saw him after he was dead.
And further this ^{deposition} is true.

M. S. Harding

State of Virginia }
County of Greenville } to wit -

I W. H. Biggs a commissioner in
Chancery for the County aforesaid in
the said State, do certify that the
forgoing depositions were duly taken
sworn to and subscribed before me, &c.
under my hand this 1st day of
November 1884

W. H. Biggs
Comm^r in Chancery

The joint and several Answer of
Katherine Council and Elizabeth Council
to a Bill filed against them in the Circuit Court of South
ampton County, by Fanny Atkinson, John Borders, Father,

These Respondents for Answer to so much of the
Complainants Bill as they are advised it is material for them
to answer, say:

That it is true as alleged in said Bill that Dr. Carr
Bowers departed this life in the month of March A.D. 1861,
after having duly executed his last Will & Testament, a
Copy of which is filed with said Bill.

But these Respondents deny that the Construction put
upon said Will by Complainants is the true, legal
and proper one, for they well know that such a con-
struction was not the intention of the said Testator,
Dr. Carr Bowers. This they know from many, very
many Conversations and appearances had with and from
the said Testator, at many times during the last
few years of the said Testator's life-time, and es-
pecially just before his death & about the time
of making the said last Will & Testament.

Dr. Bowers many times, so often indeed that these
Respondents could not pretend to enumerate them,
advised your Respondents that he had sufficiently
& Ample provided in his said Will for the

comfort and happiness, so far as money could con-
tribute thereto of your Respondents, and he often
in a most especially manner, after the execution
of said will opened your Respondents that he
had provided in his will that your Respondents
should have a home at his house and be provided
and supplied with all things necessary to the com-
fort, convenience & happiness of your Respondents,
just as they had been provided for in the lifetime
of said Testator.

This Dr. Bowers always opened us, each of us
separately & when together that he had suffi-
ciently & amply provided in his will.

And of this we were also in a most impress-
ive and private manner privately opened by
Mr. Robert H. Whitford, the lawyer who wrote the
said last will & testament on the morning
after writing the same. Dr. Bowers, the testator
also immediately after opened us as Mr.
Whitford had that we were lovingly provided
for in his will, and especially and particularly
by that we should ^{never} be disturbed in our pre-
sent home, where we had resided for so many
years as children, adopted children so to
speak of Dr. Bowers, the testator and of his
wife Mrs. Bowers. Indeed they claimed and ac-
knowledge and always treated us, your Respon-
dents, as their adopted children - He adopted
them as Uncle and Aunt & always, from the
time we went to live with them, entertained
the same affection for them as we would have done
for children.

Y^{rs} Respondents went to live with Dr. & M^{rs} Bowers about forty years ago at which time ~~then~~ said Catharine was about twenty years of age and the said Elizabeth twelve or fifteen years of age. M^{rs} Bowers was an invalid and died in the year 1846. For many years preceding her death, as many as twenty years, she was unable to walk about, was confined for the most part to her bed, and received from your Respondents that faithful & affectionate attention, day & night, which they considered as due to one who stood to them in all the tender relations of a parent.

Dr. Bowers often dwelt upon such things in his conversations with us, as his purpose to provide in his will that we should never be disturbed in our home nor want for any thing after his death, as we had not during his life & as he had stated, many times so assured us, and that he had so fixed his will.

These Respondents further state and allege that they know that the said Bartley Bowers also understood and agreed that such was the intention of the said Deceased, Leary Bowers, for the said Bartley Bowers, after taking possession of the estate devised to him by the said Leary Bowers, and coming to the Homestead

* As to the Norfolk City or Bank Stocks bequeathed to your Respondents, the same was paid to your Respondents by Bartley Bowers the Executor after the close of the war, at which time they were perfectly worthless & from them they have never realized one cent and never hope to do so. Their life - right or right of a home where they now are is all that they have or wish.

of the said Carr Bowers to live, on several occasions offered to buy the interest of your Respondents in the said Homestead; that is, to say, several times asked your Respondents what & how much he would take for an interest in the said Homestead. But your Respondents always refused to name any price preferring to spend the remainder of their lives where for so many years they had lived happily. Bartley Bowers frequently told your Respondents that he would give them half of his whole estate if they would leave their old home, but this they always refused -

So great & anxious & affectionate was the concern of the said Dr Bowers to promote & secure the happiness and independence of your Respondents that he frequently dwelt upon the pledges & promises made to him by the said Bartley Bowers in relation to your Respondents. Among other things, as Dr. Bowers ^{just before his death} ~~just before his death~~ ^{after the birth of your Respondents} ~~after the birth of your Respondents~~ that the said Bartley Bowers had promised him that immediately after the death of the said testator the Bartley Bowers would marry your Respondent Elizabeth Council. But after Dr. Bowers' death and the taking possession by Bartley Bowers of the property devised to him, he refused to marry the said Elizabeth as he had promised, telling her that he never intended to marry any one.

* So your Respondents say in conclusion, that most respectfully submit to your honor that they have a right upon the real

Atkinson & others
vs

Council

Answer.

Filed Nov 3 1880

D. A. Blythe DC

estate devised to the said Martha Bow,
in which is a charge upon the same,
for their support, board, lodging, ser-
vants attendance & all other things nec-
essary to a comfortable home, such as
they enjoyed during the life of Dr. Powers.

In order however not to impair the value
of the said real estate, if such should
be necessary to effect a partition, your
Hespondents are willing to accept such
a sum in fee simple as may be
equivalent to their said life-interests.

And having answered your Hespondents
I pray to be hence dismissed, with the
reasonable costs &c.

Respectfully,
J. D.

Virginia }
Chatham County } York.

This day personally appeared before me,
a Justice of the Peace for said County, in my said
County, the above named Catherine Council and
Elizabeth Council & made oath that the state-
ments made in the foregoing answer are true.

Witness my hand this 3rd day of September
1880.

Minotus Lankford J. P.

Writ day, H. Debedian made oath before me, that
he delivered Buchanan & Elizabeth Council each
a copy of the Summons on the 29th day of September
1880, hereunder my hand this 4th day of October 1880

J. N. Sebreel
Clerk in Chancery

Atkinson &

of } Sum. Chy.

Council

1880 October Rules

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon Batharine Council & Elizabeth
Council

to appear at the Clerk's office of our Circuit Court for South-
ampton County, at the Rules to be holden for the said Court on the first
Monday in October next to answer, a bill in chancery exhibited
against them in our said Court by Fanny Atkinson, Robert Bowers, Julia Hudson, Jas. E.
Sammons & Euclimachis wife, Willis Britt, Caroline Britt, Josiah Britt, Thomas
Britt, Geo. Pully, Caroline his wife, Willis Musford & Sally his wife, Matthew
Musford & Emily his wife Jesse E. Britt & others
and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House
this 22nd day of September 1880 in the 105th year of the Common-
wealth.

L R Edwards cc

To the Honorable George Blow, Jr - Judge of the
Said Court of Southampton:-

Sir:

We, the undersigned, heirs of the estate of
Bartholomew Bowers, dec'd. late a resident of this
County, would respectfully request and petition
Your Honor, when you issue a decree for the sale
of the real estate belonging to the estate of the
said Bartholomew Bowers dec'd., to appoint Dr.
John L. Griffin as commissioner to sell the
same.

Given under our hands on this 2^d. day of September
1880.

John Bowers
Jeffrey & Britt
Thomas & Britt
Willis Britt
Josiah Britt
Caroline Britt
Peyton R. Turner
Jubas & Larden
Fanny Atkinson

Atkins on et al.

to } Sum's Chy.

Bowers

1880 September Rules

Executed by delivering
Ino Bowers a copy
of the Summons
on the 3rd day of
September 1880.

A. F. Cobb Dy
for W. W. Briggs Shff

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Southampton County.---GREETING:

We Command You to summon

John Boners

to appear at the Clerk's office of our *Leicestershire* Court for Southampton County, at the Rules to be holden for the said Court on the first Monday in *September next* to answer, a bill in chancery exhibited against him in our said Court by *Nancy Atkinson formerly Boners, Julia Hudson, Jas E Saunders & Caroline his wife, Willie Britt, Caroline Britt, Joseph Britt, Thos. Britt, Geo. Pullen & Caroline his wife, Willie Mumford & Sally his wife, Matthew Mumford & Emily his wife, Jesse E. Britt, Peyton R. Turner, Mary R. Turner Julia ^{C. Darden} & Lucy his wife & others* and have then there this writ.

Witness: Littleton R. Edwards, Clerk of our said court, at the Court-House this *24th* day of *August* 188*0* in the *105th* year of the Commonwealth.

L. R. Edwards *clg*

Atkinson

m.

Brown

+

Atkinson

m.

Cornell

Surfacing order.

May 23. 81

Enter this now

Geo. T. Blount,

To the Clerk

Geo. T. Blount

Southampton Co

23 May 1881

Atkinson

1.

^{Mr.}
Bowers

and

Atkinson

In the Circuit Court
of South Australia

2.

^{Mr.}
Lawrence

On the motion of the defendants
Leathem and Elizabeth Bowers, two
of the defendants, in the second of
the above entitled causes, who de-
sire to present a petition for an
order from the decree pronounced in
the said causes on the day of May
1881, it is ordered that so much of
the said decree as directs the said de-
fendants to quit the farm in the
bill and proceedings mentioned, and
give possession thereof to the heirs
of Brutley Bowers deceased, and so much
of said decree as authorizes the Com-
missioner of Sale to collect and re-
ceive the defined instalments of
the purchase money of the land
sold by him and not yet due, be
suspended for the period of ninety

days from the date hereof (leaving
the said decree unaffected and in
full force in all other particulars)
when the said Justices and Elizabeth
Council, or some one for them, shall
before the Clerk of this Court give bond
with sufficient security in the penalty
of \$500 in pay able to the Com.
wealth of Virginia, with Covenant re-
citing said decree, and providing for
the payment of all such damages
as any person may sustain by
reason of such suspension, in case
a supersedeas shall not be allowed
and be effectual within the period of
ninety days aforesaid.

Now the said Jas C. Griffin, special
Commissioner as aforesaid, is directed to
carry out and execute the said decree
of the day of May, in all the par-
ticulars in which the same is not
hereby suspended, and to make re-
port &c—

Atkinson

vs

Council

and

Note of

Atkinson

vs

Bowers

Argument in behalf of
Catherinend Elizabeth
Council.

Atkinson & Co
vs
Council }

and
Atkinson & Co
vs
Bowers }

The defendants Katherine and Elizabeth Council insist in their answer, that they are entitled to a home for their respective lives, upon the lands devised to Bartley Bowers, by the testator and to a support thereupon -

They insist that the language of the Testator's will creates a Precatory trust in their behalf, and that it is the duty of this Court to enforce that trust.

The language of the devise upon which they rely is as follows: "and I do hereby request, as an evidence of love and attachment to me, that the said Bartley Bowers will permit Katherine Council and Elizabeth Council, to live and remain with him, free from all charge for board, in the same manner as they have lived with me, so long as they may choose to live with him, and for my sake to act towards them as a kind indulgent friend and protector."

Is their claim well founded? We submit that it is. The question is purely a legal one, and

one which has been repeatedly the subject of judicial determination.

In the new Edition of Jarman on Wills (Edition of 1881) page 385 - that learned Author holds this language. "It has been long settled that words of recommendation, request, Entreaty, wish, or expectation addressed to a devisor or legator will make him a trustee for the persons in whose favor such expressions are used, provided the testator has pointed out with sufficient clearness and certainty both the subject matter and the objects of the trust; and he cites in the notes a large number of modern cases to sustain the text, want of time does not permit a detailed reference to these cases, but it is sufficient to say that they fully bear out the doctrine announced.

Three things therefore are necessary to constitute a precatory trust, and only three - namely.

- 1st. Proper words of request.
- 2^d. A proper subject matter
- 3^d. A distinct object or person to be benefitted.

These three elements all exist in the devise in question. The testator says "I do hereby request as an evidence of love and attachment to me &c, The beneficiaries or objects of the trust are stated by name to be Catherine and Elizabeth Connell, and the subject matter is a home and a support for them for their lives out of the estate

devised to Bartley Bowers, in the same manner
as that enjoyed by them in the testator's life.
time.

Here we have all the ingredients necessary
to constitute a precatory trust in behalf of
Catherine and Elizabeth Council. They are
declared to be the objects of his solicitude, and
what he gives them is a support and home
such as he had given them.

The character of that support and home is
certain, or easily made certain. A commis-
sioner can ascertain it without leaving his
office.

Judge Story in section 1068^a of the 2^d volume
of his Jurisprudence says. "In short it may
be stated as a general result of the cases in
the language of Lord Eldon that whether the
words of the will are those of recommendation,
or precatory, or expressing hope, or that the
testator has no doubt, if the objects with re-
gard to whom such terms are applied are certain,
and the subjects of property to be given are ac-
certain, the words are considered imperative
and create a trust.

Professor Minor says - volume 2 p. 1137.
"The doctrine of precatory devises and bequests is
founded upon the cardinal rule in the con-
struction of Wills, that the testator's intent,
when ascertained, and found to be not con-

try to law, is to be carried out by whatever words conveyed - Hence it has come to be well settled in such cases, that in order to effectuate the testator's intention, words of request, recommendation, and hope may be treated as imperative; and shall be so treated, where the objects of the precatory language are certain, and the subjects contemplated are also certain &c" vid: 2 Stor: Eq., § 1068 to 1070. Harrison vs Harrison's Adm^r, 2 Grat: 13. - We submit that the law of the case is plain, and that the Misses Council are entitled to a support from the lands devised to Bartley Bowers -

Let us look for a moment at the facts. These are not disputed -

The Misses Council were the protégés of the testator, and to all intents and purposes his adopted children - He had no children of his own - They had been inmates of his family for many years, and had become endeared to him. For a period of twenty five years they were the companions and the faithful gentle nurses by day and by night of his bed-ridden wife. Caring for her, waiting on her, comforting her and serving her as no servant could do. Is it any wonder that this childless old man should want to reward at least by a home and a decent

support such services as these? Is it any wonder when his wife was dead that his heart and his conscience should alike remind him, when he comes to give his large fortune to collaterals, that he owed a large debt to these ladies. Would it not have been rather a wonder and a shame that he should have forgotten them -

Here then was the highest motive for his taking care of them, and his purpose was to have them taken care of. The testimony of Ludlow Lawrence shows this. He testifies that it was the purpose of his uncle that the person to whom he should devise the farm should take care of them. That was one of the conditions of the devise - can any man doubt it? Does any man doubt but that the testator would have made specific provision for them if Bartley Bowers had declined the term on which the devise was made?

No one doubts it, and yet persons to whom the testator did not choose to give one cent, now claim to exclude these faithful nurses from any aid in their old age from the fund the testator particularly requested they should be supported by.

If learn Bowers was living does any man believe this would be his wish, and being dead can any one doubt what his intent was?

Surely not, and that intention is the very foundation stone on which the true construction of every will must rest. see Minors's Ins. Vol: 2^d page 1137.

What these ladies desire is a decent support, during their lives, such as the testator gave them, out of the property devised to Bartley Bowers, and the annual amount necessary for that any commissioner can compute. That we insist they are entitled to have by the law of the case not only because such is the will of the testator, but because they have richly earned it, and are entitled to it, having paid to the testator in his lifetime full consideration for it, in their ceaseless care and tender nursing for twenty five long years of his invalid wife.

Rich^d A. Baker & son
for the Wives Council.

North Carolina Superior Court
Northampton County 3 Fall Term 1883

To Hon. A. A. McKoy Judge Presiding

This cause coming on to be heard at this term, and being heard by the Court, upon the petition of Lillian G. Turner, and James S. Turner, orphans of Henry Turner deceased, on motion of J. H. Collins Solicitor of the 2nd Judicial District of North Carolina. The Court finds that the petitioners have been presented to the Court by the Grand Jury, at this term as orphans of Henry Turner deceased, having an estate and being without Guardian; that the Clerk of the Superior Court has certified the same to the Solicitor; and that there is no suitable, and discreet person who will qualify as their Guardian, and give bond as required by law.

On motion of J. H. Collins Solicitor it is ordered, adjudged, and decreed by the Court that James D. Boone Esq. Clerk of the Superior Court, in and for the County of Northampton, be, and is hereby appointed Receiver of the estate of said petitioners authorized and empowered to take possession of all their estate, to collect all moneys due them to secure, loan, invest or apply the same for their benefit and advantage under the directions and subject to such rules and orders in every respect, as the Judge of the

Superior Court, then and there pending in said County, may from time to time make in regard thereto, to make his annual returns of said estate to the said Judge and do and perform all the duties in the management of said estate as is required of Guardians in the management of these ward's estate and return his account audited and settled as the said Judge may direct, That J. H. Collins be, and he is hereby allowed ten dollars for his services in this behalf, which is ordered to be paid by the said James D. Boone Esq receiver together with the costs of these proceedings out of the first moneys that come into his hands belonging to said estate.

Almon A. McKoy
Judge Presiding

I James D. Boone clerk of the Superior Court, do hereby certify that the foregoing is a true copy of the decree as of record and on file in my office

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at office in Jackson 1st day of May A. D. 1883.

James D. Boone,
Clerk Superior Court
Scottsbluff County.

Althauson & others

28

us

Bowen

+

Althauson & others

us

Connect &c

minimum

May Term 1881.

To be entered,

Geo. V. Blod

Althous v. Althous & Althous v. Althous
vs 3/4 Decree vs 3/4 Decree
Council & Bowers

This day these causes came on to be further heard on the file of the complainants, the answer of Catherine & Eliza Council, deposition of witnesses & exhibits filed - and the report of Comm. Jm. C. Griffin reporting sale of the real estate in the proceedings mentioned. & returning bonds of purchasers and certificates of deposit for cash payment. ^{and was signed by Council.} On consideration whereof, the Court doth advise order and decree that the rights of Catherine & Elizabeth Council to a home free of board on the farm devised by Carr Bowers to Bartley Bowers, determined with the death of Bartley Bowers - and that they they no longer have any right to remain on said farm; that the words of recommendation contained in the will of Carr Bowers to Bartley Bowers in regard to Catherine & Elizabeth Council created a trust in their behalf only so long as said Bartley Bowers should live - and no longer. The Court doth further decree that the said Catherine & Elizabeth Council shall quit the occupancy of said farm - and deliver possession thereof to the heirs of Bartley Bowers dead - and should they refuse so to do, then the Shff of this County is authorized to eject the said Catherine & Elizabeth Council from the occupancy of said farm and to

deliver possession thereof to the Heirs of said
Bartley Bowers decd. And no exception being
filed to the report of sale of Comr. Geo. B. Griffin
the same is approved and confirmed; and
the said Comr. is hereby authorized to
withdraw the certificate of deposit and
the bonds of John Pulton Jr. and J. D. Pullen
& O. Lankford. filed with said report, collect
the bonds as they become due and pay the
same together with the proceeds realized from
the certificate of deposit to the parties entitled;
but before the said Comr. shall distribute the
said money, he will first pay all the costs of
these suits & all necessary charges incurred
in furnishing a support to Catherine & Eliza-
beth Council to May 10, 1881-; The Court
doth further decree that the said Comr.
out of the Cash in his hands pay an
attorneys fee of \$100- Each to Geo. J. Hendon
and Richard H. Baker. \$200 to J. B. Palmer.
And should the purchasers of the real Estate
desire to anticipate the payments of
their bonds & to pay the same in Cash
the said Comr. is authorized to receive
the money- and when all is fully paid
to execute to the purchasers deeds
with special warranty for the same.
And the said Comr. will report his proceed-
ings to Court.

Athinson's or the
in $\frac{3}{3}$ Decree (1)
Borvera

Nov: Term 1880
To be entered.

Geo. B. Low.

Athinson & others -
vs 3 Decree.
Bowers

This day this cause came on to be heard on the bill of the Complainants, which has been taken for confessed as to the defendant John Bowers - and was argued by Counsel. On consideration whereof the Court doth a Judge order and decree that partition be made of the land in the bill mentioned as follows, to wit: $\frac{1}{5}$ to John Bowers. $\frac{1}{5}$ to Fanny Athinson, $\frac{1}{3}$ of $\frac{1}{5}$ to Robert Bowers. $\frac{1}{3}$ of $\frac{1}{5}$ to Julia Hudson. $\frac{1}{3}$ of $\frac{1}{5}$ to Evahine Saunders. $\frac{1}{6}$ of $\frac{1}{5}$ to Willis Britt. $\frac{1}{6}$ of $\frac{1}{5}$ to Caroline Britt. $\frac{1}{6}$ of $\frac{1}{5}$ to Josiah Britt, $\frac{1}{6}$ of $\frac{1}{5}$ to Thomas Britt. $\frac{1}{6}$ of $\frac{1}{5}$ to Jesse E. Britt. $\frac{1}{6}$ of $\frac{1}{5}$ of $\frac{1}{3}$ to Caroline Pulley. $\frac{1}{6}$ of $\frac{1}{5}$ of $\frac{1}{3}$ to Sally Mumford. $\frac{1}{6}$ of $\frac{1}{5}$ of $\frac{1}{3}$ to Emily Mumford. $\frac{1}{5}$ of $\frac{1}{5}$ to Peyton R. Turner. $\frac{1}{5}$ of $\frac{1}{5}$ to Mary Turner. $\frac{1}{5}$ of $\frac{1}{5}$ to Lucy Darden. $\frac{1}{5}$ of $\frac{1}{5}$ to Fanny Pittman. $\frac{1}{5}$ of $\frac{1}{5}$ of $\frac{1}{3}$ to Jas D. Turner. $\frac{1}{5}$ of $\frac{1}{5}$ of $\frac{1}{3}$ to Sally Turner. $\frac{1}{5}$ of $\frac{1}{5}$ of $\frac{1}{3}$ to H. H. Turner. And for the purpose of effecting such partition, the Court doth order that W. W. Briggs, M. Langford & A. J. Thompson, who are hereby appointed Commissioners for that purpose do assign and allot to the several persons before named the respective

Shares aforementioned by meter and bounds; but if in their opinion such partition of the Real Estate aforesaid cannot be made in kind without loss or injury to the parties, or if they should be of opinion that the interest of the said parties would be more promoted by a sale of the same, then that the said Commissioners report these facts to the Court, with the real value of said land, together with any other matters deemed pertinent by themselves or required by the parties.

Stinson v. Bowers

vs 3/3 de cee

Bowers

This day this cause came on to be further heard on the papers formerly read and upon the report of Wm. Briggs, M. Lankford and A. J. Stephenson, Commissioners, to which report there is no exception and was agreed by Council. On consideration whereof, the Court doth approve and confirm the said report; and doth a Judge order and decree that Jos. C. Griffin and J. B. Ramey, who are hereby appointed Commissioners for the purpose, either of whom may act - do proceed, after having advertised the time, place and terms of sale in seven or more public places in this County, in the "Norfolk" "Virginian" for three weeks and Franklin "Gazette" once a week for four weeks, to sell the real estate in the proceedings mentioned of which Bartholomew Bowers dis seized, upon the following terms to-wit: - one third cash, the balance on a credit of one and two years, the purchaser to give bonds of equal amounts, carrying interest from day of sale, with security to be approved by the Commissioners, and the title to be retained

for the further order of Court. The Commissioner is hereby authorized to put the purchaser in possession Jan'y 1. 1881, of said land, with the express understanding however that should the sale not be confirmed, the said purchaser will have to surrender possession of said land Jan'y 1. 1882, and pay for the said land a rent for year 1881, to be ascertained by reference to a Commissioner of this Court. And the said purchaser will not be allowed to cut any timber except for farming purposes, from the said farm, until the sale is confirmed. The Court doth further decree that the said J. W. C. Giffin, Commissioner aforesaid, deposit the amount of cash he shall receive with the Banking house of Bain & Bro. of Portsmouth N.H., take certificate of deposit in his name as Court in this suit therefor, and return the same with his report. But the said Courts will not proceed to execute this decree until, they or one of them shall have entered into bond before the Clerk of this Court in the penalty of fifteen thousand dollars, with security to be approved by said Clerk, conditioned to faithfully execute this and any further decree in this cause. And the said Courts will report to Court.

A. Thurston & others
vs. 3 Deere & 1
Bowers

Nov: Term 1880

Do be entered.

Wm. B. B. B.

~~30~~

Aluminum 28
49

Brown +
"

Deer

1887. Nov Tenn

White Sulphur

Cherokee

Antlers 262

Admission of Bonds $\frac{4}{3}$ Deceit
Admission vs. Deceit

This day this cause came on
to be further heard on the papers
formerly read, the petition of L.B. Price
Gov of James S & L.G. Turner, of James of
H.H. Turner and filed by leave
at this time and was argued by
Counsel. On consideration whereof,
the Court doth adjudge, order and
decree that the Clerk of this Court
deliver to L.B. Price the Certificate
of deposit on the Marine Bank
of New York ^{va} dated Oct 31. 1882
for \$1245.²³ upon his receipting
therefor. that the said Price or
Gov of James S & L.G. Turner collect
the balance due on said Certi-
ficate and receive the same for
his words. Signed -

Dear Ben,

Please make me a copy
of decree entered at this
term in Athens & Bona.
and send it with the Certif
of Deposit for vice paid in
an envelope by Wat. send
a receipt; I will sign it and
return tomorrow. I want the
Certif & Decree tonight, as I
may go to Norfolk in morning.
Yours truly,

Nov 11. 87

W. R. P.

Atkinson & others

vs $\frac{3}{4}$ Amended Decree.

Bowers

It is ordered by the Court that the last decree entered in this cause be amended so as to embrace the following.

"And it being suggested to the Court, that there is now depending in this Court, a suit brought by the heirs at law of B.

Bowers decd against Elizabeth & Catherine Council, which has for its object a judicial construction of the will of Barr Bowers, so far as to determine what are the rights of said Elizabeth & Catherine Council under said will, the Court doth order that the said suit and this suit be consolidated hereafter brought on to be heard together. And that the order of sale for the real estate of which B. Bowers decd seized be amended so as to conclude as follows. "But the said Elizabeth & Catherine Council are not to be dispossessed of their present occupancy, until it is determined by this Court what their rights are under the will of said Barr Bowers. And in the event, it should be determined that they have any rights in the real estate of which B. Bowers decd seized, under the will of said Barr Bowers, then by consent ^{through} of their Counsel, they relinquish said interest in the real estate and agree to accept a pecuniary consideration, to be determined by proper reference ^{out} of the proceeds of sale.

In Vacation:

In the Circuit Court of Southampton
County: -

Atkinson and others.

"
Bowers' Adm'r &c.

Atkinson and others.

"
Councill -

Garris

"
Turner's Adm'r &c.

~~I have been ordered by the Court~~
These causes, came on this day to
be heard together on the papers formerly
read, and upon the Report of Commissioner
Wm H. Parker made pursuant to the
decree pronounced herein at the May
Term 1884; which report is dated
the 5th day of June 1884, and was filed
on the 3rd day of July 1884, and to
which no exceptions have been taken,
and was argued by counsel:
On consideration whereof the Court
doth adjudged order and decree, that
the said Report be in all respects,

In vacation as authorized by law.

ratified approved and confirmed, and James E. Saunders or his attorney Robert N. Prentiss, ~~are~~^{is} hereby authorised to withdraw from the Marine Bank of Norfolk Va. from the funds deposited in the said Bank by John C. Griffin Special Commissioner to the credit of the cause of "Atkinson ~~et al.~~ v. Bowers" on the 31. Octo. 1882, the sum of Six Hundred and sixty-one $\frac{86}{100}$ Dollars (\$661. $\frac{86}{100}$) from the Marine Bank of Norfolk Va. from the fund deposited in the said Bank on the 31. Octo. 1882 by John C. Griffin Special Commissioner to the credit of the cause of "Atkinson ~~et al.~~ v. Bowers". -

And John C. Griffin Special Commissioner is hereby directed to pay forthwith to the said James E. Saunders or to his attorney Robert N. Prentiss the sum of One Hundred and sixty-five $\frac{37}{100}$ Dollars (\$165. $\frac{37}{100}$) out of the funds remaining in his hands as shown by his last report filed in these causes. Which two sums when received by the said Saunders or his said attorney shall be in full discharge and satisfaction of all the said Saunders right of custody in and to the real estate, or its proceeds, involved in these causes, of which his wife Fanny Atkinson died seized and possessed.

And the fund remaining in the said Marine Bank of Norfolk Va, unless already bearing interest, shall bear interest from this date or be forthwith withdrawn from the said Bank by John C. Griffin Special Commissioner, and deposited on interest account to the credit of these causes in some safe banking institution on interest account.

Annock Sept 22nd 1884

In Vacation

To the Clerk of the Circuit Court for the County of Southampton Va
Please enter the foregoing decree

W. J. Blount,

Judge &c &c

Count for a Series to be entered herein in
relation -

Atkinson & Thos

Wm. Decker

Bowers Adm. & Co.

Entered May 5. 1884

Geo. S. Blow.

✓

✓

Atkinson & others

^{N.}
Bowers Adm^r &c

Atkinson & others

^{N.}
Councill

Garris

^r
Turner's Adm^r &c

These causes came on this day to be further heard on the papers formerly read and were argued by counsel. On consideration whereof ^{*}the Court doth adjudge order and decree that one of the Commissioners of this Court do ascertain and report to the Court the present value in money of James E. Saunders' interest in the fund now under the control of the Court in these causes.

Notice of the time and place of making the said enquiry need only be given to Robert N. Prentiss attorney for James E. Saunders.

By consent it is ordered that these causes may be submitted to the judge of this

*It being suggested that James E. Saunders the surviving husband of Cordelia Saunders dec^d is willing to commute his right of custody in the fund under the control of the Court in these causes, therefore

Atkinson sochers
To 3
Bowers and
Atkinson sochers
To 3
Council Decree,

Nov. Term 1882,
To be entered.

Geo. W. Mow.
—

Atkinson v. others
vs
Bowers

and

Atkinson v. others
vs $\frac{3}{4}$ Decree
Councill

This day these causes came on to be further heard on the papers formerly read and the report of Commr Jno. C. Griffin, reporting disbursement of the share of Mrs. Atkinson which she inherited from the real estate of B. Bowers amongst her heirs with the exception of the children of Mrs. Saunders and H. H. Turner, and also reporting payment of a debt due by H. H. Turner of \$128.30 and payment to the Guardian of Hugh H. Turner of \$125.00; and also reporting that he had deposited in the Marine Bank of Norfolk the sum of \$936.58, belonging to the children of James C. Saunders, and the sum of \$308.65 belonging to the estate of Henry H. Turner with certificate of deposit for the same, and vouchers as evidence of the payments indicated in said report, and was argued by Counsel. On consideration whereof, the Court doth adjudge that the said report be confirmed, and as to all other matters this cause is continued.

Atkinson sothers
vs $\frac{3}{2}$ Decree
Bowers
and

Atkinson sothers
vs $\frac{3}{2}$
Lemuel

May Term 1882.

To be entered.

Geo. Blow.

Atkinson & others and Atkinson & Co.,
vs Deere
Bowers Council

This day these causes came on to be further heard in the papers formerly read and the report of John L. Griffin ^{senior} filed during the term in which he reports the collection of the entire purchase money for the land in the proceedings mentioned, the disbursement of the same to all the parties entitled except the children of Evalina Saunders and estate of N. H. Turner, together with vouchers to support the same, and also the execution of a deed to L. Sanford by direction of Mrs. Prentow Jr., who was the original purchaser, to which report there is no exception and was argued by Counsel. On consideration whereof, the Court doth order that the said report be and the same is hereby confirmed. The Court is of opinion from the evidence before it that the amt to which Mrs. Fanny Atkinson was entitled should not have been paid to her personal representative, but should have

been disbursed by John L. Griffin
Com^r directly to her heirs at law
who are all parties to this suit.
The Court doth further decree that
the said John L. Griffin, Com^r ^{collect} ~~receive~~
the said share from the personal
representative of Mrs Atkinson and
pay the same to her heirs at law
according to their interests. The
Court doth further decree that
the said Com^r deposit with the
Marine Bank of Norfolk the sum
of \$936.58 cts, the same being the
share to which the children of Eva-
lina Saunders is entitled in his
name as Com^r to the credit of this
cause and return the certificate
of deposit with his report. The
Court doth further decree that
the said Com^r Griffin after pay-
ing any debts against H. H. Turner
which may be properly proved be-
fore him deposit the balance of
the amt due the said H. H. Turner's
children in his name as Com^r
to the credit of this cause with
the Marine Bank of Norfolk and
return the certificate of deposit
with his report; and the said

Com^r will report to Com^h.

Atkinson et als, 49

vs ~~3~~
Brewer.

Atkinson et als,

vs ~~3~~
Council, and Deere

Garris

vs ~~3~~
Turners Adminr &c.

1885 May Term,

To be entered.

Atkinson et als,

To
Bowers,

Atkinson et als,

To
Council, and
Garris

Decreed.

To
Turner's Admin &c.,

This day these causes came on to be further heard on the papers formerly read, the depositions of witnesses filed 27th Octo. 1884 and 5th Nov. 1884, proving the deaths of H. H. Turner and B. Bowers, and were argued by Counsel. On Consideration whereof, the Court doth adjudge, order and decree that Mr. L. Griffin, Special Commissioner of the Causes, be and he is hereby directed forthwith, to withdraw from the fund by him deposited on 31st Octo. 1882, ^{under} a decree of this Court, in the Marine Bank of Norfolk, Va., to the Credit of the Cause of "Atkinson et als, vs Bowers," and pay the same to Jos. D. and Sallie Turner, Children of H. H. Turner and heirs and distributees at law of B. Bowers, or their attorney, G. L. Freeway, if they be of the age of twenty one years, but if under that age, to their lawfully appointed and duly qualified guardian, subject, however, to the order of the Court having control of the fund.

Atkinson et als

vs 
13 Bowers

Atkinson et als

vs 

Decree.

Council, and

Garris

vs 

Turner's Adm^r &c.

This day these causes came on to be further heard on the papers formerly read, the depositions of witnesses filed 27th: Octo: 1884 and 5th: Nov^r 1884, proving the deaths of H. H. Turner and 13. Bowers, and were argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that Geo. L. Griffin, Special Commissioner in these causes, be and he is hereby directed forthwith to withdraw from the fund by him deposited on the 31st: Octo: 1882, under a former decree of this Court, in the Marine Bank of Norfolk, Va., to the credit of the cause of "Atkinson et als vs 13 Bowers", the sum of \$157.31³/₈ and ^{pay} the same to H. H. Turner, or to his authorized agent or attorney, the said H. H. Turner being one of the children of Henry H. Turner, dec'd, and one of the heirs and distributees of 13. Bowers, dec'd, and being entitled

to one third of \$561.95, amount deposited as aforesaid and for the benefit of the Children of the said Henry H. Turner, dec'd. But before the said H. H. Turner shall receive the said sum of \$187.31³/₄ directed to be paid to him, or to his authorized agent or attorney, by Commissioner Griffin under this decree, he shall first produce evidence of his identity and that he has arrived at the age of twenty one years, and the said Commissioner will make report of his proceedings hereunder to Court.

Atkinson et al
vs
Bowers

Atkinson et al
vs
Council, and

Garnis vs
Decree

vs
Turner's Adm^r &c.

To be entered

May Term, 1887

C. Wallace

✓

Atkinson v. Bowers

vs 3 Report of Comr. Jacob G. Huffer
Bowers &c.

In this cause your Court begs leave to submit the following report. That one of the heirs at law of B. Bowers has died. Trust Mrs. Fanny Atkinson, who was entitled to one fifth of the entire estate, leaving no will, and leaving as her heirs at law the same parties presently who are plaintiffs and defendants, except herself. Your Court would state that there was a qualification on the estate of the said Atkinson in this County, to wit: Julius L.

Darden who qualified as her Administrator giving bond in the penalty of \$5000. with Wm. Darden and N. P. Young as his sureties and that he paid the amt to which Mrs. Atkinson was entitled to the said Administrator thinking he was the person properly entitled to receive the same. So far as your Court is advised the estate of Mrs. Atkinson is not ⁱⁿ debt and your Court desires the opinion of this Court whether this money should have been paid to the Administrator or distributed by the Court to her heirs directly.

I have collected the whole of the purchase money for the real estate and executed a deed for the same to L. Lankford as I was authorized to do so by a certificate from John Pretlow Jr., under his hand and seal, dated Jan'y 27, 1882 which certificate is returned with this report. The said Pretlow was the original purchaser of the land in the proceedings mentioned.

Below I submit a statement of my transactions as Com'r.

1881 May 5	By bal. as per report		
	May term 1881.		\$4376.64
	To paid J.B. Prince	\$200.00	
	" " "	100.00	
	" " Mrs. J. Kindred	100.00	
	" " R. H. Baker	100.00	
	" " L. Lankford acct		
	for board	63.04	
	" paid tax acct	124.92	
	" A. L. Gardner, acct	5.84	
	" paid elk's tickets	34.42	
	" " W. H. Lewis, wife acct	5.00	
	" " J.B. Prince for dredge,	20.00	
	" " Postage	2.25-	
	" " Com'r's exp	\$807.44	16.15-

Am't retained for
future costs

28.42

800.00

800.00

\$3576.64

154.06

By int.

By am't deferred bonds & int.

10,318.00

\$14,048.70

This am't is to be divided into five
original shares, namely,

1 John Bowers is entitled, to $\frac{1}{5}$ - 2809.74

2 Est. Mrs. Fanny Atkinson " $\frac{1}{5}$ - 2809.74

3 (1 R. B. Bowers to $\frac{1}{15}$ - 936.58

2 Julia Hudson $\frac{1}{15}$ - 936.58

3 Evalina Saunders children $\frac{1}{15}$ - 936.58

\$8429.22

4 (1 Wilson Britt is entitled to $\frac{1}{30}$ - 468.29

2 Caroline Britt " " $\frac{1}{30}$ - 468.29

3 Josiah Britt " " $\frac{1}{30}$ - 468.29

4 Thomas E. Britt " " $\frac{1}{30}$ - 468.29

5 Jesse E. Britt " " $\frac{1}{30}$ - 468.29

6 (1 Caroline Pulley " " $\frac{1}{90}$ - 156.10

2 Emily Mumford " $\frac{1}{90}$ - 156.10

3 Sarah E. Mumford " $\frac{1}{90}$ - 156.10

5 (1 Peyton R. Sumner " $\frac{1}{25}$ - 561.95

2 Molly L. Sumner " $\frac{1}{25}$ - 561.95

3 Mrs. J. L. Darden " $\frac{1}{25}$ - 561.95

4 Mrs. Fanny Pittman " $\frac{1}{25}$ - 561.95

5 Est. H. H. Sumner $\frac{1}{25}$ - 561.95

\$14,448.72

I have paid all the parties except
Mr. Saunders's children who are all
minors and have no guardian; and
H. H. Turner's children and herewith
return vouchers to support the
same, a bond against H. H. Turner
has been presented to me for pay-
ment, the genuineness of which I
have no doubt. I ask the Court to
instruct me what I shall do with
the amts yet remaining in my
hands.

All which is respectfully
submitted.

John L. Griffin
May 1st 1882. }
To Judge, Circuit }
Court, Southampton }
" }

Atkinson & Co.
No. 10
Bakers

(Vouchers inside)

Atkinson & others
vs 3 Affidavits
Bowers

Southampton County Court.

Personally appeared before me,
J. B. Prince and J. Debraumane,
who made affidavit that they
are satisfied from their knowledge
of the matter, that the interests of
the infants in the suit of *A. Thurston*
v. Bowers will be promoted by
a sale of the ~~real~~ estate of
which B. Bowers died seized.
Given under my hand Nov
8. 1880.

J. N. Sebrall
Commissioner in Chancery

Athinson & others

vs 3

Bowers.

Report of Corners

Nov: 5. 1880

Stimson & others.

vs $\frac{3}{3}$ Report of Comrs.
Bowers

In this cause, your Commissioners submit the following report.

That in pursuance of and in anticipation of decree in this cause rendered at this term of this Court, the undersigned who were appointed Comrs to make partition of the real estate of which Bartholomew Bowers died seized among his heirs at law, have been over and carefully examined said land and they find it impracticable to make such partition in kind.

Your Comrs are of opinion that the interests of all parties interested would be promoted by a sale of said land. Whilst one or two of the shares might be cut off, yet it would be to the great disadvantage of the other three, and those two do not desire the same to be done. None of the heirs are willing to take the whole farm & pay to the others what would be their fair proportions.

We therefore recommend a sale of said land. Its real value in our judgment is \$9000.

Respectfully Submitted
W W Briggs
M. Lankford
A. J. Stephenson

Nov 5. 1880.

To Judge of Circuit Ct.
Southampton

Commissioners charge \$5. each

Atkinson & others 3.3

us 
Bowers and

Atkinson & others

us. 
Councill

Report of Special
Commr. Mrs. L. Griffin
with vouchers.

1882

Atkinson sothers and Atkinson sothers,
vs vs } Report.

Bowers Council,

In these causes your Commission-
ers leave to submit the following re-
port: That pursuant to a decree of
May Term 1882, he has received back
from the Adm^r of Fanny Atkinson the
amount due her from the proceeds of the
sale of the land belonging to the estate
of B. Bowers and distributed the same
as follows:

✓ To p ^d Nat. Pittman wife	140.48
✓ " " Robt. E. Bowers	234.14
✓ " " Caroline E. Britt	117.07
✓ " " Thos. E. Britt	117.07
✓ " " Julia Hudson	234.14
✓ " " Peyton R. Turner	140.48
✓ " " Molly L. Turner	140.48
✓ " " J. C. Darden wife	140.48
✓ " " Caroline & Geo. R. Pulley	37.07
✓ " " Matthew Mumford wife	37.07
✓ " " Phillis Britt	117.07
✓ " " Mrs. Bowers	702.43

2157.95

This disposes of all the money
to which Mrs. Fanny Atkinson was entitled
from the real estate, except the part belong-
ing to Mrs. Evalina Saunders' children and
A. H. Turner's children which amounts are
still in my hands and I ask the Court
what disposition to make of them. I have

paid out of the money belonging To H. or
Turners' Children as follows:

To paid L.B. Prince atty for S. Pruden bond
and interest 128. 30

To paid Peyton G'dn of Hugh H. Turner, 125. 00

This left a balance in my hands due
them of their original share \$308. 65—
which with the amount due the Children
of Mrs. Saunders makes \$1245. 25. which
amount I have deposited in the Marine
Bank of Norfolk; and herewith return
Certificate of deposit. I also return here-
with my vouchers for the other payments.
I have authorized L.B. Prince to make out
this report for me; and my letter authen-
icizing him will be found with this report.

Respectfully Submitted,

To the Judge of
the Circuit Court
of So-amptn. }

Mrs. C. Griffin, Comm'r
By J.B. Prince.

Atkinson & others

v

Lewmell's

Depositors

Received April 29. 1881

Sealed

L. R. Edwards

Clerk of the Circuit Court
of Southampton County

The Deposition of Capt & Ludlow
Lawrence taken at his residence,
on the 27th April, 1881,
in the County of Isle of Wight by Con-
sent of parties, to be read as evidence
in behalf of the Defendants, in a
suit now pending in the Circuit Court of
Southampton County, in which Fanny At-
kinson, John Bowers & others are plaintiffs,
and Catherine Council and Elizabeth Coun-
cil are defendants.

That it is agreed that the plaintiffs
counsel reserves the right to except
to any question or answer in the following
deposition or to the whole of the same.

Taken by J. D. Kinred, Comr. in Chancery.

Ludlow Lawrence having been duly
sworn says & deposes as follows -
Question - What is your age, & where have
you resided during your life-time?

Atkinson & others

vs

Leemcill's

Superior Court

Received April 29. 1882

Sealed

L. R. Edwards

Clerk of the Circuit Court
of Southampton County.

Answer - I am sixty six years old -
I resided in the County of Southampton,
with my uncle Dr Carr Bowers, till
the time of his death which occurred
in 1861. I married & left his house
in 1860, & have resided since where I am.

Question - Did you ever have any con-
versation with Dr. Bowers in relation
to his will just before his death?

Answer - Yes, but a little while
before his death, a fortnight before,
as well as I remember, my uncle
Dr Bowers asked me which I would
rather have the stipulation on which
he then resided with the condition
of taking care of & supporting both
Gracie Leemcill & Bettie Leemcill or twenty
thousand dollars - I replied to him
that I would rather have the twenty

thousand dollars - that I didn't
want, on any terms, the trouble of
taking care of the Miss Leemcills.

He therefore gave me twenty thousand
dollars in his will. In the conversation
alluded to he manifested great
concern that they (The Miss Leemcills)
should be well provided for during
their lives - They had lived with
him for many years - had been of
much service to his comfort, and
especially to the comfort of my
aunt, M^{rs} Bowers. My aunt for
many years preceding her death was
an invalid, confined to her bed the
most of her time for about the last
forty years of her life - The Miss
Leemcills went to live with my uncle
and aunt Bowers about twenty five

A. M. M. & others

27

Leemcil's

Depositors

Received April 29. 1882

Sealed

L. R. Edwards

Clerk of the Circuit Court
of Southampton County.

or thirty years before her death, which occurred a few years before that of my uncle.

My uncle had many conversations with me during his life and while I lived with him (which was from the time I was about four years old till 1860) about the Miss Leemcils - He always seemed to have a very great concern about providing for them & for their sufficient support during life. They were a very faithful in their attentions & services both to him & my aunt during their lives. I have no doubt that he was opinion that he had provided beautifully for them. He told me about a fortnight before his death that

A. M. Brown & others

27

Council;

Depositions

Received April 29. 1882

Sealed

L. R. Edwards

Clerk of the Circuit Court
of Southampton County.

Page 5

he had no doubt that Bartholo-
mew Brown would marry Bettie
Council.

~~After~~ ~~day~~ of the burial, a few
days after the burial, ~~Bartholo-~~
~~mew Brown~~ of Dr. Brown, Barthol-
omew Brown told me that he in-
tended to carry out all the promises
he had ever made to Dr. Brown ex-
cept one & that was, to marry
Bettie Council - That before he
would marry her he would hang
himself to an apple tree.

And further this deponent saith not

Ludlow Lawrence

Atkinson & others

vs

Leemcil's

Depositions

Received April 29. 1881

Sealed

L. R. Edwards

Clerk of the Circuit Court
of Southampton County

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

Witness my hand this 27th day
of April 1881.

Jno D. Kindred

Clerk in charge
R

44-18-Turner
To bond

\$145⁰⁰



with interest from 3rd day of Sept
Last I owe and promise to pay
Wm. J. Green the sum of one hundred
and forty five dollars for Value Recd
as witness my hand and seal this
20th day of November 1867

Henry McDermott

Chas
Cur

Thomas E. Britt's

Receipt in full.

\$46829

Received April 20th 1882 of John C.
Griffin, Special Commr in the suit
of c^t Kinson and others vs Bowers
\$68²⁹/100 Sixty-eight and ²⁹/100 Dollars which
the amount heretofore paid me make the sum
of \$468²⁹/100 Four Hundred and Sixty-eight
and ²⁹/100 Dollars in full of amount due
me from sale of Bartholomew Bowers'
real estate. Thomas E Smith

J. C. Dorden, Admr

Mrs. Fanny Atkinson

Receipt in full

\$ 2809.74

~~(\$2809⁷⁴/₁₀₀)~~

Received March 24th 1882 of John C. Griffin, Special Commissioner in the suit of Atkinson and others against Bowers Two Thousand Eight Hundred and nine and ⁷⁴/₁₀₀ Dollars (\$2809⁷⁴/₁₀₀) in full of the late Mrs. Fanny Atkinson's (deceased) share or legacy in the proceeds of the sale of the real estate belonging to the Estate of Bartholomew Bowers, deceased.

J. C. Dardin administrator
of Fanny Atkinson deceased

Geo. J. Kindred's

Recht.

for fee

\$100⁰⁰

Received May 16th 1881, of Dr. John Griff in
commⁿ in suit of Atkinson & al vs Bowers & al
& Atkinson & al vs Council's now pending in the
Circuit Court of Southampton County, One hundred
dollars (\$100.00 conts) which said sum is paid to me
in pursuance of a decree of said Court entered at
the May term 1881.

Wm S. Kendrick
Attorney at Law

R. H. Baker's Recept.
Counsl fee.

Yarfolk. June 8. 1881. Received of
Mrs. C. Griffin on receipt, one
hundred dollars by her check of
the 7th inst on Davis & Bros, in pay-
-ment of fee ~~decreed~~ to us in
the suit of Atkinson vs. Council &c
in the Circuit Court of Southampton
Co -

H. B. Baker Hon

J. V. Prince
to 3 Reck
Mr. C. Griffin Comr.

Recd June 11, 1881. of Jacob Griffin
Conv. in Suit Bowers Est. Check on
Bain & Bro for two hundred dollars
in full for allowed me in Suit
for construction of will of Carr
Bowers. as to rights of the Mipes
Councils - Suit pending in the
Circuit Court of Southampton - on
Chancery side -

J. B. Pomeroy
atty.

Received April 20th 1882 of John C.
Griffin, Special Commissioner in the suit
of Atkinson and others vs Bowers
\$61⁹⁵) Sixty-one and ⁹⁵/₁₀₀ Dollars which
with amount heretofore paid us make the
sum of \$561⁹⁰) Five Hundred and sixty-one
and ⁹⁰/₁₀₀ Dollars in full of amount due us
from sale of Bartholomew Bowers'
real estate.

Witness, H. H. Harris Jannie T Pitman x
" Saml C. Williams Nathaniel ^{his} Pitman x
Supt. ^{made}

For Mrs. Fanny Pitman + husband.
Mrs. Pitman sign first-

Fanny Atkinson & others

To Clerk Southampton Circuit Court

Dr.

To fees in Suit in Chancery or Council H^c from September 1880
to May 1884 included } 5.83

Retained for future costs

5.00

SR Edwards CC 10.83

1881

John Bowers adnor of Bartley Bowers dec.
To Clerk Southampton County Co. D.
To recording appraisment of Estate
L R Edwards cc

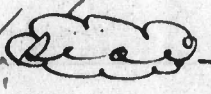
4.00

John Puetow Jr.
to $\frac{3}{4}$ carb
Griffin Corner

1456
225
14675

To Jno. C. Griffin, Special Commr in the
Chancery Suit of Atkinson & others vs. Bowen.

You are hereby authorized and
directed to execute the deed for
the land sold by you Decr 8, 1880,
and reported by you in your report
filed May 5, 1881. in said suit,
as being sold to me as the purchaser
to L. Lankford, he having paid
for the same - Witness my
hand & seal Jan'y 27, 1882.

John Puttane 

Mr Henry Lewis Rept
for working

Nov. 28th 1887.

Rec^d. Nov. 28th 1887. J. B. Griffin Commr in the suit
of Atkinson et al vs Bowen & Co in fall for
washing done for Messrs. Kain & Bette Councils.

Mrs. Henry C. Lewis

pr. L. Lankford-

J. B. Prince

To Receipt

For writing deed &
Mortgage Statement &

Received Aug 28th 1882 of John C. Griffin,
Special Commissioner in the suit of Atkinson
and others vs Bowers (\$20-) Twenty Dollars
in full for services for writing and ~~reporting~~
statements to - J. B. Prince

John Bowles'
Receipt in full -
280974

Received March 15th 1882 of John
L. Griffin Special Commr in the
suit of Atkinson and others vs
Bowers \$2809⁷⁴) Twenty-Eight Hun-
dred and nine and ⁷⁴/₁₀₀ Dollars in
full of amount due me from sale
of Bartholomew Bowers real estate.

John Bowers

Ro. D. Bowers'
Receipt in
fall -

(Receipt)

Received April 29th 1882 of John
C. Griffin, Special Commr in the
suit of Atkinson and others vs.
Bowers (\$936⁵⁸) nine Hundred and
Thirty-six and ⁵⁸/₁₀₀ Dollars in full
of amount due me from sale
of Bartholomew Bowers' real estate.

R D. ^{his} Bowers x
mark

Witness.

J. D. Crawley

1880.

To JAMES E. SEBRELL, Treasurer of Southampton County, Dr.

SUBJECTS OF TAXATION.	STATE TAX, 50c. on \$100.	COUNTY LEVY, 32c. on \$100.	SCHOOL TAXES.		TOTAL TAX.
			COUNTY, 10c. on \$100.	DISTRICT, 1 1/4 c. on \$100.	
To 1328 1/2 acres of Land, value \$9206	46 03	29 46	9 21	1 16	85 86
" Personal Property, value . . \$3389	16 95	10 85	3 39	43	31 62
" Capitation Taxes,	1 00		50		1 30
" Income, \$					118 98
Total,					
Fee Bills,					
5 per cent. additional, . . .					5 94
Total,					

Recd of John C. Griffin
Clerk for payment in full
of the above of A. Cobl
1881

Received payment 6th day of June 1881 \$124.92
A. Cobl Jr. Treasurer.

(\$561⁹⁵/₁₀₀)

Received March 24th 1882 of John C. Griffin,
Special Commissioner in the suit of Atkinson and
others against Bowers Five Hundred and sixty-one
and ⁹⁵/₁₀₀ Dollars (\$561⁹⁵/₁₀₀) in full of my share or
legacy in the proceeds of the sale of the real estate
belonging to the Estate of my late uncle, Bar-
tholomew Bowers, dec'd.

Lucie A. Darden.
J. C. Darden.

A. L. Gardner's

Recpt.

\$580

Rec^d May 22 1887 of Geo. C. Giffin,
Special Commr in the suit of Atkinson &
als vs Bowers Five dollars and Eighty cents,
in full for supplies to the Estate of Bartholo-
new Bowers, dec'd. A. L. Gordon.

Received April 20th 1882 of John C. Griffin,
Special Commissioner in the suit of Atkinson
and others against Bowers (\$6⁰⁹) Six and
9/100 Dollars which with amounts heretofore
paid us make the sum of one hundred
and fifty six and 9/100 Dollars in full of
amount due us from sale of Bartholo-
meu Bowers' real Estate.

Mary E. ^{her} X Aboufford
Maurice ^{his} X Aboufford
^{mark}

Witness

Sda L. Pennell.

Geo H Pulley

Fanny Atkinson & others

To Clerk Southampton Circuit Court

Dr.

To fees in suit in Chancery v Bonners from Sept 1880 to

May 1881 included

} 14.59

Retained for future costs

5.00

19.59

N^o. 6. Lonsford's
Receipt for Boarding
Thos. Martin & Bellie
Councell -

Est^d Bartley Bowens

1881

To L. Lantford Dr.

May 10th To Boarding Misses Elizabeth
and Catherine Council from the

16th Jan'y 1881 to date 3 mos + 25 days

at 8⁰⁰ each per month

\$ 61.33

Jan'y - To 19th Park furnished them

before they commenced boarding with me @ 9⁰⁰

1.71

\$ 63.04

Rec^d payment of the above account
from John C. Griffin, Commissioner
in the suit of Atkinson et al vs Bowen.

L. Lantford

Sarah E. Montford's
Receipt in full -

Received April 20th 1882 of John C.
Griffin, Special Commissioner in the suit
of Atkinson and others vs. Bowers
(\$6.09-) Six Dollars and nine cents which
with amounts heretofore paid us make the
sum of One hundred and fifty-six and
9/100 Dollars in full of amounts due us
from sale of Bartholomew Bowers'
real Estate.

Sarah C. ^{gher} Abbottford
Wells ^{mark} ~~his~~ Abbottford
^{mark}

Witness

Ida L. Pennell.

Lulah Griffin.
p

Jesse E. Britts

To E. Necht.

#468²⁹

Received April 26th 1882 of John L. Griffin,
Special Commissioner in the suit of Ettkinson
and others vs Bowers (\$18²⁹) Eighteen and ²⁹/₁₀₀
Dollars which, with amounts heretofore paid
me, make the sum of \$468²⁹) Four Hundred
and and Sixty-eight and ²⁹/₁₀₀ Dollars in full
of amount due me from sale of Bartholo-
mew Bowers' real estate.

Witness-

J. M. Picheu

J E Pritch

x

Pay to R. Turner

Receipt in full^{7m}

one for

Hugh H. Turner

Guardian

For P. R. J.

Received April 20th 1882 of John C. Griffin,
Special Comr in the suit of ~~Stinson~~
and others vs Bowers ~~(\$61⁹⁵)~~ Sixty-one
and ⁹⁵/₁₀₀ Dollars which with amounts
heretofore paid me make the sum of
~~\$561⁹⁵)~~ Five Hundred and sixty-one and
⁹⁵/₁₀₀ Dollars in full of amount due
me from sale of Bartholomew Bow-
ers' real estate.

Peyton R. Turner

Witness J. Thifer

J. B. Runic
to 3 Repts
J. C. Griffin

Received Oct: 24th 1881,
of Mrs. G. Griffin Comr.-
One Hundred dollars
in full fee for sent to
sell land formerly belonging
to B. Bower decd.

J. B. Prince
Atty.

Received March 24th 1882 of John C.
Griffin, Special Comr in the suit of H.
Kinson and others vs Bowers (\$61⁹⁵) Sixty-
one and ⁹⁵/₁₀₀ Dollars which with the amount
heretofore paid me make the sum of (\$61⁹⁵)
Five Hundred and sixty-one and ⁹⁵/₁₀₀ Dollars
in full of amount due me from sale of
Bartholomew Bowco's real Estate.

Mollie L Turner x

Received April 20th 1882 of John C.
Griffin, Special Comr in the suit of
Atkinson and others vs Bowers (6⁰⁹) Six
and 7/100 Dollars, which with amounts hereto-
fore paid us make the sum of One Hun-
dred and Fifty six and 7/100 Dollars in full
of amount due us from sale of Bartholo-
meu Bowers' real estate.

Caroline V. ^{her} Pulley

Geo. B. Pulley

Witness

Ida L. Pennell.

Received April 20th 1882 of John C.
Griffin, Special Commr in the suit
of ~~C~~ Atkinson and others vs Bowers
Thirty-eight and ²⁹/₁₀₀ Dollars which
with amounts heretofore paid me
make the sum of \$468 ²⁹/₁₀₀, Four Hundred
and Sixty-eight and ²⁹/₁₀₀ Dollars in
full of amount due me from sale
of Bartholomew Bowers real Estate.

E. Caroline ^{her} Britt
mark

Witness.

Minnie E. Griffin

Received April 26th 1882 of John C. Griffin, Special Commissioner in the suit of Atkinson and others vs Bowers (\$18²⁹) Eighteen and ²⁹/₁₀₀ Dollars which with amount heretofore paid me make the sum of (\$468²⁹) Four Hundred and six-ty-eight and ²⁹/₁₀₀ Dollars in full of amount due me from sale of Bartholomew Bowers' real estate.

Witness.

James B. Britt
Ada L. Pennell.

Josiah^{his} X Britt
mark

\$468²⁹

Received April 20th 1882 of John C Griffin,
Special Commissioner in the suit of Atkinson and
Others vs Bowers Four Hundred and Sixty-eight
and ²⁹/₁₀₀ Dollars in full of amount due me
from sale of Bartholomew Bowers' real estate
Willis ^{his} Britt
mark

Witness

Oda L. Pennell.

W. W. Briggs

Receipt as
acting Commr in
viewing the lands
belonging to the Estate
of Dorchester near Boston, Mass.

PURCELL HOUSE,

R. T. JAMES,

PROPRIETOR.

Norfolk, Va. 188

Rec^d January 1st 1881 of Mr. C
Griffin five dollars in full
for acting as Commissioner in
dividing the lands of Bartholomew
Bourne, dec^d.

W. L. Duggs

Received March 28th 1881 of John L.
Griffin, Commr in the suit of Atkin-
son and others against Bowers sixty
(\$60⁰⁰) Dollars in full for services as auc-
tioner in selling the Real Estate belonging
to the late Bartholomew Bowers dec'd.

J. D. Bordenak.

Sub

Read Decr 11th 1846 of J^r L. Griffin, Special
Commr. in the suit of Atkinson vs Bowers
Ten Dollars for services as clerk. &c.

L. A. Gay

Received March 27th 1881 of John C. Griffin Com.
in the Suit of Atkinson et al vs Bowen, five dollars in
full for my services as acting Commissioner in viewing
reporting &c upon the lands belonging to Estate of B. Bowen
decd. M. Lankford.

Rec'd April 25th 1881 of John C. Giffin, Commissioner
\$5⁰⁰ in full for services as Commissioner in viewing & report-
ing upon the lands belonging to estate of Bartholomew
Bowers, dec'd -

A. T. Stephenson

M. GLENNAN, Proprietor.

VIRGINIAN NEWSPAPER, JOB PRINTING AND PUBLISHING HOUSE,

Virginian Building, corner Main and Commerce Streets.

Norfolk, Va.,

March 10 1881.

M. D. Thuc Griffin, Jr. Esq.

To Norfolk Virginian, Dr.

For Nov. 15/80, Ad. Commissioners' Sale "Cedar" \$45⁶⁰
Sale "Est. Bartholomew Bonus Deal, 8 pgs 18 times
(3 weeks)

RECEIVED PAYMENT:

M. Glennan
per S. S. Nottingham, Jr.

Franklin, Va., 1883

W^o Jno C Griffin
Commissioner
To "Franklin Gazette," Dr.

JOB WORK NEATLY AND PROMPTLY EXECUTED.

The Gazette \$1.50 a Year.

ORDERS SOLICITED.

1880	To Bills and Notes Used in the sale and settlement of Bartho Morris Estate	3 50
11	To Half Commission of admt- of Morris land four weeks	\$15.00 \$18.50

Dear Jno.

You will please find
your account above as Commissioner
of the Board for the sale of the
Morris farm. You will please
give it your earliest attention as
I am in need of funds.

Yours truly

J. C. Griffin

Received payment by note
on Commercial Bank
Suff. Va.

J. C. Griffin

J.B. Prince's
Receipt for
Wm. Hudson -

Received Apr 17. 1882 of Mr. C. Griffin,
Cashier check on Bain & Bro for Two Hundred
Eighty-five ⁰⁰/₁₀₀ dollars. which with
amounts heretofore paid make the
sum of Nine hundred thirty six ⁵⁸/₁₀₀
dollars, in full of amt due Julia
Hudson from sale of B. Bomer
real estate.

J. B. Pinner
Atty for Julia Hudson.

J. B. Prince's
Receipt for Mrs.
Hudson show in
Mrs. Fanny Atkinson's
Est. (proceeds of B. Bon.
on real estate)

Received June 10th 1882 of Mrs B.
Griffin, Comr in Chancery suit for
settlement of B. Bowers Estate in the
Circuit Court of Southampton, his
Check on the Commercial Bank of
Suffolk for (\$234.¹⁴) two hundred
and thirty four ¹⁴/₁₀₀ or dollars, which
when paid is in full of share
to which Julia Hudson is entitled of
Mrs Fanny Atkinson's portion of land
fund of B. Bowers Estate.

J. B. Rennie atty
for Mrs Julia Hudson

Statement's Distr-
bution of funds be-
longing to Estate of
Mrs. Fanny Atkins
dec'd to the legal
Heirs -

Distribution of 2809⁷⁴ the Amk heirs
by Est. Mrs Fanny Atkinson from proceeds
Sale of B. Bowers' real Estate.

\$ 2809.74

John Bowers' Share 1/4 =	\$ 702.43
Already paid	<u>667.31</u>
Bal due Jas. Bowers.	\$ 35.12

Mrs. Julia Hudson Share 1/12	\$ 234.14
Mr. Robt D. Bowers " 1/12	\$ 234.14
Mrs. Jas. E. Saunders children 1/12	\$ 234.14

Mrs Peyton R. Turner's Share 1/20 th	\$ 140.48
Already paid	<u>133.46</u>
Bal due	\$ 7.02

Mr. J. C. Warden's Share 1/20	\$ 140.48
Already paid	<u>133.46</u>
Bal due	\$ 7.02

Mrs Fanny Pitman's Share 1/20	\$ 140.48
Already paid	<u>133.46</u>
Bal due her	\$ 7.02

Miss Abigail L. Turner's share 1/20 \$140.48
 Already paid 133.46
 \$ 7.02

Ed. D. H. H. Turner's share 1/20 \$140.48

Mr. Josiah Britts' share 1/24 \$117.07
 Already paid 111.22
 Bal due \$ 5.85

Miss Caroline Britts' share 1/24 \$117.07
 Already paid 111.22
 Bal due \$ 5.85

Mr. Willis Britts' share 1/24 \$117.07
 Already paid 111.22
 Bal due \$ 5.85

Mr. Thomas E. Britts' share 1/20 \$117.07
 Already paid 111.22
 Bal due \$ 5.85

Mr. Jesse E. Britts' share \$117.07
 111.22
 \$ 5.85

Miss Caroline Cully	\$39.02	} Mrs. Emily Montford		
Paid	37.07		Share	\$39.02
Bal	\$1.95		Paid	37.07
Mrs. Sarah Montford	\$39.02	} Bal	\$1.95	
Paid	37.07			
Bal.	\$1.95			

Willis Brattle kept.
on legacy in Mrs.
Fanny Atkinson's est.

Recd. Oct 7th 1882 of John C. Griffin
Special Commis. in the suit of Atkinson
et als vs Bowers One hundred and seven-
teen and $\frac{7}{100}$ ^{Dollars} (\$117.⁰⁷) in full of my share or
legacy in the Estate of Mrs Fanny Atkin-
son dec'd. which she beind from the proceeds
of the sale of Bartholomew Bowers'
real Estate - (signed)

Witness -

Nannie B. Griffin.

Willis ^{his} Britt
Mark

Miss Caroline Smith

Receipt in Mrs. Mary
Aikinson's Estate.

July 6. 1882. Rec^d of John C. Griffin,
Spl. Commr. re in the Suit of Atkinson
Et als vs Bowers (\$5⁸⁵) Five and ⁸⁵/₁₀₀
Dollars, which with the amount heretofore
paid me makes the sum of \$117⁰²) One
hundred and seventeen and ²/₁₀₀ Dollars
in full of my share or legacy in the Estate
of Mrs Fanny Atkinson dec^d which
she received from the sale of Bartholo-
mew Bowers' Real Estate ^{de}
Caroline E. & Britt
mark

Witness -

Thomas E. Britt

Thomas E. Britli
Receipt- for legacy
in Mrs. Atkinson's
Estate -

Recd July 6th 1882 of John C. Chaffin
Spec Commr in the suit of Atkinson et
al vs Bowers (\$5⁰⁰) Five and 87/100 dol-
lars which with the amount heretofore
paid me viz \$111²² - makes the sum of
(\$117⁰⁷) One hundred and seventeen and
7/100 Dollars in full of my share as legatee
in the Estate of Mrs. Nancy Atkinson dec.
which she received from the sale of Bo-
tholomew Bowers' real Estate.

Thomas E. Britte

Received June 5th 1882 of John C. Giff-
ins, Special Comm'r in the suit of At-
kinson et als vs Bowers (\$140⁴⁸) One
Hundred and Forty and ⁴⁸/₁₀₀ Dollars
in full of my share or legacy in the
Estate of Mrs. Fanny Atkinson, dec'd
which she held from the proceeds of
the sale of Bartholomew Bowers' real
Estate and which amount said Comm'r.
has paid me in pursuance of a decree
of the Circuit Court of Southampton
County granted at the May term
thereof 1882.

Fannie S. Pitman
Nathaniel^{his} Pitman
MCK

Ro. D. Bowers

To { Receipt in
full for his legacy
in Mrs. Fanny Atkin-
son's Estate.

Received July 6th 1882 of John C.
Giffin, Special Comr in the suit
of Atkinson et al vs Bowers the sum
of Two Hundred and Thirty-four and
 $\frac{14}{100}$ Dollars (\$234 $\frac{14}{100}$) in full of my
share or legacy in the estate of
Mrs. Fanny Atkinson deceased which
she bequeathed from the proceeds of the sale
of Bartholomew Bowers real estate.
Witness.

R L ^{lie} Bowers

mark

C. A. B. Foxworth

John Bowers receipt in
full of legacy in Mrs. Fanny
Atkinson's Estate -

Rec^d. July 18th 1882 of John C.
Giffin, Spl. Commr. (\$36¹²) Thirty-
five and ¹²/₁₀₀ Dollars which, with
the amount paid me by Julius C. Don-
den, admr., makes the sum of (\$702⁴³)
Seven Hundred and two and ⁴³/₁₀₀
Dollars in full of my share in the
Estate of Fanny Atkinson, dec^d.
which she bequeathed from proceeds of
the sale of Bertholomew Bowers de-
ceased estate.

John Bowers

Rosdale, Nov. 8th 1882.

My Dear Sir:

Enclosed herewith please find Certificate of deposit for (\$1245²⁵) Twelve Hundred and Forty-five and ²⁵/₁₀₀ Dollars balance due the children of James E. Saunders, of Decatur N.C. and the Estate of Dr. Henry Turner, \$936⁵⁸/₁₀₀ and \$308⁶⁵/₁₀₀ respectively. The vouchers herewith Enclosed will explain all.

The money I collected from J.C. Borden in pursuance of decree of Court Messrs C & her are been paid out ^{to the heirs} as you will see by his & my receipts with the exception of the amounts due Saunders' children & Dr. Turner's children, ~~with the exception of~~ ^{and} about \$17²⁹/₁₀₀ Seventeen dollars, due J.E. & Josiah Britts The two Munfords & G.D. Pulley. (The last three mentioned are entitled to about five dollars between them \$1⁶⁷/₁₀₀ each.) out of the Com-

mifious. Mr. J. C. Harden was to have rec^d
and which he paid back to me by direction
of aforementioned deers.

Please make such disposition & report
of these papers as you, in your better judgment,
think best and as will protect my interest.

You are aware of the status of W. Turner's
legacy. His widow will not heir you told
me, as W. T. died before Mr. B. Bowers.
Mrs. T. is very anxious to get the balance due
her children - I have paid out \$125⁰⁰
to the guardian of the child (Hugh Turner)
by his (W. Turner's) first wife as you will
see by receipts enclosed -

It would afford me much pleasure to hand
you these papers in person & make any expla-
nation necessary, but I am too indisposed
to take the ride from here to Jerusalem -
My wife has also been quite sick -

Your attention to the above will place me
under renewed obligations - Send receipt if
necessary by bearer. Truly yours friend
J. B. Prince. Eng Jerusalem on J. C. Griffin

Miss Mollie L. Turner's
(Receipt.)

Mrs. Fanny A. Knison's
Estate.

Received June 5th 1887 of John C.
Griffin, Special Commr in the suit
of Atkinson et al vs Bowers the
sum of \$140⁴⁸ / One Hundred and Forty
and ⁴⁸/100 Dollars in full of my share or
legacy in the estate of Mrs Fanny
Atkinson, Decd which she bequeathed
from the proceeds of the sale of Bordwell
Omer Bowers' real Estate & which
~~Amount said Commr has paid me~~
in pursuance of a decree of the Circuit
Court of Southampton County granted
at the May term thereof 1882.

Wm. L. Turner.

Payton R. Jarnes's
Recpt.

W^m. James Atkinson
Estate.

Received June 5th 1882 of John C.
Griffin, Special Commr in the suit
of Atkinson et al vs Bowers the sum
of \$140⁴⁸) One Hundred and Forty and
⁴⁸/100 Dollars in full of my share or legacy
in the Estate of Mrs. Fanny Atkinson,
dec'd which she received from the proceeds
of the sale of Bartholomew Bowers'
Real Estate and which amount
said Commr has paid me in pursu-
ance of a decree of the Circuit
Court of Southampton County granted
at the May term thereof 1882.

Reuben R. Urner

Mr. Lucy A. Darden's
Receipt.

Mr. Harry Atkinson, Esq.

Received June 5th 1882 of John C. Griffin,
Special Commr in the Suit of Atkinson
et al vs Bowers, the sum of (\$140⁴⁸)
One Hundred and Forty and ⁴⁸/₁₀₀ Dollars
in full of my share or legacy in the
Estate of Mrs. Fanny Atkinson decd.
which she beired from the proceeds of
the sale of Bartholomew Bowers'
Real Estate and which amount
said Special Commr has paid me in
pursuance of a decree of the Circuit
Court of Southampton County, granted
at the May term thereof 1882.

Lucy F. Darden,
J. C. Darden

Received April 20th 1882 of Dr. John C. Griffin \$37⁰⁰/₁₀₀) Thirty-seven and ⁷/₁₀₀ Dollars in full of amount paid him by J.C. Darden, adm'r of Mrs. Fanny Atkinson, deceased, as our portion or legacy in her estate which she hired from the sale of B. Bowers' real estate

Witnesses
Ida L. Fernnell. Caroline N. ^{her} Pulley
Geo H Pulley

Received April 20th 1882 of Dr. John C. Griffin \$37⁰⁰/₁₀₀) Thirty-seven and ⁷/₁₀₀ Dollars in full of amount paid him by J.C. Darden, adm'r of Mrs. Fanny Atkinson, deceased, as our portion or legacy in her estate which she hired from the sale of B. Bowers' real Estate.

Witnesses
Ida L. Fernnell. Mary E. ^{her} Montford
Matthew ^{his} Montford
Geo H Pulley

Received April 20th 1882 of John C.
Guffin. Special Commr in the suit of
Athens and others vs Bowers (\$50⁰⁰)
Fifty Dollars an legacy or portion due
my ward, Hugh H. Turner from sale of
Bartholomew Bowers' real estate.

By *Pyton R Turner* x

Guardian for Hugh H. Turner.

Witness *J. Phifer*

Peters R. Turner's
Receipt for Guardian
for Hugh H. Turner
\$75⁰⁰

Rec'd Oct. 24th 1882 of Jno. C. Griffin,
Special Commr in the suit of Atkinson
et al vs Bowers Seventy-five Dollars
(\$75⁰⁰) in part of legacy due my word
Hugh H. Turner, son of the late W. Henry
Turner, in the proceeds of the sale of
the real estate belonging to the Estate
of the late Bartholomew Bowers, dec'd.

Wm. B. Turner Guardian of
Hugh H. Turner

Bond scaled @ 2.50 60.00
Int to June 12, 1882. 68.30
\$128.30

Received of Mr. C. G. Giffin
Com^{rs} One Hundred & twenty eight
30/100 dollars in full.

June 16, 1882. W. B. Prince
city for S. Pruden

Henry H. Turner
and Pruden

\$150.00

Six months after date we or either of us
promise to pay, S. T. Stancell and S. D. Gay
Admrs. of Green Stancell Dec., or Order
the sum of One hundred and fifty
Dollars for value received, as witness
our hands and seals this the 22nd
day of December 1862

Henry H. Turner Seal
Samuel Pruden Seal
Seal

\$128.30

Wt to June 12. 1862.

Principal \$601.00