

215

At a court of justices and held for the county of Southampton on the 18th day of September 1895

Present

Jeremiah Cobb, Mr. B. Goodwyn, Henry P. Williams, Mr. E. Daughtrey and Alexander C. Pette Justs

James Myrick & Phoebe his wife vs

Complainants

John Shepherd and Susan his wife vs

Defendants

In Chancery

This cause this day came on to be heard by court of parties and documents Commissioner affidavits filed and objection to the report of Monte Commissioner exhibits and arguments of counsel on either side whereupon and upon due consideration thereof the court doth order and decree that the said objection filed by the complainants and also that Monte Commissioner do re-examine and settle the account to which the said objection were filed annulling the same excepted to the said Commissioner in further orders in the event of such a balance being due on such settlement from the representatives of David Myrick &c. as that nothing thereof the proportion to which the said Shepherd & wife are entitled shall exceed the sum of \$536.92 and from the said Shepherd & wife inasmuch that such balance be credited with that sum, otherwise that the said sum of \$536.92 be credited by the amount of such balance and report to this court in order to a final decree

Abent Alexander C. Pette Present Jeremiah Cobb Justs

Upon the petition of Thomas Williamson setting forth that he is the owner of the land on one side of a certain water course called the Three creeks the middle of the bed whereof is the dividing line and that he is desirous to erect a water wheel mill and other machinery on his land and to erect a dam across the said creek for working the said mill of the height of six feet to about the land of the infant of Fabulon Lewis &c. on the opposite side

This day came the said Thomas Williamson by his attorney and Robert Rochelle guardian to the said infant of Fabulon Lewis &c. the proprietor of the acre of land located by the dam summoned for that purpose and Lewis Fort the proprietor of the land found by the dam to be liable to damages, having been duly summoned to appear here this day, appeared and for good cause shown to the court it is ordered that the injunction set by the dam in this case be quashed as the same is hereby accordingly quashed and it is ordered that the said Robert Rochelle Guardian as aforesaid and the said Lewis Fort recover

against the said Thomas Williamson their costs by them about their refusal in this behalf that he own the land on one side of the 3 creeks & is desirous to erect a water wheel mill and other machinery on his land & to erect a dam across the said creek for working the said mill of the height of six feet to about the land of the infant of Fabulon Lewis &c. on the opposite side and on the petition of the said Thomas Williamson setting forth as aforesaid and the said Robert Rochelle Guardian as aforesaid & Lewis Fort being present in court by their counsel it is ordered that an alias writ of Co. gua. damnum issue to the Sheriff directing him to summon a jury to go on the land & proposed for the abatement of said dam on the 11th day of October next who shall be charged by the said Sheriff impartially and to the best of their skills and judgment to view the said land &