

Commissioner made pursuant to an order of April Term 1841, to which report there is no exception and was argued by Counsel. On consideration whereof the Court not being satisfied as to the facts, whether Richard Barrow succeeded his son, Theophilus T Barrow or not doth order that an issue be made up between the parties to be tried by a jury at the bar of the law and of the Court to ascertain whether the said Richard Barrow did or did not succeed his son the said Theophilus T Barrow and being so allowed the parties to stand upon the trial of said issue the depositing of each of the writings where evidence has already been taken as may have been done or shall hereafter be obtained under the process of the Court and any other legal evidence which the parties or either of them may think proper to introduce.

Ordered that the Court be adjourned till tomorrow morning 9 o'clock

Rich. H. Barker

Thursday November 4th 1844.
Present.

The Hon. Richard H. Barker Judge.

Peter Edwards administrator of James Turner dec^d and Elizabeth H. Turner
an infant suing by Joseph T. Bland her next friend
against
Pffs.

Elemeus Richelle late Sheriff of Southampton County to whom the estate of Sally A. Brown dec^d was committed for administration, Barn Rogers late Sheriff of the said County to whom the estate of Benjamin Turner dec^d was committed for administration, Sterling Winslow, and wife whose baptismal names is not known but who was a daughter of Priscilla Turner, a Nathan Butler and Charlotte his wife, Thomas Rives, James Wade and Martha his wife, John T. Rives and Sterling Rives, Ridley Porter, Etheldred Smith and Patsy his wife formerly Turner and James Turner. Defts.

This cause on to be again heard on the papers formerly read, and the report of Edwards & Butts made according to the order of the day of

to which no exception has been filed and was argued by Counsel: on consideration whereof the Court doth copy said report, and it appearing that there is a fund still remaining in the hands of the Commissioner to be disposed of and that the persons entitled to it are now unknown. The Court doth thereupon adjudge decree and order that the said Edwards & Butts lend out to some responsible person the amount now in his hands, subject to the order of this Court in this cause - that is to say Eight hundred and ninety dollars sixty seven cents which it seems is in his hands liable to distribution among persons not residents of this Commonwealth taken on bond or bonds with good security for payment thereof on demand, and bring the bonds into Court to be filed subject to the future order in this cause. And the Court doth also order that the said Commissioner Edwards & Butts advertise in the Richmond Enquirer and the National Intelligencer published in Washington City that there is a fund now remaining under the control of the Court in this cause, that the same is to be paid over to Etheldred Smith and wife, Nathan Butler and wife, Thomas Rives, James J. Wade, and wife, John T. Rives, Sterling Rives, Sterling Winslow, Ridley