852-003 Chancery Causes: Mallory T. Dickson + ux + al vs James B. Southall, Jr., extor of
Isle of Wight County James B. Southall, Sr + al

other surnames: Godwin

Dickson & wife et al.

vs

Z. Bill.

Smith alls exp. et al.

Octo. Term 1849 filed.

Octo. Term 1849 decree.
O. B. f. 206.

Apl. 23d 1850 report of Comr.
& exhibits filed.

May Term 1850 cond.

Octo. Term 1850 cond.

May 1851. Cond.

Octo. 1851. Cond.

May 1852. Decree for Comr.
B. f. 281.

Octo. 1852. Final
decree. C. B. f. 295.

and of the other legacies and all of which they must
pass to them under the said testamy clause & ought
be accounted for by the said Executor.

Your complainant charge that the said Testator left
an ample estate sufficient to pay all the legacies of
Every kind and believe & implies to be distributed
under the residuary clause of the will and they
divine that the said James B. Southall jr Executor of
the said James B Southall sr deceased shall be required
to render before a Commissioner of this Court an account
of the Estate which has come to his hands, and of his transactions as Executor
and shall be decreed to pass the Legacies of the said will
and fully settle the said Estate under the direction
and advice of your Honor by paying to your Complain
ants & other Legatees
under the sanction of your decree the amounts to
which they may be respectively entitled and by delivering
to them the Stocks specifically bequeathed by said will
that the Money directed to be invested for the benefit of
your infant Complainants Charles & William Southall
may be securely invested under the direction of the
Court - that all questions arising under the 6th
clause of the Testators will may be settled by the Court
and that the rights of your complainant Mallory and
Diana T Dickson and of their children under the said
clause may be ascertained and determined and that if
deemed necessary a Trustee should be appointed to
hold the said Legacy or that the said Executor may be
declared a Trustee for that purpose and his precise
rights powers and duties under the said 6th Clause
and Codicil be defined & and declared by the Court
and that the rights of the residuary Legatees under the
7th Clause may be ascertained and declared as also that
a just and equitable settlement of the Estate be made
so as to secure and protect the rights of all and to
save the said Executor harmless in the premises.

In Tender consideration whereof & the said Complainant
prays that the said James B. Southall jr individually
as Legatee and as Executor of the last will and
testament of the said James B. Southall sr deceased
and the said infants Stephen Southall James Southall
Thomas Southall and Philip Southall may be made
parties defendant to this bill and required to
answer the same. The said infants by a Guardian
ad litem assigned to defend them in this suit and that
the said James B. Southall Executor as aforesaid may
be required to render before a Commissioner of this
Court an account of the Estate of the Testator James
B. Southall sr deceased which has come to his hands
and of his transactions as Executor as aforesaid and
may be required and decreed to account for the Estate to
the parties entitled thereto under the said will according
to their respective rights and that the relief herein
before prayed for as proper to be granted and such other
relief as may be proper may be granted and that full right and justice
be done in the premises & all parties may at large be
Court to grant a &c &c

Jaquelle Taylor
Sol. for

of the said Testatrix survived her said husband but little
over twelve months and that without issue
renounced the said world she departed this life
on the 12th day of September 1849 having first
duly made and published her last will and testa-
ment in writing by which she appointed your
complainants Angelina and Nancy Executrixes of
her said last will and testament who in that
capacity are (as they are advised) entitled to receive
from the said James B Sinkhall Esqr as surviving
Executor of the said Testatrix under the will
of the said Testator & your complts have duly qualified in
the due course as executrixes of the said will

Your complainants Mallory T and Deans T Dickson be-
ing infants and Angelina & Nancy further shew
that the said Testatrix by the said 7th clause of his
said will bequeathed the balance of the residue
(not before disposed of by the previous clauses) as well as
the residue of the chattel property to be equally
divided between her three daughters the said
Deans Angelina and Nancy aforesaid which
said residue was however charged with the payment
of any deficiency (should the same occur) of the
previous legacies & all which will more fully appear
by reference to the said last will and testament
& codicil thereto of the said James B Sinkhall &
hereto before referred to

Your said last named complainants shew that
the balance of the said residue so bequeathed to them
by the said residuary clause has been delivered
over to them by the said Executor and a division
thereof made between them but that the remainder
or residue of said Estate still remains as they charge
all the said remains for distribution after payment of debts

account upon the Sixty three shares of Virginia State Stock and payable since the Testators death has been paid to them. which they insist belongs to them - and should be paid over to them or to your complainant Mallory Semiannually as the same accrues. They charge that the said account has been received by the said Executor or by due diligence might have been received by him and that the said Sixty three shares of Stock are able under his control.

That by the 7th Clause of said will the Testator gave and bequeathed to his wife and to his unmarried daughters to wit your complainants Angelina and Nancy Southall Ninety Eight Shares of State and Bank Stock (viz Virginia State Stock and Exchange Bank Stock held by Testator other than that bequeathed by 6th Clause) to be equally divided between them. and also two houses and lots in Smithfield to be also Equally divided between them.

By the same clause he gave also to his wife the following slaves viz: Polly. Lewson Grace. Mary and her children and his household and kitchen furniture.

Your complainants Angelina and Nancy Southall charge that their mother Mary the wife of the said Testator received from the said Executor the slaves and furniture so bequeathed to her and sum of money at various times amounts other than of Dividends of Stocks and that moneys were also paid on his account by your complainants the amounts of which payments and when made will be accurately stated by the said Executor but the said Stocks have never been transferred by him and that the Dividends thereon have been received by him for that he is accountable to the said Testator.

They further charge that the said Mary Southall wife

and that in the performance of the trust the said Executor possessed himself of all the Estate of the said Testator and now holds or is accountable therefor under the said will as hereinafter mentioned.

Your complainants charge that the said Testator owed but few debts and those of small amount and which have been, as they believe, paid.

That by his said will he bequeathed to your complainants Charles and William Godwin the sum of thirty five hundred dollars which is directed should be securely invested and the interest regularly paid to his daughter Susanna the mother of the said Charles and William during the natural life of the latter should desire it.

See 3d Clause of will.

Your complainant Charles Eastwood that the said Susanna died a few weeks after the said Testator and that no part of the said Legacy is yet paid or invested.

That by the 4th clause of the said will the Testator bequeathed to his son James B Southall & Executor as aforesaid the sum of twenty five hundred dollars a negro named Robin and all his books except his religious Books (which he bequeathed to his daughters) and also the plantation he purchased of D. Tynes.

Your complainants charge that the said Executor has assented to the specific Legacy bequeathed of Robin and of the Books and now holds the same in his individual character.

That by the 5th clause of the will the Testator bequeathed to his Grandson your Complainant Wm B Southall the sum of One thousand dollars and to his brother Turner H Southall your infant complainant five hundred dollars and a plantation or tract of land purchased of Mr Catchen and by the same clause he bequeathed to each of them half Brothers and also the Grand Children of said Testator being infant children of Turner H Southall deceased of Testator the sum of One hundred and twenty five dollars each. That the said Legatees described in the said will as half Brothers of Wm and Turner H Southall are four in number and are named Stephen. James Thomas and Philip. Southall being infants of tender years and that the legacies bequeathed by the said 5th clause are still unpaid.

That by the 6th clause of said will the Testator bequeathed to his Grand children four in number "the offspring of his daughter (and your complainant) Deana F Dickson" being as your complainants charge the aforementioned Mary Angelina Louisa Augusta Anne Taylor and William Mallory Dickson. Thirty three shares of Virginia State Stock. The three small tracts of land lying in Henry neck known now one tract and the following negroes viz Charlotte. Henrietta & Child. Moses and Magdalene & them and their heirs" with the understanding however that the profits arising therefrom of every kind should be for the use and benefit of his said daughter Deana F. wife of your complainant Mallory F Dickson, during her natural life and that by the Codicil of said will the Testator authorized his said Executor to dispose of the said land and negroes as directed by the said 6th clause and to invest the proceeds in other Stocks for the benefit named in said clause after trial such change should be deemed advantageous. The Testator also devised to his said Grand children one half of a Marsh owned jointly by himself and your complainant Mallory F Dickson.

Your complainant Mallory & Deana F Dickson state that the said Executor has permitted them to hold possession of the slaves mentioned in the said 6th clause ever since the Testators death as also of the tracts of land therein mentioned but they charge that no part of the interest or dividends

To the Honorable Richard H. Baker Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight

The Bill of your Complainants

1 Mallory F. Dickson and Diana F. his wife;
2 Angeline Southall and Nancy Southall in their own right and as Executrices of Mary Southall deceased;
3 Charles and William Godwin sons of George Godwin deceased infants under the age of twenty one years suing by William H Godwin their Father and next friend;
4 William B. Southall son of James H Southall dec'd.
5 James H Southall also son of said James H Southall deceased an infant under the age of twenty one years suing by Wm B Southall his next friend;
6 Mary Angeline, Louisa Augusta, Anna Fay and William Mallory Dickson children of Mallory and Diana F Dickson and infants under the age of twenty one years suing by Jazewell Taylor their next friend—

respectfully represents to your Honor
That James B. Southall late of this County departed this life on the day of August 1848 having first duly made and published his last and codicil thereto will and testament in writing, which were admitted to probat by the County Court of Isle of Wight on the 4th September 1848 and an office copy of which is herewith filed and prayed to be taken as part of this Bill— Exhibit A
That James B. Southall jr the Executor therein named duly qualified as such and took upon himself the burthen and Execution thereof

Dickson Wife et als.

vs. } Exrs. of J. B. Smith et
exor. &c.

Smith alló exor. et als.

Octo. Term 1819 filed.

be granted to him: and as executor as aforesaid is ready at any time to render an account of his transactions as such under the said Will, before a commissioner of this honble Court; and to abide by whatever Decree it may be entered in the premises, and to pay over the stock, and legacies to the same be paid over thereby, upon the execution to the respondent of the proper refunding bonds, as the Court in such case requires for the due & proper protection of this respondent. Your respondent declines any trust in regard to the legacies or property given to the grand children of said testator, to wit, the children of the late Mary F. Luckett & his wife Susanna, and denies that the Court of law is vested, or necessary under the Will, with appointing some other proper person: & having answered prays to be dismissed with his costs &c.

J. B. Southall Exr
and in his individual right

Sworn to & subscribed before me

E. Hennessy JP

Benj. Watt Comr to wit.

James F. Luckett personally appeared before me a Justice of the Peace for the County aforesaid & made oath that the facts as stated in his answer (above) are true to the best of his knowledge & belief. Given under my hand this 19 Octr 1849.

E. Hennessy JP

To the Hon^ble Rich^d H. Baker Judge of the Circuit Superior Court of Law & Chy for the County of Ohio & Ga &c, in Chancery sitting:

The Answer of James B. Southall as Executor of the Last Will & Testament of James B. Southall Sr dec^d; and James B. Southall jr. as one of the Legatees of s^d dec^d: or in his own right &c to a Bill filed against him & als: by Mallory T. Dickson & als:

This respondent in his executorial & individual capacity, now and at all times hereafter, saving and reserving to himself all manner of benefit & of exception to the many errors &c of said Bill, for answer thereto, & to so much thereof as he is advised it is material for him to answer: answers & says, that he admits, that James B. Southall Sr of the County aforesaid, in the Bill mentioned, departed this life at the time alledged, and did duly execute & execute his last Will & Testament in writing of the date and to the purport & effect as in the said Bill, in that is set forth. That he appointed this respondent executor thereof, who has proved the same for probate & record in the Clerk's office of the County Court of Ohio County and that this respondent ~~both upon himself~~ the has duly qualified as the executor of the said Will, obtained custody & possession of the property, & rights, Chattels &c: and taken upon himself the execution the trusts & burdens thereof. That he has not paid over the Legacies, or transferred the stock bequeathed to the several parties entitled for the reasons stated in said bill; as the recent death of the said Benjamin Sodden one of the Legatees, the uncertainty of the determination of the Widow of the Testator, and her subsequent death, the infancy of the many of the Legatees, and the doubt as to the character of the interest given to the wife Mallory T. Dickson, and of Mallory T. Dickson himself, the confused & obscure manner in which much of the said Will is written interposed many difficulties to your respondent complying with the requisitions of the said parties, and rendered it unsafe for him to attempt the execution of the same with out the aid, direction and assistance of this Hon^ble Court. That he has allowed the several Legatees, to take possession of the specific property bequeathed, such as the negroes, the furniture &c: as stated in the ~~bill~~ Bill, and has further now made considerable advancements to the several parties entitled; and the principal, or stock itself, minus the whole balance would have been long since paid or transferred, but for the difficulties above suggested. This respondent ~~in~~ to his individual & full claims, upon a just construction of the said Will, entitles on the Legacy

Rescan d'wife

n: } cans. of insts.

Schuttgills exor: dab.

Octo. term 1 mg Julii

in cans.

The Answer of Stephen Southall James Southall
Thomas Southall and Philip Southall infants
under the age of twenty one years by
Archd Atkinson their Guardian ad litem
assigned to defend them in behalf & a Bill
Exhibited against them & Jas B. Southall
Exr of Eliz. Southall decd in the Circuit Superior
Court of Law & Chancery for the County of Isle of
Wight.

These respondents answers as aforesaid by
their said Guardian ad litem as Infants
unto the protection of their
rights in the premises to Relate.

Archd Atkinson
Jas ad litem

Dickson Wright
vs
Report
Southales Exr

April 23d 1850 filed.

was this sixth day of March 1850 paid by the Executor to the said Mallory T. Dickson & Wife & their receipt —

In the distributive account with Angelina Southall marked No 2 the Executor has charged himself for one third of dividend on State & Bank Stock (sixty Ninety eight shares) from Testators death to January 1st 1850, with rents of houses & Lots &3. for the year 1848 & with the said Angelina Southalls proportion of the residuary balance due on said general account marked B. leaving due to the said Angelina Southall on said distributive account one hundred and twenty dollars & sixty two cents which sum was on the 6th day of March 1850 paid by the said Executor to the said Angelina Southall & receipt.

In the distributive account with Nancy Southall marked No 3: the executor has charged himself with one third of the dividend on Ninety eight shares of State & Bank Stock from Testators death to January 1st 1850 with &3 of the rents of houses & Lots for 1848 & with the said Nancy Southalls proportion of the residuary balance on said general account marked B. leaving due to the said Nancy Southall one hundred & ninety dollars & sixty two cents, which sum was on the 6th of March 1850 paid by the said Executor to the said Nancy Southall & receipt. —

In the distributive account with Mrs. Mary Southall (the Widow) No 4 — It shews that the executor advanced to the said Mary Southall in her lifetime in Cash, for reparis of houses &c. to the amount of five hundred and twenty two dollars & seventy six cents - that he has charged himself in said with 1/3 of the dividend of ninety eight shares of State & Bank Stock from Testators death to January 1st 1850 with &3 of the Rents of houses & Lots for 1848 - leaving the sum of one hundred & fifty seven dollars & two cents over paid her — which sum I am authorised by the Executor to state has been refunded him by Angelina & Nancy Southall exx's of said Mary Southall dec'd —

It was in evidence before your Commissioner that the Executor delivered over to the said Mary Southall (the Widow) in her lifetime all the household & Kitchen furniture, Negroes Betty, London, Grace Mary & her children bequeathed her in the Will of her late husband —

The Executor has transfered & delivered over to Angelina & Nancy Southall in their own right & as executrix's of Mary Southall bequeathed by the Will of the Testator to Mary Southall, Angelina Southall & Nancy Southall — to Mallory T. Dickson in right of his Wife Deanna & to Angelina & Nancy Southall the Executor has delivered over the balance of the Negroes not specifically given away by the Will of the Testator —

I am requested by the Executor to state to the Court that as the Guardian of Turner B. Southall he has retained the Legacy to said Turner B Southall with Interest to January 20th 1850 amounting to five hundred & forty three dollars & thirty three cents —

I am further requested by the Executor to state to the Court that as Executor as aforesaid he holds in his possession the Thirty three Shares of Virginia State Stock & Negroes Charlotte, Henrietta, & Hiram & Margaret, & a tract of Land in Levy Neck, bequeathed to the four children of Deanna Dickson until specially directed by this Court as to what disposition he is to make of said Legacy — All of which is respectfully submitted to the Court —

Barth: Lightfoot Comr.

Comm.r Fee
Time employed 12 hours - paid by exor & charged in general Acct -

Isle of Wight County to wit

Barthol. mew Lightfoot made oath before me a Justice of the peace for said County that the time charged for making this report is just & true. Given under my hand this 7th of March 1850

S Morrison JP

250
15 300
200

Isle of Wight County } January 20th 1850
Dickson and wife & others . . . . Pltfs
against
James B Southall exor. of Jas B Southall Sr. and Defts. } In Chancery

Pursuant to an order of the Circuit Superior Court of Law & Chancery for the said county herewith filed - Your Commissioner after giving notice to the parties of the time & place for taking the Accts directed in said order - which notice is herewith filed - makes -

On the 8th of Dec 1849 at Mr. R D Whitfields Office; the time and place appointed for taking said Accounts - James B Southall the executor of James B Southall Sen. dec'd. appeared & laid before your Commissioner Vouchers & papers relative to his transactions on the estate of his Testator - & time was taken by your Com'r. until January 20th 1850 for the examination & settlement of said Accounts - when from the General Account marked B. which includes the Cash found in Testators house, monies collected on open Accounts, Bonds, Account of Sales &c &c. the said Executor was indebted to the Estate the sum of one thousand & forty two dollars & ninety three cents - of which sum Mallory J. Dickson in right of his Wife, (residuary Legatee) is entitled to three hundred & forty seven dollars & sixty four 64/93 cents & is placed to the credit of said Dickson & Wife in Distributive Account with said Dickson & Wife No. 1 -

Angelina Southall (another residuary Legatee) is entitled to three hundred & forty seven dollars and sixty four 64/93 cents & is placed to the credit of said Angelina Southall (another residuary Legatee) in Distributive Account. No. 2 -

Nancy Southall (the other residuary Legatee) is entitled to the like sum & is placed to her credit in distributive Account No. 3 -

In the distributive Account with Mallory J. Dickson & Wife, 1st Cr. by the Executor has charged himself for dividend received on 33 shares of State Stock from Testators decease to January 1st 1850 with rent of Land for 1849 & with the said Dickson's proportion of the residuary balance due on the general Account B: leaving due to the said Dickson & Wife on said distributive Account, three hundred & fifty two dollars & forty two 93 cents which said last mentioned sum

No 1

Legatees Distributive Accounts Shewing the amounts

Dr. Mallory J. Dickson, in his own right and in right of

1849
Nov 20 To Cash Pd rect. for dividend on 33 shares of State Stock $275.00
" 5 P cent Comms on $294.50 receipts 14.72
1850
Jan 20 " paid M. J. Dickson, Bal: in full 352 42/3
$642 14/3

No 2

Dr. Angelina Southall

1849 To paid for repairs of houses & Lots, for sundry
1850 Articles of Merchandize & Cash at sundry times 1/3 $504 48
Jan 20 " 5 P cent Comms on $365.74 receipts 18 28
" " " paid A. Southall Bal: in full 190 62
$713 38

No 3.

Dr. Nancy Southall

1849 To paid for repairs of houses & Lots, for sundry
1850 Articles of Merchandize & Cash at sundry times 1/3 $504 48
Jan 20 " 5 P cent Comms on $365.74 receipts 18 28
" " " paid Nancy Southall Bal: in full 190 62
$713 38

No 4

Dr Mrs. Mary Southall late Widow of the Testator

1849 To paid for repairs of houses & Lots for sundry articles
of Merchandize, Cash at sundry times 1/3 $504.48
Nov 20 " 5 P cent Comms on $365.74 receipts 18.28
$522 76

advanced & paid by the Executor, to the several Legatees

his wife Diana 1/3

1849 By rent of Land for 1040 $19.50
By this sum received for dividend on 33 shares P.
State Stock from Testators death to Jan 1st 1850 1/3 275 00
1850
Jan 20 By this sum, the said Dicksons pro: of $1042.93
the residuary part of Testators est. P acct 1/3 347 64/3
$642 14/3

1849 6th

By this sum received dividend on 98 shares of
Nov 20 Bank & State stock from Testators death to
Jan 1. 1850 1/3 1/3 $307 05
By this sum received for rent of houses & Lots for '48 58 69
1850
Jan 20 By the said Angelinas pro: of $1042.93 1/3 347 04
$713 38

1849 6th

By this sum received, dividend on 98 shares of Bank
Nov 20 & State Stock from Testators death to Jan 1. 1850 1/3 1/3 $307.05
Nov 20 By Rent of houses & Lots for '48 5869
1850
Jan 20 By the said Nancy's pro: of $1042.93 1/3 347 64
$713 38

1849 By this sum received dividend on 98 shares of 6th
Bank & State Stock from Testators death to Jan 1. 1850 1/3 1/3 307 05
Nov 20 By Rent of houses & Lots for '48 58 69
1850
Jan 20 By cash of Angelina & Nancy Southall exrs of
Mary Southall decd to Bal: in full 1/3 157 02
$522 76

1850

Jan 20 To this sum retained by the Executor, to pay Cash Legacy, to himself with Int. from Testators death, to this day — 1 Year 5 mo. & 20 days — 271663

" " " this sum retained by the Executor, as Gdn. to J. H. Southall — Cash Legacy — with Int. as above 54333

" " " paid William D Southall, Cash Legacy with Int. 108666

" " " paid Wm H Goodwin, Gdn. to his two sons Charles & William Goodwin — Cash Legacy with Int. 380333

" " " paid Ellis ann Southall Gdn. to the four youngest children of J. H. Southall dec'd. Cash Legacy — with Int 54333

" " " paid Rt Whitfield acct 2500

" " " paid Jay. Taylor. acct 2500

" " " paid Comm^r Lightfoot for this acct 1200

" " " By balance due the Estate ℔ contra 104293

℔ 979821

1849

Nov 20 By this sum due the estate ℔ prin. ℔ 940623

ditto ℔ Int. 29792

1850

Jan 20 By Interest on ℔ 940623 from Nov. 20th to this day 2 mo. 9406

℔ 979821

1850

Jan 20. Due the Estate ℔ 1042:93, residuary balance — to be divided between, Mallory J. Dickson, Angelina Southall & Nancy Southall ℔ 347:64/3 each — which is placed to their credit in their respective distributive accounts.

B.

Dr. The Estate of James B. Southall Sen. deceased

1848				
Aug 23.	To paid B. F. Beale	Acct	#	16 20
Sept 16	" paid Butler & Camp	"		24 87
Oct. 2	" paid S. R. Purdie for R Folk	"		3 00
" 21	" paid S. White for Rev. J D. McCabe	"		12 50
" "	" paid Mitchell & Taylor	"		3 00
Dec 31	" paid R B Whitfield acct			12 37
" "	" paid E. Ballard Dy Sff	Taxes & Tickets		60 27
" "	" paid S White for Rev. J D McCabe			12 50
" "	" paid R. Folk	Acct		1 50
" "	" paid Tax on probat of Will			70
" "	" paid passage of Negro man Davy to Norfolk			50
" "	" paid J Atkinson	Acct		8 03
" "	" this sum expended by the Executor for necessaries for Testators Family from his death to this day	Vide		285 03
1849				
Jan 10	" paid S White	Acct		151 71
Mar	" paid for head & foot stones for Grave			19 96
" "	" this sum to encrease Grave Yard			20 00
Apl 10	" paid J Morrison for Coffin			15 75
Oct	" paid E Morrison	Acct		3 97
" "	" paid Sheriff	Tickets		4 53
" "	" paid Levi Gwaltney	Acct		9 58
" "	" paid R B Whitfield Agent for J W Davis	"		17 64
Nov 20	" 5 P cent Comm: on # 10621.65 receipts			531 08
" "	" Balance due the Estate P Contra			9406 23
			#	10621 65

In Account with James B. Southall Sen. Executor. Cr.

1848				
Sept	By this sum in Cash found in Testators house		#	560 00
Nov.	By this sum, drawn from Bank on deposit			840 00
" 20	By amount of Jo Jordans bond			49 82
" "	By " of J. D. Ripleys bond # 310.50 ~ of Jr Threadens # 173.08			483 58
" "	By " of Sp. Jordans " # 46.01 ~ of J. Chapmans " # 336.			382 25
" "	By " of M. Daniels " after deducting a payment to Testator in his lifetime ~ not credited on bond	Vide		1341 37
" "	By " of P. Cutchins " # 44.70 ~ of M Battins " # 42			86 70
" "	By " of J. Cashiers " # 39.90 ~ of L. Gwaltneys " # 92.17			132 07
" "	By " of Rhs Hoskins " # 1300 ~ of J Edwards " # 556.87			1856 87
" "	By " of R. Edwards " after deducting a payment made to Testator in his lifetime ~ not credited on bond	Vide		650 15
" "	By " of B. J Grays " # 33.11 ~ of J. Goodwins " # 58.98			92 09
" "	By " of J. Holladays " # 6.39 ~ of J. G Rodgers " # 92.50			98 89
" "	By " of E Morrisons " # 19.94 ~ of J. Morrisons " # 289.20			309 14
" "	By " of G J. Purdies " # 54.82 ~ of M Smiths " # 52.66			107 48
" "	By " of A G Shivers " # 190.54 ~ of L Underwoods " # 49.94 ~			240 48
" "	By " of S. Whites " # 708.95 ~ of J B Threadgoods " # 89.80			798 75
" "	By " of W. Wilsons " # 1445.60 ~ for Ice sold	Vide		1455 19
				# 9930.83
1849				
Jan 29	By this sum, for dividend of Bank & State Stock to Testators death Aug: 10. 48	Vide		263 33
May 28	By Amount of Sales of the estate due this day			427 49
				# 10621 65
Nov 20	By Interest on # 9930.83 from May 28th 49 to this day ~ 6 Months	Vide		# 297 92

Due the Estate of Prin. # 9406.23
" " of Int. 297.92
9704.15

Dickson & wife
v
Southall –

This paper is filed by
Plaintiffs counsel as
an exception to the report
of Comm. Lightfoot – and
as shewing counsel's
view of the mode of
stating the accounts &
the result of the enqui-

The Distributive and Legatee Account will then stand—

1. Mallory T. Dickson.

1850 Jany 20.	By share of general balance as written		457.78
	" Rent of Land		19.55
	" Int. on State Stock		275.00
Contra—	To Sundry contra as ch'd.	14.72	
	" Cash	275—	
" Jany 21.	" So. supposed balance	352.43	
" "	Balance due M T D.	110.13	
		752.28	752.28
1850 Jany 20—	By balance due as above		$110.13

2— Angelina Southall.

	By share of balance as written		457.78
	" Dividends.		307.05
	" rents		58.69.
	To Comm's as charged	18.28.	
	" Sundries as ch'd in ag.	504.48.	
1850 Jany 20	" Cash - Supposed balance	190.62.	
	" balance due Angelina	110.14	
		823 52	823 52
1850 Jany 20.	Balance due Angelina		$110.14

3. Nancy Southall

1850. Jany 20— same balance due—

See ag. for items— corrected only in the first account as in the accounts above—

4. Charles & Wm Goodson—.

1850 Jany 20	To amount paid by Exrs supposed to be due for Legacy as per Comm Lightfoot's report	$380.33
	By amount that is actually due as written	357.83
	This sum to be refunded to Exrs with interest—	$ 22.50

5. Wm D. Southall.

" "	To amount ch'd as paid for Legacy	1086.66
	By sum actually due as written	1021.67
	This sum to be refunded to Exrs " "	64.99

6. Turner H Southall

" "	To amount ch'd as paid for Legacy	543.33.
	By sum actually due as written	510.83
	This sum to be refunded to Exrs " "	32.50

7. A. A Southall Guardian & children—

	To amount ch'd as paid for Legacy	543.33.
	By sum actually due as written	510.83
	This sum to be refunded to Exrs " "	$32.50

The account thus corrected—

W B Southall will receive from—	No 4—	227.50
	No 5.	64.99
	No 6	32.50
	No 7.	32.50
		$357.49

will pay— To. No 1 $110.13
No 2 $110.14
No 3 $110.14 330.41
$27.08

Cash to Exrs. H. T. Taylor

Estate of James B. Southall
In Ac. with S B. Southall Jr Exr dec'd

1849 Sept 10	By credits as given in the Account		10621.65
	Debits as per account	$684.34	
	Ditto amts on receipts	531.08	1215.42
			9406.23
	paid R H Whitfield & T Taylor attys	50-	
	Comm Leightfoot	12	62.
			9344 23
	Interest on $9344.23 from Sept 10. 1849 to January 20 1850 - 4 mos. 10 days		202.45
	This balance for distribution Jany 20. 1850		$9546 68

The general Legacies being payable in one year from qualification of Exr. they of course must have out of this fund the amount of their Legacies with interest from 10 Sept 1849 - & then the settlement will be made -

Balance for distribution			$9546.68
Amount of W B Southall's Legacy		$2500	
	Interest 4 mos. 10 days	52.17	2552.17
do of Charles H Wm Southall		3500	
	Interest 4 mos. 10 days	75.83	3575.83
do of Wm D Southall		1000	
	Interest 4 mos. 10 days	21.67	1021.67
do of James H Southall		500-	
	Interest 4 mos 10 days	10.83	510.83
do of W H Southall's children		500.	
	Interest 4 mos 10 days	10.83	510.83
			$8173.33
	Balance payable thus -		$1373 35
	To Mallory T. Dickson 1/3	457.78	
	Angelina Southall 1/3	457.78	
	Nancy Southall 1/3	457.79	
Ex.	Tazewell Taylor	$1373 35	

the sum of $110.59⅓. Given under my hand as Commissioner of said Court the day and year first aforesaid

Geo. R. Atkinson

Time employed by Commissioner in stating and reporting the foregoing accounts 8 hours $6.00

Fee charged to the Plaintiffs

Geo. R. Atkinson, Com.

Declaration Assp. Ct.

vs. } Com. Report

Smithfield Executor &c.

Dec. 18. 1852. F.C.C.

Commissioners Office Smithfield September 15th 1852

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the Circuit Court of Isle of Wight County rendered on the 18th day of May 1852 in a suit in Chancery depending in said court between Mallory T Dickson and Diana T his wife and others complainants and James B Southall executor of James B Southall deceased, and in his own right and others defendants, the undersigned one of the Commissioners of said court to whom was recommitted by said decree the report of Commissioner Lightfoot reports to the Court that on the day of 1852 he issued notices against the several parties aforesaid requiring them to attend the settlement of the several accounts required to be stated by said decree, before him at his said office on the 17th day of August 1852. That he then and there stated the foregoing account of the said James B Southalls transactions on the Estate of James B Southall deceased, and finds that on the 20th day of January 1850 there was a balance of $954.03/100 (of which the sum of $203.80 was a balance of Interest) due by the Executor to the said estate. That on the same day, the said James B Southall executor of J B Southall deceased paid to the several legatees of his testator the several amounts, as stated in the foregoing account marked B. Your Commissioner has stated an account marked A shewing the amount due the several Legatees of James B Southall on the 20th day of January 1850 deceased, and the amount for distribution among his Residuary Legatees Your Commissioner further reports that he has stated finds that the Executor paid more to the general legatees of said J B Southall deceased than was due them, in allowing them interest on their several legacies from the date of the death of the testator, and that there is now due from the said legatees the following sums with interest from the 20th day of January 1850 till paid, to wit from Charles and William Gowin the sum of $227.50, from Wm D Southall the sum of $64.99, from Turner H Southall the sum of $32.50 and from the four youngest children of Turner H Southall deceased to wit Stephen, James, Philip and Thomas the sum of $32.50. That by paying the above named legatees more than was due them the funds for distribution among the residuary legatees was diminished, and that is due to the residuary legatees the following sums with interest from the 20th day of January 1850 till paid to wit to Mallory T Dickson the sum of $110.39, to Angelina Southall $110.39 and to Nancy Southall

Dr William H Godwin guardian of Charles & William Godwin

1850

January 20 To paid Supposed amount of Legacy $380333

$380333

1850

January 20 To Balance due the Executor ℔ contra $22750

1852 Oct 18 " Intrest on Balance to date 3746

$26496

William D Southall

1850

January 20 To paid Supposed amount of Legacy $108666

$108666

1850

January 20 To Balance due the Executor ℔ contra 6499

1852 Oct 18 " Intrest on Balance to date 1070

$7569

Turner H Southall

1850

January 20 To paid Supposed amount of Legacy $54333

$54333

1850

January 20 To Balance due the Executor ℔ contra $3250

1852 Oct 18 " Intrest on Balance to date 535

$3785

Alice Ann Southall guardian of the four younger children of Turner H Southall deceased

1850

January 20 To paid supposed amount of Legacy $54333

$54333

1850

January 20 To Balance due the Executor ℔ contra $3257

1852 Oct 18 " Intrest on same to date 535

$3792

An Account shewing the amounts paid by the Executor of James B Southall deceased to the several Legatees

Dr Mallory J Dickson

1849			
	To paid Dividend on State Stock	$ 275 00	
	" 5 P cent Commission on $294.50 receipts	14 72	
1850 January 21	" paid supposed balance	352 42⅔	
" "	" Balance due M J Dickson	110 59	
		$752 73⅓	

Cr

1849		
"	By Rent of Land for year 1848	$ 19 50
"	" this sum Dividend on 33 shares of State Stock	" "
"	" from testators death to January 1st 1850	275 00
1850 January 21	" this sum the said Dickson's portion as one of the residuary legatees of Jas B Southall deceased	458 23⅓
		$752 73⅓
1850		
January 21	By Balance due M J Dickson p contra	$110 59
1852 Oct 18	" Interest on Balance to date	18 21
		$128 80

Dr Angelina Southall

1849			
	To paid for repairs of Houses and Lots, taxes &c	$ 50 48	
	" 5 P cent Commission on $366.74 receipts	18 28	
1850 January 21	" paid supposed balance	190 62	
" "	" Balance due Angelina Southall	110 59⅓	
		$823 97½	

Cr

1849		
"	By the sum Dividend on 98 shares Bank Stock	
"	" from testators death to January 1st 1850	$ 367 15
"	" Rent of Houses and Lots for year 1850	38 69
1850 January 21	" this sum the said A Southall's portion as one of the Residuary Legatees of James B Southall deceased	455 23⅓
		$823 97½
1851		
January 21	By Balance due Angelina Southall p contra	$ 110 59⅓
1852 Oct 18th	" Interest on Balance to date	18 21
		$128 80⅓

Dr Nancy Southall

1849			
"	To paid for repairs of Houses and Lots, taxes &c	$ 50 48	
"	" 5 P cent Commission on $385.74 receipts	18 28	
1850 January 21	" paid supposed balance	190 62	
"	" Balance due Nancy Southall	110 59⅓	
		$823 97½	

Cr

1849		
"	By the sum Dividend on 98 shares of Bank Stock	
"	from testators death to January 1st 1850	$ 367 15
"	" Rent of Houses and Lots for year 1848	38 69
1850 January 21	" this sum the said A Southalls portion as one of the residuary legatees of Ja's B Southall deceased	455 23⅓
		$823 97½
1851		
January 21	By Balance due A Southall p contra	$ 110 59⅓
1852 Oct 18	" Interest on Balance to date	18 21
		$128 80⅓

In account with James B Faulkall his Executor

1849 — Cr

	Principal	Interest
September 10 By Receipts this year	$1062.65	
	$1062.65	

1849

September 10 By Balance due the Estate per contra	$940.33	
1850 Jany 20 Interest on Balance to date		$2.13 ½
	$940.33	$2.13 ½

D

The Estate of James B. Southall deceased

		Principal	Interest
1849			
September 10	To Disbursements this year	$684 34	
"	" Commissions on Receipts	331 08	
" "	" Balance due the Estate	7406 23	
		$10621 65	
1850			
January 20	To Disbursements to date	$ 63 00	
" "	" Balance due the Estate	$3442 13	203 80
		$7406 23	203 80

An Account (A) showing the amount due the Personal Legatees of James B. Southall deceased, and the amount for distribution among the Residuary Legatees.

1850			
January 20	Legacy to James B. Southall	$3500 00	
	Interest from September 10th 1849 to date	34 17	
	Legacy to Charles & William Godwin	3500 00	
	Interest from September 10th 1849 to date	75 83	
	Legacy to William D. Southall	1000 00	
	Interest from September 10th 1849 to date	21 67	
	Legacy to Turner H. Southall	500 00	
	Interest on same from September 10th 1849 to date	10 83	
	Legacy to the four younger children of Turner H. Southall deceased viz Stephen James Thomas & Philip	2000 00	
	Interest from September 10th 1849 to date	10 83	
	Total amount of Legacies and Interest	$8173 33	
	Fund for payment of Legacies being Balance due the Estate by the Executor Principal & Interest		$9548 03
	Balance for Distribution among Residuary Legatees	1374 70	
		$9548 03	$9548 03

Amount due Mallory Dickson	$ 458 23⅓	
Amount due Angelina Southall	458 23⅓	
Amount due Nancy Southall	458 23⅓	
	$1374 70	

1849			
September 10	By Legacy bequeathed by James B. Southall dec		$3500 00
1850 January 20	" Interest on same to date		75 83
	" Balance due the Executor		227 50
			$3803 33

1849			
September 10	By Legacy bequeathed by James B. Southall		$1000 00
1850 January 20	" Interest on same to date		21 67
	" Balance due the Executor		64 99
			$1086 66

1849			
September 10	By Legacy bequeathed by Jas B. Southall dec		$ 500 00
1850 January 20	" Interest on same to date		10 83
	" Balance due the Executor		32 50
			$543 33

1849			
September 10	By Legacy bequeathed by James B. Southall dec		$ 500 00
	" Interest on same to date		10 83
	" Balance due the Executor		32 50
			$543 33

Documents
of
Santa Fe Expd
Re: Accounts
Oct. Term 1849
T. Jaggers
Jr.

To be entered
R. H. Baker
Octs. Co. 4th.

Decision made as
to
Southall &c.

On motion of the plaintiffs by counsel Archibald Atkinson
is appointed Guardian ad litem to the infant defendants
Stephen. James. Thomas and Shelby Southall to defend
them in this suit. And the cause comes on this day
by consent of all parties by their counsel to be
heard on the Bill and Exhibits and on the answers of
the defendant James B Southall individually
and as Executor of James B Southall deceased and
of the infant defendants Stephen Southall. James
Southall Thomas Southall and Shelby Southall by
their Guardian ad litem appointed upon filed and
general replication to said answers was argued by
counsel On consideration whereof the Court doth
adjudge order and decree that the defendant
James B Southall Executor of James B Southall
deceased render before a Commissioner of this
Court an account of his transactions as Executor
of the said Testator and the said Commissioner
will also state a Hostile and distributive
account and such other account as may be
required by any of the parties or deemed proper
by himself and will report to the
Court upon what may be proper by the said Commissioner
to the infant complainants Charles and William
Godwin, should be invested out of the said
accounts the said Commissioner will state
settle and report and to the Court report
together with such other matters deemed
pertinent by himself or required by any of
the parties to state

Dickson & wife Ads

vs

Notice

Southall's exor: Ads

by the said Testator should be invested — which said Accounts the said Commissioner will state, settle & adjust & to the Court report, together with such other matters deemed pertinent by himself or required by any of the parties to be so stated —

A Copy Teste

A P Young Clk

A Copy Teste

Barth: Lightfoot Com:

State of Wright County — Commissioners Office Nov. 26th 1849

Pursuant to the foregoing order, I shall on Saturday the 8th of December next at Mr Robert G Whitfields Office in the Town of Smithfield proceed to the settlement of the Accounts directed in said order: the parties interested therein will on that day & at the place aforesaid with the necessary papers & proofs to enable me to state, settle & adjust said Accounts —

Service of Notice acknowledged 2/2 Barth: Lightfoot Com

Rob. Whitfield Counsel for all the Defendants —:

Mallory T. Dickson
Angelina D. Southall
Nancy R. Southall
} Executrixes

I B Southall for self & as Guardian for L W Southall
Wm B Southall

At a Circuit Superior Court of Law & Chancery continued & held for the County of Isle of Wight the 19th day of October 1849.

Mallory T. Dickson & Diana T. his wife, Angelina Southall, & Nancy Southall, in their own rights and as Executrixs of Mary Southall decd. Charles & William Godwin sons of Georgeana Godwin decd. infants under the age of twenty one years, suing by William N. Godwin their Father and next friend; William B. Southall sons of Turner N. Southall decd. Turner N. Southall also son of said Turner N. Southall decd. an infant under the age of twenty one years suing by William B. Southall his next friend, Mary Angelina, Louisa Augusta, Ann Taylor, & William Mallory Dickson, infants under the age of twenty one years, suing by Tazewell Taylor their next friend

Complainants

against

James B. Southall in his own right & as executor of James B. Southall Senr. decd. & Stephen Southall, Thomas Southall, Philip Southall, & James Southall infant defendants

Defendts. In Chancery.

On motion of the Plaintiffs by Counsel, Archibald Atkinson is appointed Guardian ad litem to the infant defendants Stephen, James, Thomas & Philip Southall to defend them in this suit, & the cause coming on this day by consent of all parties to be heard on the Bill, Exhibits, and on the answers of the defendants James B. Southall individually and as executor of James B. Southall decd and of the infant defendants Stephen Southall, James Southall, Thomas Southall & Philip Southall, by their Guardian ad litem, aforesaid, now filed, & general replication to said answers; was argued by Counsel: On consideration whereof the Court doth adjudge order & decree that the Defendant James B. Southall executor of James B. Southall decd. render before a Commissioner of this Court an account of his transactions as executor of his said Testator — and the said Commissioner will also state a Legatee & distributee account; & such other accounts as may be required by any of the parties or deemed proper by himself, and will enquire and report to this Court in what manner the fund bequeathed to the infant Complainants Charles & William Godwin

Exp.

Dickens & wife et als.

vs. Leo. decree

Southalls exor: et als.

9 8 7 8 0 3

4 7 3

Latin name.

W. T. Dickens & Diana T. his wife, Angelina & Nancy Southall in their own rights & as exors: of Mary Southall, Elizabeth Wm. Goodwin dowr of Georgiana Goodwin dec'd. infts. by Wm. H. Goodwin their next fr. W. D. and Susan M. Southall dowr of T. H. Southall dec'd. Mary A. Louisa Augusta, Anna L. and Wm. M. Dickens infts. by T. Taylor next fr. . Compts.

against

Jas. B. Southall in his right & as exor. of Jas. B. Southall dec'd. and Stephen, Danl, Henry & Phillip Southall infts. Defts.

At a Circuit court continued and held for the county of Isle of Wight on the 18th. day of May 1852

Mallory T. Dickson and Diana T. his wife &c. Complts.

Against } In Chancery

James B. Southall exor. of James B. Southall dec'd. and in his own right &c. Defendants

This cause came on this day to be again heard on the papers formerly read on the report of Commissioner taken & returned to court in pursuance of the decretal order made herein at October term 1849 and on the exceptions filed thereto by the plaintiffs counsel; On consideration whereof, the court without now deciding on the exceptions, doth adjudge, order & decree that the said report of commissioner Lightfoot be recommitted to commissioner Atkinson with instructions to state accounts according to the views of the plaintiffs as shewn by the exceptions and such other accounts as any of the parties may require, and will also make a statement of the payments made by the defendant James B. Southall executor of James B. Southall deceased to the several legatees. The said commissioner will also comply with such of the directions of the decree of October 1849 as the former commissioner has failed to report upon.

A Copy Teste

W. D. Young Cl.

Dickson
v. S.
Southall

order entered from
mem term 1852.
J. Taylor.
Jy.
Code entered J.

R. H. Baker
Jr. Cy. Co. Pa.

Dickson v Southall—

This cause came on this day to be again heard on the papers formerly read & on the report of the Commr taken and returned to Court in pursuance of the Decretal order made herein at the October term 1849 and on the exceptions filed thereto by the plaintiffs counsel & was argued by counsel. On consideration whereof the Court without now decideing on the exceptions doth adjudge order & decree that the said Report of the Commissioner Eightstot be recommitted to the said Commissioner with instructions to state the accounts according to the views of the plaintiffs as shewn by the exceptions and such other accounts as any of the parties may require & that he state the further account of the payments made by James B. Southall Exr of James S. Southall dec'd to the several legatees & the said Commissioner will also state inquire & report whether the executors have complied with such of the directions of the decree of October 1849 as he has stated in his report aforesaid

June 8th 1852 We acknowledge service of the within notice

Jas B Southall

Wm D. Southall

Wm H. Godwin

Declaration drawn & ds

vs } In Chy

Southalls Executors & al

Comm Notice to Parties

At a circuit Court continued and held for the county of Isle of Wight on the 18th day of May 1852.

Mallory T Dickson & Diana T. his wife, Angelina Southall & Nancy Southall in their own rights and as executrices of Mary Southall deceased. Charles Godwin & William Godwin infants and sons of Georgiana Godwin deceased by William H Godwin their next friend William D Southall & Turner & Southall by Wm D Southall his next friend sons of Turner & Southall deceased, and Mary A Dickson, Louisa Augusta Dickson Anna T Dickson & William M Dickson infants by Tazewell Taylor their next friend, Complainants

against

James B Southall in his own right and as executor of James B Southall deceased, and Stephen Southall James Southall Thomas Southall & Philip Southall infants Defendants.

This cause come on this day to be again heard on the papers formerly read on the Report of the Commissioner taken and returned to court in pursuance of the decretal order made herein at October Term 1849. and on the exceptions filed thereto by the plaintiffs counsel On consideration whereof the Court, without now deciding on the exceptions, doth adjudge, order, and decree, that the said report of Commissioner Lightfoot be recommitted to Commissioner Atkinson with instructions to state accounts according to the views of the plaintiffs as shown by the exceptions, and such other accounts as any of the parties may require and will also make a statement of the payments made by the defendant James B Southall executor of James B Southall deceased, to the several legatees. The said Commissioner will also comply with such of the directions of the decree of October 1849. as the former Commissioner has failed to report upon

A Copy
Teste
N D Pruden cc

Commissioners Office Smithfield June 3rd 1852.

The parties in the foregoing decree are hereby notified that I have fixed upon the 7th day of July to take and state the accounts above mentioned, at my said office, at which time and place they are required to attend

Lyon R Atkinson Comr.

Dickson

vs.

Southall

Rough draw
Oct. Term 1852
J. Taylor
for
To be entered
R. H Baker
Od. co. 52

Dickson &
Southall's exrs } Special Statement to accompany decree.

The following results are shewn by Comm. Atkinson's Report.

October 18. 1852

Due to		Due by	
Mallory T. Dickson	$128.80	Charles Sotwin	$132.48
Angelina Southall	128.80	Wm Sotwin	132.48
Nancy Southall	128.80	Wm S Southall	75.69
		W H Southall	37.85
		Children of S H Southall dec'd	37.85
	386.40		416.35
Balance due Exrs	29.95		
	416.35		

Charles Sotwin will pay—
To T Dickson $128.80.
Angelina Southall. 3.68. $132.48.

Wm Sotwin will pay.
Angelina Southall. 64.42.
Nancy Southall 68 06 132.48.

Wm S Southall will pay.
Angelina Southall. 60.30
Nancy Southall 14.99 75.69

Wm H Southall will pay
Nancy Southall. 37.85

Children of W. H Southall
will pay.
Nancy Southall 7.90
W B Southall exr 29.95
$416.35

October 1852. Jaquelin Taylor

Dickson 3 affl. statement
& slips, connected
v. 3 documents
Southall - marked
A

Oct. Term 1852

plf. Nancy Southall the sum of $68.66 with interest on $50.21 part thereof from 18th. Octs. 1852, and that the plf. Wm. D. Southall pay to the said Angelina Southall the sum of $60-70 with interest on $56. part thereof from 18th. Octs. 1852, and that he also pay to the plf. Nancy Southall the sum of $14.99 with interest on $9. part thereof from Octs. 18th. 1852, and that the said Nancy Southall recover of the plf. Luther H. Southall the sum of $37.85 with int. on $32.00 part thereof from Octs. 18th. 1852, and that the said Nancy Southall recover of the infant defts. Stephen Southall, Jas. Southall & Thos. Southall and Philip Southall the sum of $7.90 and that the said infants pay to the deft. Jas. B. Southall exor. of Jas. P. Southall decd. the sum of $29.95 with interest thereon from Octs. 18th. 1852 the sums first above decreed conforming to special statement prepared by plfs. Counsel conforming to the decision of the court upon Comr's Atkinson's report and being the balances due them according to said report, said special statement being marked A. and filed with this decree, the said parties hereby waiving any further demands for costs

Nancy Southall the like sum of £128.8.0 with like
interest on £110.5.9 part thereof from the 18th October 1852 till
paid. and the Court has certain to decree in favour
of the said defendant James B. Southall against
those legatees of the said testator who have been
overpaid their respective legacies as shewn by said
report of Commr Atkinson in consequence of the
error made by Commr Lightfoot. in his report
doth further adjudge order and decree that the
said James B. Southall recover of the infant plaintiffs
Charles Godwin the sum of £132.4.8 with interest
on £113.7.5 part thereof from the 18th October 1852
till paid being one half of the amount shewn
by the said report to be due by the said Charles
and William Godwin and that the said defen-
dant recover of the ~~the~~ infant plaintiff William
Godwin the like sum of £132.4.8 with like interest
on £113.7.5 part thereof from the 18th October
1852 till paid being the other half of the said
amount above mentioned to be due from the said Charles
& Wm Godwin and that he also recover of the plaintiff
Wm Southall the sum of £75.6.2 with interest on
£64.9.2 part thereof from the 18th October 1852 till
and from the [illegible]

All Available Text Successfully Captured

Dickson adm'x
&
Southall exor &c. This cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner Atkeson taken and returned to Court in pursuance of the decretal order pronounced herein at the last term to which no exceptions are taken and were argued by counsel and the Court confirms the report of Commissioner Lightfoot heretofore returned in this cause with the report of Commissioner Atkeson and having duly considered the exceptions filed ~~at the~~ at the last term to the report of Commissioner Lightfoot and being of opinion that the said exceptions were rightly taken and the Report of Commr. Atkeson being stated in conformity with the said exceptions doth therefore adjudge order and decree that the said Report of Commr. Atkeson be confirmed and doth ratify and confirm the settlement made by the defendant James B Southall Exor of James B. Southall dec'd with the assets of the said testator as far only as the said settlement is shewn by Report of Commr Atkeson to have been correct and proceeding to correct the sums in said settlement as shewn by said report doth further adjudge order and decree

that the ~~plf~~ M. S Dickson receiver of the infant plf. Chs. Godwin, the sum of $128.80. with int. on $110.59 from the 18th. Octo. 1852 and ~~it~~ is the plf. Angelina Southall receiver of the said Chs. Godwin, the sum of $3.68 with interest from 18th. Octo. 1852 and that the plf. Wm. Godwin pay to the said Angelina Southall the sum of $64.42 with interest on $60. part thereof from said 18th Octo. 1852. and that he also pay to the

plf. Nancy Southall the sum of $68.66 with interest on $50.21 part thereof from 18th. Octs. 1852, and that the plf. Wm. D. Southall pay to the said Angelina Southall the sum of $60-78 with interest on $56. part thereof from 18th. Octs. 1852, and that he also pay to the plf. Nancy Southall the sum of $14.99 with interest on $9. part thereof from Octs. 18th. 1852, and that the said Nancy Southall recover of the plf. Turner H. Southall the sum of $37.85 with int. on $32.00 part thereof from Octs. 18th. 1852, and that the said Nancy Southall recover of the infant defts. Stephen Southall, Jas. Southall & Thos. Southall and Philip Southall the sum of $7.90 and that the said infants pay to the deft. Jas. B. Southall exor. of Jas. D. Southall decd. the sum of $29.95 with interest thereon from Octs. 18th. 1852 the sums first above decreed conforming to special statement prepared by plfs. Counsel conforming to the decision of the court upon Comr. Atkinson's report and being the balances due them according to said report, said special statement being marked A. and filed with this decree, the said parties hereby waiving any further demands for costs

transfer to him as said Trustee thirty three shares of Virginia State Stock. bequeathed to the said infants children of the said Mallory & Diana T. Dickson by the said testator James B. Southall deceased and to the said Tazewell Taylor as Trustee as hereby authorized to receive any other monies or Estate to which the said Diana T Dickson and her said children or may be entitled to under the devises and bequests of said will all which are to be received and held by the said Tazewell Taylor upon trust to permit the said Diana T Dickson during her natural life to hold the said shares ~~during her life~~ for her sole and separate use or to sell the said shares at her pleasure and take the monies therefor for her own use as aforesaid and to pay over to the said Diana T Dickson in like manner during her life the dividends or interest on the thirty three shares of Virginia State Stock and any other part of the Estate and property which may hereafter from and after the 1st of January next come into his hands to be held and used by him for her sole and separate use as above declared and the receipts of the said Trustee shall be a valid discharge to him and at her death to pay & transfer the said shares and stock and all other part of the Estate which may come into his hands as said Trustee under this devise. to the said infants Mary Augustus. Louis Augustus Anne Taylor and Mallory Dickson or their Legal Guardian. But the said Tazewell Taylor before he shall be authorized to receive any of the said Estate under this devise shall execute a Bond in the Clerks Office in the penalty of $6000 payable to the Commonwealth of Virginia with Surety to be approved by the Court under the deve-

and the ~~Comt~~ plaintiff Mallory T. Dickson ~~by his counsel~~ having consented by his counsel ~~the exceptions to the report~~ that the profits and annual income of the bequests and devises to his infant children which the testator by his will bequeathed to his wife the plaintiff Diana T Dickson for her natural life should be enjoyed and received by her for her sole and separate use free from his control and his future debts liabilities and engagements. renders it unnecessary in the opinion of the Court to decide upon the true construction of the sixth clause of the testators will and ~~with his assent~~ and it is hereby ~~declared~~ ordered that the said profits and annual income of the shares in State Stock and the future increase of the same shares and lands devised by the said his late to the plaintiff Diana T Dickson wife of the said Mallory T. Dickson for her natural life shall be received and enjoyed by her for her sole and separate use as if she were a feme sole. during her natural life and the ~~motion~~ of the said Mallory T Dickson and Diana T. Dickson by their counsel and with the assent of the defendant James B Southall Exr of the said James B. Southall deceased as expressed in his answer ~~the Court~~ doth appoint Tazewell Taylor Trustee for the said Diana T Dickson and her infant children the said Mary Angelina. Louisa Augusta. Anna Taylor and William Mallory Dickson and doth hereby authorize and require the said James B. Southall Exr of James B. Southall deceased to deliver to the said Tazewell Taylor as Trustee as aforesaid the shares ~~Chesapeake Steamboat~~ and Hampton Iron Works Stock of the testator ~~Co~~ ~~standing~~ in the name of ~~Thomas Tabb~~ his children Frances T. Moses and Miss Adeline A and

Dickson & wife
v.
Southall.

The Counsel for the Plaintiff in this cause asks that this report of Commissioner Leigh's Report shall be recommitted. It is perfectly erroneous as it has in ascertaining the pecuniary legacies with interest on their legacies from the death of the testator. The paper herewith filed shews the views of the Counsel with respect to the mode of stating the accounts and the result of the alleged errors and he would prefer without taking exceptions in any other form that the account may be recommitted with instructions to state the accounts in the form desired by the Plaintiffs counsel and such other accounts as any of the parties may desire — and also a statement shewing the settlement by the Exor — and that Commr be directed to make the enquiries directed by the former decree in this cause.

J. Taylor Cor. Ly.

Dickson & wife
Southall Exr } This suit was brought for a settlement
of the Estate of the late Dr Southall — the disposition
of his Estate by will — made sundry pecuniary legacies —
and constituted the plaintiffs Mallory T. Dickson
Angelina Southall and Nancy Southall residuary
legatees — Commissioner Lightfoot stated the Exors ac
count on an order of Reference — and before the account
was returned the Exr settled with the parties
according to that report — None of them were aware
of its errors but as soon as it was returned and
seen by me I as Counsel excepted and filed an
account stated according to my views — The account
was recommitted at the last — term to Comr. Atkinson
without deciding on the exceptions. and he
has returned a report conforming exactly to
my exceptions — This account is not
excepted to: but as there are infants
to be affected I would ask the Court to
overrule Comr Lightfoot's report as an exception
to Comr Atkinson's & to decide which is
right —
Comr Lightfoot has charged interest on the
general legacies from the death of testator —
I insist that interest should be calculated on
12 months from the testator's death on the said
legacies as Comr Atkinson decides —
What report be confirmed when the question
arises. how shall the error made by the
Executor in the settlement be corrected.
The decree proposed shews my views.
An appointment of Trustees is asked
Oct. Term 1852 J. Taylor for

Dickson Wilson Esq.

vs. Ejectment

Southalls exor. &c. &c.

Copy of J. N. Southalls will
filed with Deft. brief

In the name of God Amen I James B. Southall Sr. of the town of Smithfield & County of Isle of Wight do make and publish this as my last will & testament. To wit:

1st. It is my will and desire as I have but little care for this perishing body of mine, that it should be committed to the earth from which it was taken, enveloped in a plain pine coffin, and deposited along side of my first wife on the piece of ground reserved in the plan sold by son James to Mr. James E. Jordan.

2nd. It is my wish & desire that every just debt which are my few (many) should be promptly paid — 3rd. I give and bequeath to my two grand children Charles and William Godwin, sons of my daughter Georgianna the sum of Thirty five hundred Dollars which I wish should be securely invested and the Interest accruing thereon to be paid over regularly to my daughter if she should desire it, for her sole benefit during her natural life.

4th. I give and bequeath to my son James B. Southall jr. the sum of Twenty five hundred Dollars, the plantation on Cypress Creek which I purchased of Dr. Young, my negro man Robbin to him and his heirs forever. I also give him my Books of every description except my religious works which I wish should be retained for the use of my daughters.

5th. I give and bequeath unto my grand son Wm. D. Southall son of my deceased son James D. Southall the sum of one Thousand Dollars & to his Brother Turner D. Southall I give five hundred Dollars & my plantation on Lone's Creek which I purchased of Capt. B. Culpeper to them and their heirs forever, and I give to each

of their half brothers (also my grand children)
the sums of one hundred and twenty five dollars
making in the whole five hundred dollars — I
have made this difference between the two
older and the four younger sons, because tho'
alth'' my affection is equally strong for them all
& equally anxious to see them all to do well, yet
as Colo. Wright has never done anything as yet
either for his daughter or her children, & as it is
presumed he will do something for them, & as it
is natural to expect, whatever he will do will
be exclusively for his daughter and her children's
benefit, I have thought it right to make the
distinction I have in the provision herein
made for them,

6th'' I give to my grand children (4 in number
the offsprings of my daughter Diana T. Dickson
equally among them, thirty three shares of
Virginia state stock, the three small tracts of land
owned by me lying in Grey Rock, forming
now one tract, the following negroes to wit,
Charlotte, Henrietta & child, Moses and
Magdalena, to them and their heirs, with
the understanding however that the profits
arising therefrom of every kind shall be for
the use and benefit of my said daughter during
her natural life, I also give them the half
of the marsh owned jointly by Mallory T.
Dickson and my self, to be disposed of in
way which he may think best for his children's
(my grand children's) benefit,

7th'' to my wife and to my two unmarried daughters
Angelina and Nancy I give and bequeath ninety eight
shares of state and Bank stock to be equally divided
between them, the boat and lots on which I
now reside, the houses and lots on main street
leading to Reedies Bridge with all the appur-
tenances thereto belonging to be also divided betwe
them, but all which (stock and real estate)
should be kept together for their better support,
But should my wife desire a division, let it
be done according to valuation, giving to each
their portion — I give also to my wife all of
my household and Kitchen furniture, I give
also to my wife the following slaves to wit
Billy, London, Grace, Mary & her children and
the balance of my negroes not heretofore dis-
posed of, as well as the residue of my chattle
property, not herein given away, to be equally
divided between my three daughters Diana
Dickson, Angelina and Nancy Tabpet however
to make good (if necessary) the foregoing legacies, to
be equally divided among the
8th. I appoint my son J.B. Southall jr. whole
and sole executor of this my last will and
testament, and as I have the fullest confidence
in his integrity and fidelity it is my wish that
no security should be exacted of him by the Court,
Given under my hand and seal this 18th
day of October eighteen hundred and forty seven,
Acknowledged in } J. B. Southall (seal)
the presence of }
Simpson White
Barth'' Deighton

(11)

Codicil to the above Will

On reflection, thinking that the property real & personal
given and bequeathed to my four grand children the children
of said daughter Diana, mentioned in the sixth item

of the above will, might in all probability be made more profitable & conducive to the interest of my said daughter & her children by disposing of the same & investing it in some permanent and safe stock and united with stock already given them, I hereby authorize my Executor to dispose of both land and negroes if should upon trial found to be the case, upon the same restriction as related to the stock before given in the same clause of my said will.

14th April 1848 — I. B. Southall Sr.

Smithfield

In the County Court of Isle of Wight September 4th 1848. The last will and testament of Jas B. Southall Sr. dec'd was presented in Court by Jas B. Southall jr. the Executor therein named, proved by the oaths of Barth. Lightfoot one of the subscribing witnesses and Sampson White an other subscribing witness not being present. Jos B. Whitehead and the said Barth. Lightfoot were sworn and severally deposed that they were well acquainted with the testators hand writing and verily believe the said writing and the name thereto subscribed to be wholly written by the testators own hand whereupon the said will or writing is ordered to be recorded as the true last will and testament of the said James B. Southall Sr. dec'd. And on the motion of Jas B. Southall jr. the exor therein named who made oaths as the law directs and entered into and acknowledged a bond, with William Smith in the penalty of sixty thousand dollars conditioned according to law certificate is granted him for obtaining a probat of said will in due form

Teste

W. P. Young cc

A copy — Teste

P. H. Boykin DC.