

At a court continued and held for the County of Southampton on the eighteenth day of September 1821.

Present. William B. Goodenough, Benjamin W. Williams, Clerk
William & Daughtry & Alexander P. Pate

James Myrick & Thos. his wife Administrators of David Myrick dec'd. who was administrator of James Lowmy dec'd. Plaintiffs
against

John Shepherd and Susan his wife late widow & executrix of James Lowmy dec'd. Defs.

This cause this day came on to be heard by consent of parties on the bill and answer & documents filed whereupon the Court doth sustain the exceptions filed by the Complainants and order that Master Commissioner Robt. do re-examine and settle the account to which the said exceptions were filed, disallowing the items excepted to. The same Commissioner is further ordered in the event of such a balance being due and on such settlement from the representatives of David Myrick dec'd. as that one third thereof the proportion to which the said Shepherd & wife are entitled shall exceed the sum of \$536.92 due from the said Shepherd and wife individually, 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.

Absent. Alexander P. Pate. Present. Jeremiah Robt. Clerk

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 in the middle of the bed whereof is the dividing line and that he is desirous to erect a water grist 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 lands of the infants of Zebulon Lewis dec'd. on the opposite side.

This day came the said Thomas Williamson by his Attorney and Robert Rochelle Guardian to the said infants of Zebulon Lewis dec'd. the proprietor of the acre of land located by the Jury summoned for that purpose and Lewis Fort the proprietor of the land found by the jury to be liable to damages having been duly summoned to appear here this day appeared accordingly and being fully heard for good cause shown to the Court it is ordered that the injunction returned by the Jury 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 defence in this behalf expended.

And on the motion of the said Thomas Williamson setting forth that he owns the land on one side of the three creeks and is desirous to erect a water grist mill and other machinery on his land and to erect a dam across the said creek to work said mill of the height of six feet from the bottom of the run of the said stream where the dam will cross the same, and the said Robert Rochelle Guardian as aforesaid and the said Lewis Fort being present in Court by their counsel. It is ordered that an alias writ of ad quod damnum be issued directed to the Sheriff of this County commanding him to summon and impound twelve fit persons to meet upon the lands so proposed for the abutment on the 10th day of October next who shall be charged by the said Sheriff impartially and to the best of their skill and judgment, to view the said lands so proposed for the abutment, and to locate and circumscribe by certain miles and bounds one acre thereof having due regard therein to the interest of both parties, and to appraise the same according to its true value, to examine the lands above and below of the property of others which may possibly be overflowed, and say to what damage it will be of to the several proprietors, and whether the mansion house of any such proprietor, or the Office, cartilage or gardens thereto immediately belonging, or orchards will be overflowed, to enquire whether and in what degree fish of passage or ordinary navigation will be obstructed, whether by any and by what means such obstruction may be prevented, and whether in their opinion the health of the neighbours will be annoyed by the stagnation of the waters. And that the inquest

do be made and return to the next Court.

Absent. Jeremiah

Ordered that Master Phillips's administration

Ordered that Master Barnes's administration

The Exceptions filed by William P. Westbrook's doth order that the said his costs by him in this

On the motion of Goodmans Branches

Absent. William

Fanny Kasper form Rawlings hermat form

against James Jones & Arthur

This cause ca Commissioner made by counsel whereupon Stable and former defendants their costs of the said

Present Mr

Ordered that or any three of them do appraise all the under their hands

Ordered that Turner or any three do appraise all the under their hands

Eli Cohen and Susan William dec'd. John K. of Arthur Williams

against

Martha Davis form and Henry Briggs

This day this cause answer, exhibits filed mature deliberation recover of the defendants mentioned in the bill of opinion that this James in his petition