

upon the petition of John Boykin sitting forth &c. It is ordered that the writ of Ad. Quas. Damnum be awarded him according to Law &c. and that the same be executed on the 10th of February next

The Executive Council of Virginia by their order of the 23rd day of December 1825 having referred the nomination heretofore made by the Court of Southampton County at November Term 1825 of three persons one of whom to be commissioned Sheriff of the said County of Southampton to the said Court for reconsideration on the motion of James Clayton to reconsider the same after hearing the said Clayton and Benj^a Cobb by their Council decided to take up and reconsider the said recommendation and thereupon Benj^a Cobb, Davany, James Elmyrick, Sam^l P. B. Hines, James W. Parker, Henry Briggs, Stuart Harris, William Briggs, Laurence Cook and Robert Goodwyn absented themselves, and after having been called at the front door of the courthouse by the Sheriff, by the order of the remaining justices to hear the said recommendation and evidence in the said motion and failing to come on the bench, the said remaining justices proceeded to hear the said parties by their Council and the evidence offered by the said Clayton showing his general attention to the business of his office as a Justice of the peace for the said county by a number of witnesses in the trying of warrants, taking depositions, and relinquishment of suits and other official duties, as well as his having for three years since his appointment as a Justice served as an overseer of the poor for the said county, and the fact that the said Clayton has been for sometime since the performance of a Tour of duty in the late war been subject to a Rheumatic affection producing ill health, and the evidence offered by the said Benj^a Cobb of the clerk showing the time of the qualification of the said Clayton and the said Cobb took their seats as magistrates &c. as stated by the clerk, certificate in the following words to wit, "Virginia Southampton County Jst I James Rochelle clerk of the county court of Southampton do hereby certify that at the request of the Colo. Benjamin Cobb (who is recommended to be Sheriff of this county) I have carefully & diligently examined the records of my office and upon such examination it appears that James Clayton who is a Justice of the peace for the aforesaid county appears to have been present and composed a member of the said court at July Court 1810. at Jan^y Court 1811. at June Court 1814 at March Court 1812 at May Court 1814 at Sept^r Court 1814 at Dec^r Court 1814 at February Court 1815. June Court 1815. July Court 1815. October Court 1815. March Court 1816. April Court 1816. March Court 1818. May Court 1819. August Court 1819. Sept^r Court 1819. June Court 1820. March Court 1821. June Court 1823. August Court 1824. Dec^r Court 1824 and at May Court 1825. That it does not appear from such examination that the said James Clayton was a member of the court at any other time than those above stated. That it also appears that at each court when when the said Clayton was present with very few exceptions some appointment civil or military was made. That it appears of record that the said Benj^a Cobb & James Clayton were both recommended at May Court 1810 to be Justices of the peace for this county, that they were both commissioned & qualified at the same time. The said Clayton qualified first & the said Cobb shortly after in the same way, & immediately took his seat as a member of the court. That it also appears of record that the said Cobb has uniformly from that day to this been an active member of the said court. Given under my hand this 9th day of Dec^r 1825 James Rochelle cc and having perused the said parties & maturely weighed the arguments & evidence aforesaid do now on reconsideration recommend the said Clayton, the said Cobb and Elias Summrell as the persons to fill the office of Sheriff for the said County of Southampton for the year 1826 -

Ordered that the court be adjourned till court in course

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