

1867-001

NANSEMOND COUNTY
(SUFFOLK)

HENRY W. JENKINS VS EXR. OF EXUM JENKINS ETC.

1867

CHANCERY CAUSES

SURNAMES: DAUGHTRY, SHANDS, HOLLAND, RIDDICK, HOWELL, BARNES, DAUGHTREY,
GOODMAN, HASLETT, BLUNT, LANGSTERN.

N.B. CONTAINS WILL OF EXUM JENKINS, 1857

At a Circuit Court held for Nausemond County, the 21st.
day of April 1860.

Elizabeth Jenkins, widow of Exem Jenkins
decd. Complainant

Against J. In Chancery.

John B. Jenkins, Executor of Exem Jenkins
deceased - and in his own right; Henry M.
Jenkins, Leora B. Jenkins, Isaac Langston
and Lucetta, his wife; Jethro Haslett and
Sophia Ann, his wife, and Boykin Blunt;
the said Boykin Blunt, being under twenty
one years of age Defendants.

This cause came on this day to be again heard on the
papers formerly read and on the reports of Washington A.
Riddick, Commissioner and Adolphus H. Jones, John R.
Lee and Albert K. Rawls, Commissioners, made pursuant
to the decree of the 14th day of October 1857, and on exceptions
to said reports - and was argued by Counsel; On considera-
tion, whereof the Court doth overrule the first and second
exceptions, and sustain the third exception, and doth
adjudge order and decree that the said report of Adolphus
H. Jones, John R. Lee and Albert K. Rawls be confirmed
and that Commissioner Riddick's report be also confirmed,
except account (C) thereof on page 7, and doth adjudge
order and decree that John B. Jenkins as Executor of
Exem Jenkins deceased pay out of the sum of Thirteen
thousand and eighty-eight dollars and fifty-nine
cents, as appears in his hands by Commissioner
Riddick's said report as follows, to wit: To himself one
hundred and one dollars and three cents and forty-
nine dollars and sixty one cents; To Lucetta J. Langston,
four hundred and eighty-two dollars and twenty-seven
cents and three hundred and twenty dollars and
thirty-one cents; to the plaintiff Elizabeth Jenkins
three thousand and fifty one dollars and seventy-five
cents, in fee, and to some in fee, two hundred dollars,
and to some to be held for life two hundred and
eleven dollars and seventy six cents; To Robert M.
Savage and Leora B. his wife, six hundred and forty
eight dollars and twenty cents, and also two hundred
and ninety one dollars and thirty-three cents; and
that he retain for Henry M. Jenkins, twenty-one
hundred and sixty dollars and sixty seven cents,
and also two thousand and forty dollars and
sixty-seven cents, and also two thousand dollars.

And the Court doth further as judge order and decree that the said John B. Jenkins, as executor aforesaid, pay the costs of this suit including a fee of Fifty dollars to the plaintiff's attorney, and a reasonable attorney's fee to the attorney of John B. Jenkins, Executor as aforesaid; and the Court doth also as judge, order and decree that there be paid to the plaintiff, Elizabeth Jenkins to be held by her for life as follows, to wit: by John B. Jenkins, fifty three dollars and fifty three cents, by Susetia J. Langston one hundred and fifty seven dollars and sixty four ^{and one fourth} cents, and by Robert M. Savage and Flora B. his wife, one hundred and fifty one dollars and seventy six and a half cents, and by Jethro S. Haslett, two hundred and seventy five dollars and twenty nine and a half cents; and it is further decreed that interest be paid by the several parties on all of the several sums aforesaid from this day till paid, to those entitled to said sums - and the Court doth further as judge order and decree that Washington A. Riddick, a Commissioner of this Court take a further account of the transactions of John B. Jenkins as executor of James Jenkins deceased and a Legated account, and that account "C." of Commissioner Riddick's said report be recommended to him to be restated on the terms of the decree heretofore made in this cause. And that he make report of any matters deemed pertinent by him or that any of the parties may require to be so stated; and that notice of the taking of said accounts be published once a week for four successive weeks in the "Christianian Sun" a newspaper published at Suffolk and that such publication shall be equivalent to personal service of such notice on the parties or any of them.

A copy,

Teste, J. B. Prentiss, Clerk

Costs up to & including
this decree & 2 Copies

Clerk	\$22.49
Atty. Hays	57.50
Shiff. Savage	3.20
" Briggs	.50
Sgt. Matthews	.20
W. H. Jones	17.00
Geo. R. Lee	10.00
A. K. Rarols	10.00
Comptroller	50.00
Prentiss	9.84
Sum Walter	50
E. J. March (for J. B. Prentiss)	2.26
	<u>\$177.52</u>

To
ELIZABETH JENKINS, widow of Exum
Jenkins, dec'd.

Plaintiff.

and To
John B. Jenkins, Executor of Exum Jenkins,
dec'd. and in his own right, Henry W. Jenkins,
Leora B. Jenkins now the wife of Robert M.
Savage, Isaac Langston and Lucretia his wife,
Jethro Huslett and Sophia Ann, his wife, and
Boykin Blunt, the said Boykin Blunt being an
infant under twenty one years of age.

Defendants.

You are hereby notified that I have fixed up on the
14th day of June next, (1860) to take and settle at
my office, the following accounts, viz:

1st.—A further account of the transactions of John
B. Jenkins as Executor of Exum Jenkins, dec'd.

2nd.—A Legatee account.

3rd.—A restatement of account ("C.") of former
report on the terms of the decree heretofore made in
this cause. Which said accounts are required to be
taken by the decree of Nansemond Circuit Court,
rendered on the 21st day of April, 1860, in a suit in
Chancery depending in said Court, in which you are
parties, plaintiff, and defendant. At which time and
place you are required to attend.

Given under my hand as Commissioner in Chancery
of the said Court, the day and year first aforesaid.

W. L. RIDDICK, Comm'r.
Suffolk, May 11, 1860. 5—4r.

I, W. B. Wellens, Editor of the Christian
Sun, do hereby certify that the announce-
ment was published, for four weeks
in succession, in the columns of the
Sun, and that the price charged, is
in accordance with the established
rates for advertising. Given under
my hand this 11th day of June 1860.
W. B. Wellens

Price of Adg \$5.25

Cont from 4th June 1860. from day to day to.

No part of this
Record



Commissioner's Office:
Suffolk, 2^d March 3^d. 1860.

To the Circuit Court of Nausemond County:

Pursuant to a decree of the Circuit Court of Nausemond County, rendered on the 14th. day of October, 1859, in a suit in Chancery depending in said Court, between Elizabeth Jenkins, widow of Edmund Jenkins, deceased, Complainant, and John B. Jenkins Executor of Edmund Jenkins, dec'd, and in his own right, Henry W. Jenkins, Leora B. Jenkins, Isaac Langston and Lucretia, his wife, Sethus Haslett, and Sophia Ann, his wife, and Boykin Blunt, the said Boykin Blunt being under twenty one years of age, Defendants:—The undersigned, one of the Commissioners of the said Court, to whom was referred for settlement by said decree, the several accounts required to be taken therein: reports to the Court that on the 25th. of November, 1859—he issued and caused to be published in the "Christianian Science" newspaper, Notice to the several parties aforesaid, requiring them to attend the stating and making up of the several accounts aforesaid, before him, at his said office on the 11th. day of January, 1860,—that the parties aforesaid appeared either in person, or by their attorney, before the Commissioner in obedience to the said notice, and he thereupon began the examination of vouchers, and to state and settle the aforesaid accounts: that the taking and settlement of said accounts was adjourned and continued from the said 11th. day of January 1860, to the 16th. day of February, 1860, when the further settlement of the said accounts was renewed, and afterwards adjourned and continued from day to day until concluded:

Your Commissioned reports, that, by account herewith returned, marked (A.) he has ascertained and stated

The value of the Legacies to the several Legatees under the will of Edmund Jenkins dec'd: That by account marked (B.) herewith returned, he reports the several accounts to be contributed by each Legatee, to the Plaintiff, Elizabeth Jenkins, to make up her Dowry in the slaves and Land of Edmund Jenkins dec'd: That by accompanying account marked (C.) your Commissioned reports the contributions to be made by the Legatees, to Boykin Plant, the only Legatee, who contributes in Land to make up plaintiff's dowry, in order to equalize respective Legacies - See note to said account.

Your Commissioned, by accompanying account marked (D.) reports the transactions of John B. Jenkins, Executor of Edmund Jenkins, and by said account shows a Balance due the said Estate, by the said Executor, after repaying to the several Legatees the hires of their slaves for the years 1858 and 1859, which hires are not required to pay debts, of \$11,395.25 of which Balance \$711.57 is interest. This Balance, however is subjected to deduction of \$2240.00 for slaves sold - see said account - reducing said Balance to \$9,155.25, which amount is carried to account marked (E.) which said account shows the distributive share to which the Plaintiff is entitled of this Balance of \$9,155.25, as the widow of Edmund Jenkins deceased - amounting to \$3151.75. The said account (E.) also states the amounts with which the Balance (after again adding \$2240.00, amo. of sales of slaves, previously deducted - making with the addition of this amount \$8340.50) is chargeable as the computed dowry interest of the said Plaintiff in said slaves sold - see said account - and also the Legacy to Leora B. Jenkins, of \$600 - with interest thereon from the 14th. of December, 1858, to April 16th. 1860 - \$48.20 - Total \$648.20 also the Legacy to Henry W. Jenkins, of \$6000.00 - in instalments with interest on each as

(14)
they were due - up to April 16th. 1860 - making \$6201.34 - leaving a balance in the Executor's hands, for distribution to residuary Legatees - John B. Jenkins Henry W. Jenkins and Lucretia J. Langston - of \$1082.20 on the said 16th. of April, 1860 - of which Balance \$711.57 is interest - see note to said account. Your Commissioned, at the request of John B. Jenkins Executor, has stated a supplementary account, it being of advancements made by him in his Executive capacity for Leora B. Jenkins, one of the Legatees (now the wife of Robt. M. Savage) made up to the 16th. of April 1860: showing a balance due said Legatee by said Executor, of \$291.33 with interest till paid. Your Commissioned herewith returns the aforesaid accounts, together with the aforesaid decree, and the notice to parties, certified as to its publication by the publisher of the "Christian Sun", in said newspaper, for four consecutive weeks.

Given under my hand, as Commissioned aforesaid, the day and year first aforesaid.

W. L. Riddick, Com^r
Fees: W. L. Riddick, Com^r \$50.00
" W. B. Wellons; pub. not. Printer 5.50
\$55.50

(A.)

An Account of the value of the Legacies to the several Legates under the will of James Jenkins, deceased.

To Jno. B. Jenkins, a Legatee, viz:

Slaves:

Jim, valued at	\$ 900 00		
Emma + child "	900 00		
Stephen "	950 00		
Dick "	800 00		
Adaline "	550 00		
Aggy "	350 00		
Barbara "	600 00		
Ned "	800 00		
Anderson "	900 00		
Lary "	350 00	\$7100 00	

Real Estate

One third of Tract of land at South Quay - whole value \$275.00	\$ 91 66 2/3		
One Half of the Allen's Quarter Tract of land, in Southampton Co. Va. said one half valued at \$5000.00			
Less ann. to be paid into Estate 1000.00	\$4000 00	\$4091 66 2/3	
Total value of Legacies and bequests to John B. Jenkins		\$11.191 66 2/3	

To Boykin Blount, a Legatee, viz:
Real Estate:

Fifty acres of Land, valued at	\$ 100 00		
--------------------------------	-----------	--	--

Acct. (A.) continued:

To Lucretia J. Langston, a Legatee, viz:

Slaves:

Charlotte, valued at	\$ 600 00		
Joe "	1100 00		
Dallas "	1100 00		
Anthony "	1000 00		
Taylor "	1000 00		
Bew "	800 00		
Chloe "	1000 00		
Elmina "	1200 00		
Franklin "	500 00		
Mourning (old) "	0 00	\$8300 00	

Real Estate:

One third of Tract of land at South Quay valued the whole at \$275.00	\$ 91 66 2/3		
"Old mill Tract in N. Carolina (with remainder to children) The simple value of which is \$5000.00			
Less ann. to be paid Estate 800.00	\$4200 00	\$4291 66 2/3	
Total value of Legacies and bequests to Lucretia J. Langston		\$12591 66 2/3	

To Henry W. Jenkins, a Legatee, viz:

Money Legacy to be raised out of Estate

Real Estate:

One third of Tract of land at South Quay - whole value \$275.00	\$ 91 66 2/3		
Total value of Legacies + bequests to Henry W. Jenkins		\$6091 66 2/3	

Acct. (A.) continued-

To Leora B. Jenkins (now the wife
of Robt. M. Savage) a Legatee, viz:
Slaves:

Billy,	valued at	\$ 400 00	
Jinny + 2 children	"	1500 00	
Sally	"	600 00	
Nelly	"	900 00	
Carry	"	1300 00	
Jack	"	1300 00	
Tom	"	800 00	
Refus	"	1000 00	\$7800 00

And the reversionary interest in the
following slaves, after the death of Elizabeth
Jenkins, the widow &c

Jahey	valued at	\$650.00	
Nat	"	900.00	
Sam	"	1100.00	
Amiah	"	1000.00	
Lewis	"	1000.00	
Meridy	"	0.00	
Harry	"	0.00	
		\$ 4650.00	

The widow has an expectation
of life for 12 years - and the
reversion in said slaves is valued at
money legacy

carried on to Page (4)

\$ 1200 00

600 00

\$9,600 00

Acct. (A.) Continued

To Leora B. Jenkins (now Savage) Contn.
Real Estate:

Remained in that part of Anne Tract
of land lying North & East of the
Summer road, after death of Elizabeth
Jenkins, widow &c. The simple value
of which is \$3338.00
Widow has an expectation of
life for 12 yrs. - Life Estate
deducted valued at \$1669.00

\$ 1669.00

Less Ann: to be paid into Estate 600.00 \$1069 00 \$1069 00

Total value of Legacies & bequests
To Leora B. Jenkins (now Savage): } \$10,669 00

To Sophia Ann Waslett, a
Legatee, viz:
Slave:

Abram, valued at \$1300 00 \$1300 00
Total value of Legacy To
Sophia Ann Waslett } \$1300 00

B.

The Amounts to be contributed by each Legatee under the will of Exm Jenkins, deceased, to the Plaintiff, Elizabeth Jenkins, widow &c. who has renounced the provisions of said Will &c.

1860. March 1. Total value of the slaves belonging to the Estate of Exm Jenkins, Decd. as valued by the Commissioners	\$30,150 00		
Of which (\$30,150.00.00) the Plaintiff, Elizabeth Jenkins, widow &c. is entitled to one third for life - amounting to		\$10,050 00	
To make up which one third, the Commissioners have assigned her the same negroes named by will to Plaintiff, valued at -	\$4,650 00		
Remained to be made up to Plaintiff by Legates (for life)	\$5400 00		
	\$10,050 00	\$10,050 00	

Amount in slaves to be made up for widow by Legates, bro' or	\$5400 00		
Of which amount, Geo. B. Jenkins, contributes in proportion to his legacy of slaves, in slaves and money - for life	\$1503 53		
Do. S. J. Langston Do. Do. Do.	1757 05		
Do. Leora B. Savage Do. Do. Do.	1657 77		
Do. S. A. Haslett Do. Do. Do.	375 09		
Do. Residuary Legates as Dower interest in negroes Sally & Louisa, not disposed of by will	211 76		
	\$5400 00	\$5400 00	

Acck (B.) Continued

1860.

March 1.

Land assigned to widow as dower, by Commissioners: it being a specific legacy to Boykin Blunt, and valued at

Life Estate of widow in same is valued at

\$ 100 00

\$ 50 00

(C.)

The amounts which each Legatee will have to contribute to any other Legatee to equalize respective Legacies, being distributed by Plaintiff's rights:

1800. March 1.	To amt. (in value of Life Estate in Land) contributed by Roykin Plaint. as per acct (B.) page (6)	\$ 50 00			
	which sum is to be repaid to said Legatee as follows:				
	To be paid by Jno. B. Jenkins, in rel. proportion -		22	59 $\frac{2}{3}$	
	" " " " Lucretia J. Langston		23	53 $\frac{2}{3}$	
	" " " " Henry W. Jenkins "		3	86 $\frac{2}{3}$	
		\$ 50 00	\$ 50 00		

Note by Court

The above is the only contribution required on the part of the Legatee, or any portion of them, to be made in equalizing respective Legacies. In the apportionment of Dower in the slaves of Edmund Jenkins decd, your Court discovers that the Slaves & money contributed by each Legatee for life (as per acct. B.) is in relative proportion to the amount of the legacy in slaves of each; requiring no further contribution from any Legatee, to any other Legatee, arising, ~~arising~~ from the apportionment of Dower in the slaves, or any other source. The interest which will be paid by the residuary Legatee,

John B. & Henry W. Jenkins and Lucretia J. Langston, as Dower in small negroes Sally & Louisa (see acct. B.) will, of course be only for life.

Your Commissioner would take occasion in this note to state that the report of Commissioner Jones, Lee & Rawls, who assigned the Dower to the widow, Elizabeth Jenkins, seems to have been drawn up with great care and accuracy, and by their action in making the contribution of slaves to make up widow's Dower in slaves, as nearly equal as possible, and in exact proportion to the amount of the respective Legacies of negroes, have saved a great deal of trouble to your Commissioner, and simplified the matter exceedingly.

W. H. Riddick, Court

Dr. The Estate of Edwin Jenkins, deceased.
In Account with John B. Jenkins, the Executor.

1857. Dec. 14th	The Executor qualifies			
	To paid Tax on qualification	1 00		
	By Cash found in the house		11 60	
" " 26 "	Ans. of Abram Jenkins' acct.		3 00	
1858. Jan. 7	Ans. of acct. of sales \$5455.92			
	* Less ans. for land sold under will (on cr.) 2310.75		3143 17	
" " "	Ans. of Book Parker's part of acct.		50 72	
" " "	To paid George Russell per acct & rect	1 75		
" " "	" " Shiff. Mans. Leo. Tax acct. 1857, per rect		78 33	
" " 8 "	" " B. R. Smith, civ. at sale do	10 00		
" " "	By Ans. of Willis Parker's acct.		88	
" " "	" " " C. E. Sumner's bond do		633 00	
" " 12	To paid Shiff. Bates Leo. N. L. Tax on land in that state for 1856 - per rect.	15 00		
" " 13 "	" " Arthur Jones, per acct & rect.	90 00		
" " "	By Ans. of Carr Harris' acct.		25	
" " "	" " " A. Jones' do.		2 50	
" " 20 "	" " " Geo. R. Kilgatt, & nett ans. of Executor to Wm. P. Moore		214 73	
" " "	" " " E. Smith's acct.		1 25	
" " "	" " " Wm. R. Lawrence's rect.		1 85	
" " 27	To paid Shiff. of Southampton Leo. Tax acct. for land in that Leo. for 1857, per rect.		2 99	
" " "	" " Same on half of Allen's Quarters do do		33 83	
" " "	" " H. S. Howard's com. fee do		2 50	
Ans. carried to page (10)		\$ 235 40	\$ 4062 95	

1858. Jan. 27	Ans. brot. on from page (9)	\$ 235 40	\$ 4062 95	
" " 30	To paid Wm. M. Jones for services as surveyor &c.	32 50		
" March 13 "	" " Elizer Smith per acct & rect	2 75		
" June 1 "	" " Expenses of Executor to W. Lawrence on business for the Estate, per statement	26 40		
" " "	" " R. H. Saunders, per acct. & rect.	75		
" " "	By ans. of J. H. Cobb's acct		6 12	
" Aug. 14	To paid J. S. Baslett, per acct. & rect.	15 16		
" " "	" " Same, due bill &c do	7 59		
" " "	" " Same acct. do	8 84		
" " "	" " A. E. Hall, funeral Expenses paid	25 00		
" " "	" " Jenkins & Magitt, 2 accts. per rect	99 03		
" Sep. 9	By Ans. of Willis D. Boyett's acct		6 50	
" " 13	To paid J. W. Poirer per acct. & rect.	8 79		
" Nov. 16	" " Wm. Howell do & do	4 00		
" " "	By Ans. of H. T. Moore's Bond & Int		220 00	
" Nov. 20	To paid Dr. W. H. Lee Curd's acct. per rect.	88 50		
" " 23	By Ans. from Jenkins & Magitt, for coffin		83 26	
" Dec. 8	To paid Shiff. Southampton Leo. land tax in that Leo. for 1858 - per rect.	2 99		
" " "	" " Same do. on Allen's Quarters (on half) do	34 34		
" " 9	" " Shiff. Mans. Leo. Tax acct. 1858, per rect.	35 25		
" " 14	By an average of Interest on \$4378.83 ans. of rect. by Executor - pay for 4 mos. \$87.58			
	To 5 per ct. Com. on \$4466.41 acct. & Int.	223 32		
	" Balance of Principal due Estates	3528 22		
		\$ 87.58	\$ 4378 83	\$ 4378 83

Acct. (D.) Continued

1858 Dec. 14	By Balance of Principal due Est. at annual rest brot. on from page (11)			\$3528	22
" " " "	Do. of Int. do. do. do.			\$87.58	
" " " "	Ans. with which John B. Jenkins is chargeable under will of Testator in connection with devise of "Allens Quarter" land in Southampton Co. Va.				
	see will			1000	00
" " " "	Bal. due on Jno. B. Jenkins' Bond & Int. dated Aug. 24th. 1843.			450	52
" " " "	Ans. of Jno. B. Jenkins' Bond & Int. due March 23rd. 1851			7	66
" " 31	To paid Wm. Howells note & Int. per acct.	125	66		
" " " "	" " Same Leoust. Execution in favor of L. H. Eme & costs - per acct.	11	27		
" " " "	" " B. R. Smith for hiring out negroes per acct.			3	50
" " " "	" " Jno. R. Lee & Jno. Obery for services as appraisers, per acct.			5	00
1859 Jan. 1	By ans. rec'd of Jno. R. Kilby, atty. for Execution & costs & fees & als.			1040	00
" " " "	" " of Thos. B. Langston's acct.			6	61
" " " "	" " Humphrey Sumner's Bond & Int.			33	40
" " " "	" " Jas. H. Holland's do. & do.			23	50
" " " "	" " of negro hires for 1858, viz:				
	Man Sam to Jno. B. Jenkins \$13.00				
	" Nat " P. H. Lee 142.00				
	Amto. car'd on to page (12)	\$231.00	\$87.58	144	43
				\$6089	91

Acct. (D.) Continued -

1859 Jan. 1	Amto. brot on from page (11)	\$231.00	\$87.58	144	43	\$6089	91
	Man Jakey to Eliz. Jenkins	44.00					
	Woman Dinah " same	40.00					
	Boy Lewis " same	26.00					
	Man Harry (do.) " same	0.00					
	" Mandy " same	10.50					
	" Jack " same	60.00					
	Boy Tom " same	5.00					
	girl Netta " same	15.00					
	Man Cary jr. " same	100.00					
	" Billy " same	58.50					
	" Jincy & ch. Sally " same	27.75					
	Boy Jim to Jno. B. Jenkins	48.50					
	girl Amy " same	45.25					
	Man Rufus " Jacob Kelling	51.00					
	Woman Elsie & ch. " Isaac Langston	34.50					
	Boy Joe " same	52.00					
	" Dallas " same	50.00					
	" Saylor " same	35.00					
	Woman Charlotte & ch. " same	30.00					
	" Mica & ch. To same	30.00					
	" Mourning (do) " same	0.00					
	Man Anthony " same	100.00					
	" Ben " same	126.00				1216	26
" " 17	By ans. rec'd. of John R. Kilby atty. part of Execution & costs. vs. Henry Obery					41	91
" May 10	To paid Eliza Hunt, midwife's acct. per acct.					1	00
	Amto. car'd on to page (13)	\$87.58		145	43	\$7348	08

Acct. (D.) Continued

1859 May 10	Amts. brot. on from page (12)	\$87.58	145	43	\$7348 08
" "	By Am. of F. H. Cobb's bond & Int.				758 50
" 17	To paid Shff. Gates leo. N.C. Land Tax in that state for 1857, per rect	10.80			
Aug. 26	By am. of Jno. R. Kilby, Atty. General & costs vs F. H. Holland				565 80
" "	To paid Shff. Maus? leo. Tax acct. for 1857, per rect.		35	12	
Nov. 1	By am. of sale of negro man Drew? sold by direction of will				1200 00
Dec. 14	" Int. on \$3528.22 - Bal. due the Estate by Executor at last annual rest for 12 mos.				\$211.63
" " "	" " on \$6344.10 - am. of reets. by Executor since last annual rest an average of 6 mos.				190.32
" " "	To 5 per Ct. comm. on \$6746.17 reets. by Executor since last annual rest - and Int.		337	31	
" " "	" Balance of Principal due Estate		9343	72	
		Int.	\$489.59	\$9872 38	\$9872 38
1859, Dec. 14	By Bal. of Principal due Est. at last annual rest. brot. on				\$9343 72
" " "	" Do. of Int. Do. Do. Do.	\$489.59			
" " 27	" Am. of David Howell's Bond & Int.				12 20
" " "	" " " same acct.				1 75
" " "	Amts. car'd on to page (14)	Int.	\$489.59	\$9357 73	\$9357 73

Acct. (D.) Continued

1859. Dec. 14	Amts. brot. on from page (13)	\$489.59			\$9357.73
" " 30	By Am. of Edw. P. Howell (of C.) Bond & Int.				239 20
" " "	" " Ed. D. B. Howell's do. & do.				292 60
" " 31	To paid Edwards & Moore per acct. & rect.				5 53
1860. Jan. 1	By list of negroes for 1857, viz:				
	Man Sam To Jno. B. Jenkins	\$70.50			
	" Mat " Elisha Lee	100.00			
	" Jakey " Eliz. Jenkins	33.50			
	Woman Dinah " R. M. Savage	22.00			
	Boy Lewis " Eliz. Jenkins	17.50			
	Man Moses (old) " same	0.25			
	Boy Jim " Jno. B. Jenkins	37.50			
	Girl Amy " same	7.25			
	Man Carryr. " Eliz. Jenkins	106.50			
	" Jack " same	60.50			
	Boy Tom " same	4.50			
	Girl Nella " same	12.50			
	Man Billy " same	56.00			
	Woman Juicy & Lch. " same	1.05			
	Man Rufus " S. A. Proctor	150.00			
	Woman Chloevick " J. Langston	5.25			
	Boy Joe " same	35.00			
	" Dallas " same	32.50			
	" Taylor " same	29.50			
	Woman Charlotte " same	25.50			
	" Maria & ch. " same (over)	0.00			
	Amts. car'd on to page (15)	\$811.30	Int.	\$489.59	5.53
					\$9883 53

Acct. (D.) continued:

1860. Jan. 1	Ants. brot. on from page (14)	Dr. 811.30	Cr. 489.53	5.55	\$9889 53
	Woman Mourning (old) to J. Langston	0.00			
	Man Anthony " same	86.00			
	" Ben " same	101.00			
					\$998 30
" " "	To paid Eliza Jenkins for keeping old negro Harry - 1859.		8 75		
" " 31	By Ann. of sale of small negroes, Sally & Louisa - made under residuary clause of Testator's will, this day at public sale.				1040 00
" Feb. 1	To paid Expenses to H. C. on business for Estate		2 00		
" " 16	" " Dr. J. S. Brown's med. Bill for man, Mat per rect.		10 00		
" Apr. 16	By Ann: with which Cora B. Jenkins (now Savage) is chargeable under will of Testator (\$600) in connection with devise of land - see will - & sub. on same from Dec. 14th. 1858. To April 16th. 1860 = 1 yr. 4 mos. + 2 days				648 20
" " "	" Sub on \$9343.72 - Bal. of principal due Estate at last annual acct. 4 mos. + 2 days				\$189.66
" " "	" Do. on \$3232.31 acct. since last annual acct. an average of 2 mos.				\$32.32
" " "	To 5 percent com. on \$3454.23 amt. of acct. since last annual acct. & sub			172 71	
" " "	" Balance of Principal due the Estate by John B. Jenkins Executor			12377 02	
					\$711.57 \$12.576 03 \$12.576 03

Carried to page (16)

Acct. (D.) continued:

1860. Apr. 16	By Balance of principal due Est. of Edmund Jenkins dec'd. by Executor: brot down				\$12,377 02
" " "	" Do. of Int. Do. Do. Do. & assest				711 57
	Total Bal. due Est. by Executor:				\$13,088 59
" " "	To be paid, of this amt. to John B. Jenkins, a legatee, the heirs of negroes, given to said legatee by will of Testator - (said heirs not being required to pay debts) for the year 1858 - viz:				
	Boy Jim	\$48.50			
	Girl Amy or Emma,	45.25			
	And sub. on said amt. from Jan. 1st. 1859, to Apr. 16th. 1860 - 1 yr. 3 mos. + 16?				7.28 \$101 03
	To be paid to same Legatee, heirs for 1859, viz:				
	Boy Jim	\$39.50			
	Girl Amy, or Emma	9.25			
	And sub. on said amt. from Jan. 1st. 1860. to Apr. 16th. 1860 - 3 mos. 16 d.				86 49 01
	To be paid to Executrix J. Langston, a Legatee re. heirs of negroes, as above for 1858 viz:				
	Woman Chloe & ch.	34.50			
	Boy Joe	52.00			
	" Dallas	50.00			
	" Taylor	25.00			
	Woman Charlotte & ch.	30.00			
	" Maria & ch.	30.00			
	" Mourning (old) gown	0.00			
	Man Anthony	100.00			
	" Ben	126.00			
		\$447.51	\$150 64	\$13,088 59	

Acct. (D.) continued

1860. April 16	Auto. brot on from page (16)	\$447.51	\$150.04	\$13.088	59
	To Int. on \$447.51 from Jan. 1st.				
	1859. To April 16th. - 1 yr. 3 mos. + 10 days	34.76	482	27	
" " "	" be paid to S. J. Langston, Legatee as above				
	Wives for 1859 - viz:				
	Woman Chloe + ch. \$5.25	\$5			
	Boy Joe	35.00			
	" Dallas	32.50			
	" Taylor	29.50			
	Woman Charlotte	25.50			
	" Maria + 2 ch. (new)	0.00			
	" Mourning (old)	0.00			
	Man Anthony	86.00			
	" Ben	101.00	\$314.75		
	And Int. on \$314.75 from Jan. 1st. 1860 to Apr. 16th. 1860 - 3 mos. + 10 days	5.56	320	31	
	To be paid to Leora B. Jenkins (now Savage), a Legatee &c				
	Wives &c for 1858, viz:				
	Man Carry jr. \$100.00	\$100.00			
	" Rufus	51.00			
	" Jack	60.00			
	Boy Tom	5.00			
	girl Netta	15.25			
	Boy Billy	58.50			
	Woman Finney & ch. 27.75	\$317.50			
	And Int. on \$317.50 from Jan. 1st. 1859. to Apr. 16th. 1860 - 1 yr. 3 mos. + 10 d.	24.66	342	16	
	Auto. carr. To page (18)	\$1295	38	\$13.088	59

Acct. (D.) continued

1860. April 16	Auto. brot on from page (17)	\$1295	38	\$13.088	59
" " "	To be paid to Leora B. Jenkins (now Savage)				
	Legatee &c heirs &c for 1853, viz				
	Man Carry jr. \$106.50	\$106.50			
	" Rufus	150.00			
	" Jack	60.50			
	Boy Tom	4.50			
	girl Netta	12.50			
	Boy Billy	56.00			
	Woman Finney & ch. 1.05	\$391.05			
" " "	And Int. on \$391.05 from Jan. 1st. to Apr. 16th. 1860. 3 mos. + 10 days	6.91	397	96	
" " "	To Nett Balance due the Estate	\$11,395	25	\$13.088	59
		\$13.088	59	\$13.088	59

1860.	April 16.	By Nett Balance due the Est. of Edmund Jenkins dec'd by his Executor brot. down:	\$11,395	25
-------	-----------	--	----------	----

* This item of deduction, amts. for which Land sold, is made, because the said Land though sold by provision of the will by the Executor, has been nearly all absorbed in the assignment of Down to widow - and has thus invalidated said sale.

See page (9.) Contd.

Supplementary Account:

An account of advancements made to Leora B. Jenkins
(Now the wife of Robert M. Savage), a legatee under the will
of Ezra Jenkins, deceased, by John B. Jenkins, Executor:

1857, Dec. 14	The Executor qualified				
1858, Sept. 13	To paid Jas. W. Poirer, per acct. & recd.	\$	60	38	
" " " "	Jenkins & Magell do. do.		28	56	
" Dec 1	" " E. Sale do. do.		4	50	
" " " "	J. M. Freeman do. do.		24	00	
" " " "	Wm D. Stewart & Co. do do		70	17	
" " " "	J. J. Bloodgood do. do.		30	12	
" " 14	To an average of Int. on \$217.63 amt.				
	Expended by 2 1/2% on month	\$	1.09		
" " "	By amo. of Principal due Executor			\$ 217 63	
		^{Int} \$ 1.09	\$ 217 63	\$ 217 63	
1858, Dec. 14th	To Bal. of Prin. due Executor at ann. rest.				
	bro. ow.		217	63	
" " " "	" of Int. do. do. do.	\$	1.09		
" " 31	To paid J. S. Hallett, per acct. & recd.		64	57	
" " " "	L. C. Rawls do. do.		1	50	
" " " "	Lawrence & Houghton do. do.		87	63	
1859, Mar. 7	" " E. Newman do. do.		15	54	
" " " "	" " S. Macewan do. do.		29	38	
" Dec 14	" Int. on \$217.63: Bal. of Prin. due Ex ^r				
	at last annual rest = 12 mos.	\$	3.56		
" " " "	Do. on \$198.62 - amt. Expended by Ex ^r				
	since last ann. rest - an average				
	of 10 mos.		9.93		
	Amts. carried to page (2)	\$	24.08	\$ 416 25	\$ 416 25

Supplementary Acct. Continued.

1859, Dec. 14	Amts. brot. on from page (21)	^{Int} \$ 24.08	\$ 416 25		
" " "	By Bal. of principal due Ex ^r			\$ 416 25	
		^{Int} \$ 24.08	\$ 416 25	\$ 416 25	
1859, Dec. 14	To Bal. of Prin. due Ex ^r at annual				
	rest. brot. ow		416 25		
" " " "	Do. of Int. do. do. do.	\$ 24.08			
1860, April 16	" Int. on \$416.25 - Bal. due Ex ^r at last				
	annual rest - 4 mos & 2 days		8.46		
" " "	By Bal. of Principal due Ex ^r			\$ 416 25	
		^{Int} \$ 32.54	\$ 416 25	\$ 416 25	
1860, April 16	To Bal. of Principal due Executor by				
	legatee brot. down		\$ 416 25		
" " " "	" of Int. do. do. do. and added		32 54		
" " "	By amo. of hires of negroes for 1858 and				
	Int. as per acct. (D.) page (17)			342 16	
" " " "	" of same for 1859, and Int. as per				
	acct. (D.) page (18)			397 96	
" " "	To Balance due Leora B. Jenkins				
	(Now Savage)		\$ 291 33		
1860, April 16	By Balance due Leora B. now the				
	wife of Robt. M. Savage, by pro. B.				
	Jenkins, Ex ^r of Ezra Jenkins				
	dec'd with Int. till paid			\$ 291 33	

A. Copy:
Teste,
Peter B. Prentiss, Clerk.

Pursuant to a Decree of the Circuit Court held for the County of Mansuond, on the 14th. day of October 1859, we the undersigned Commissioners named in said decree, after being duly sworn, proceeded on the 31st. day of December 1859, to value the slaves of which *Esau Jenkins* died seized and possessed, and to assign to *Elizabeth Jenkins*, the widow of said dec'd, as her dower for life, one third in value of the said slaves; which valuation and assignment is as follows:

Devoted to <i>Eliza Jenkins</i> by the will and assigned in the dower.	Nat. valued at 900;00		
	<i>Sakey</i>	" "	650;00
	<i>Sam</i>	" "	1100;00
	<i>Dinah</i>	" "	1000;00
	<i>Lewis</i>	" "	1000;00
Devised to <i>Jos. B. Jenkins</i> by the will	<i>Meredy</i>	" "	= =
	<i>Harry</i>	" "	= =
			<u>\$4650;00</u>
	<i>Jim</i> valued at 900;00		
	<i>Emma & child</i>		900;00
Devised to <i>L. J. Langston</i> , by the will	<i>Stephen</i>	" "	950;00
	<i>Dick</i>	" "	800;00
	<i>Adeline</i>	" "	550;00
	<i>Aggy</i>	" "	350;00
	<i>Barbara</i>	" "	600;00
	<i>Ned</i>	" "	800;00
	<i>Anderson</i>	" "	900;00
	<i>Larry</i>	" "	350;00
			<u>\$7100;00</u>
	<i>Charlotte</i> valued at 600;00		
	<i>Jae</i>	" "	1100;00
	<i>Dallas</i>	" "	1100;00
	<i>Anthony</i>	" "	1000;00
	<i>Taylor</i>	" "	1000;00
	<i>Ben</i>	" "	800;00
	<i>Clloe</i>	" "	1000;00
	<i>Elmira</i>	" "	1200;00
	<i>Franklin</i>	" "	500;00
	<i>Mourning</i>	" "	= =
	amt. carried forward.		<u>\$8300;00</u> <u>\$20050;00</u>

Amount brot. forward		\$20050;00
Devised to Son	Billy valued at	\$400;00
B. Jenkins (now	Simsey & Children	1500;00
Savage) by the	Sally " "	600;00
will	Metta " "	900;00
	Cary " "	1300;00
	Jack " "	1300;00
	Tom " "	800;00
	Refus " "	1000;00
		\$7800;00
Devised to S. A. Haslet & Abram	valued at	1300;00
Not named	Sally " "	600;00
in the Will	Louisa " "	400;00
		\$2300;00
Total 3=		30150;00
Valuation of the slaves loaned		10050;00
		4650;00
Due		\$5400;00

Of which amount Mrs. B. Jenkins pays 1503;53

" " L. A. Langston " 1757;64 1/2
 " " Geo. B. Savage " 1651;76 1/2
 " " J. A. Haslet " 275;29 1/2

Dower interest in Sally & Louisa 211;76 1/2 \$5400;00

Your Commissioners then proceeded to take from the lot of Mrs. B. Jenkins, Sim, valued at \$900, Adeline valued at \$550, making \$1450 taken from \$1503;53 = \$53;53. Charlotte valued at \$600 & Taylor at \$1000 making \$1600 were taken from the lot of L. A. Langston, which amt. taken from \$1757;64 1/2 = \$157;64 1/2.

Simsey & Children valued at \$1500 were taken from the lot of Geo. B. Savage which amt. taken from \$1651;76 1/2 = \$151;76 1/2.

Your Commissioners then proceeded on the 20th day of February 1860 to value the lands of which Emma Jenkins died seized and possessed, and to assign to Elizabeth Jenkins widow of said dec'd one third in value, as dower for life, of the said lands, which valuation and assignment is as follows:

One half of the Allen Quarter tract, lying in Southampton County, containing 2200 acres valued at \$5000;00
 The Mill tract, lying in Gates County in the State of North Carolina containing 1000 acres valued at 5000;00

That part of the Home Tract, lying North and East of the Sumner road, containing 573 acres valued at 3338;00
 50 acres devised to Boykin Blount valued at 100;00

That part of the Home Tract, lying South & West of the Sumner road, containing 585 acres, valued at 2310;00

The South Quay tract, lying in Southampton County, containing 41 2/3 acres valued at 275;00

Total value of dower in Lands 3= 16023;00
 \$5341;00

Your Commissioners then proceeded to assign to Elizabeth Jenkins that part of the home tract lying North & East of the Sumner road including the 50 acres devised to Boykin Blount 3438;00

Your Commissioners then proceeded to lay off & assign to the said Elizabeth Jenkins 337 1/2 acres of land on that part of the home tract lying South & West of the Sumner road, by a line commencing on the West side of Somerton Creek near the Bridge at a Persimmon tree. Thence N. 42° W. 444 poles to a dogwood tree a corner on the lands of Edward Howell (of C.) which land and improvements we value at \$8. per acre 1903;00

Charges \$5341;00

2 days each of 3 Commrs. at \$5 per day 30.00
 Surveyor's fee 5.00
 Making up of 2.00
 \$37.00

Respectfully submitted
 Adolph: H. Jones
 John R. Lee
 Albert H. Rawls
 Commissioners

A. C. By: Seale, Peter B. Prentiss, Clerk

Elizabeth Jenkins
widow &c.

25 { Copy Commrs'
Reports

John B. Jenkins, Esq.
& also

A

Exhibit filed with
answer.

Exhibits

A. B. C. D

file with Amies
in Jenkins n.
Jenkins &c.

I, I give and bequeath unto my beloved son John B. Jenkins, seven negroes, named
Andrew, Ned, Barclay, Aggar, Jim, Stephen, Dick, Sallie, Big Harry and Emma,
unto my said son John B. Jenkins and his heirs forever.

I, Erwin Jenkins, of the County of Hansemond and State of Virginia being of sound mind and memory, but considering the uncertainty of my earthly existence do make and declare this my last will and Testament, in manner and form following: ' "

Item, I give and bequeath unto my beloved son Henry W. Jenkins, the sum of six thousand dollars, to be raised out of my estate, the said six thousand dollars, to be paid to my said son Henry W. Jenkins, by my executor hereinafter named, in three annual instalments, of two thousand dollars each, to him and his heirs forever.

Item, I lend unto my beloved wife, Elizabeth Jenkins, seven negroes, named Sam, Nat, Saky, Dinah, Lewis, Harry and Mendsy during her natural life.

Item, I give and bequeath unto my beloved daughter Leora B. Jenkins, nine negroes, named Gary Jr. Rufus, Jack, Tom, Netty, Billy, Sallie, Timy and Oliver, and after the death of my wife Elizabeth Jenkins, I give and bequeath unto my daughter Leora B. Jenkins, Sam, Nat, Saky, Dinah, Lewis, Harry and Mendsy, unto my said daughter Leora B. Jenkins and her heirs forever.

Item, I give and bequeath unto my beloved daughter Lucretia J. Langston, wife of Isaac Langston, thirteen negroes, named Chloee, Nelson, Joseph, Dallas, Taylor, Osco, Charlotte, Fannie, + Mica Franklin, Mourning, Anthony and Ben, unto my said daughter Lucretia J. Langston and her heirs forever. +

Item, I give and bequeath unto my step daughter, Sophia Ann Haslett, wife of Seltus Haslett, one negro man named Abram unto her and her heirs forever.

Item, I give and bequeath unto my beloved son John B. Jenkins, all my interest in the farm, on which he now resides known as the Allens Quarter farm, together with the grist and saw mills thereon, provided he my said son John B. Jenkins pays out of his own funds, all the purchase money, for which

I may be bound, either as principal or security for said farm, and pays all other claims which I have signed with and for him, either as principal or security and ~~the~~ my said son John B. Jenkins, is to pay into my estate the sum of one thousand dollars; But should my son John B. Jenkins, fail to comply with the above conditions that is should he fail to pay out of his own funds, all the purchase money for which I may be bound either as principle or security for said farm and fails to pay all other claims, which I have signed with and for him, either as principle or security, and the one thousand dollars, into my estate; then I give my interest in said Allen's Quaker farm together with the grist and saw mills thereon to be sold, and one thousand dollars of the proceeds of said property to be paid into my estate and all claims paid which I may have signed either as principle or security, for the purchase of said farm and all other claims paid which I have signed either as principle or security for my said son John B. Jenkins, and the residue of the proceeds of said property (if any) I give and bequeath unto my said son John B. Jenkins, to him and to his heirs forever.

Item, I lend unto my daughter Lucetia J. Langston, wife of Isaac Langston, my tract of land in Gates County, North Carolina, known as the old mill tract of land, and all the land which I have purchased adjoining said old mill tract of land during her natural life, and at the death of my said daughter Lucetia J. Langston, I give and devise said old mill tract of land to her children to them and their heirs forever and in consideration of which gift, my daughter Lucetia J. Langston is to pay into my estate the sum of eight hundred dollars.

Item I lend unto my beloved wife Elizabeth Jenkins, all the tract of land on which I now reside lying

North and East of the Summer road leading to George Russell's during her natural life.

Item, I give and devise at the death of my wife Elizabeth Jenkins, unto my beloved daughter Leora B. Jenkins, all the tract of land on which I now reside lying North and East of the Summer road leading to George Russell's and in ^{consideration of} which gift, my said daughter Leora B. Jenkins is to pay into my estate the sum of six hundred dollars unto my said daughter Leora B. Jenkins and her heirs forever.

Item, that portion of the farm on which I reside lying South and West of the Summer Road, I leave to be sold on one and two years time, and the proceeds of said land is to be paid into my estate as a portion of Henry W. Jenkins' salary.

Item, I give and devise unto Boykin Blunt Fifty acres of land adjoining the lands of John R. Lee and the lands of the heirs of David Boyt dec'd, it being a part of the Wright tract of land to him and to his heirs forever.

Item, as my negroman Drew, is disobedient, refusing to serve me, therefore it is my will and desire that he be sold and sent at least as far South as New Orleans, and the proceeds of the sale of said Drew paid into my estate.

Item, I give and devise unto my sons Geo. B. Jenkins Henry W. Jenkins and my daughter Lucetia J. Langston my interest in the South Quay tract of land, which fell to me by the death of my son James Jenkins, to them and to their heirs forever.

Item I give and bequeath unto my beloved wife Elizabeth Jenkins two beds and furniture, her choice, two horses, her choice, one Braufat, one Burrian, twelve chairs, one cart and wheels her choice, one yoke work oxen, her choice, two sows and pigs her choice, two cows and calves, her choice, five ewes and lambs her

choice, to her and to her heirs forever.

Now, my will and desire is, that all the residue of my estate, after taking out the devises and legacies above mentioned, both personal and real, shall be sold on a credit of six months at public sale, by my Executor, hereinafter named, and six hundred dollars of the proceeds thereof, I give unto my daughter Leora B. Jenkins, and the residue I give to be equally divided between my wife Elizabeth Jenkins and my sons John B. Jenkins, Henry W. Jenkins and my daughter Lucia S. Langston to them and their heirs forever.

And lastly, I do hereby constitute and appoint my beloved son, John B. Jenkins, my lawful Executor to all intents and purposes to execute this my last will and Testament hereby revoking and declaring utterly void, all other wills and Testaments, by me heretofore made.

In witness whereof I the said Erum Jenkins do hereunto set my hand and seal this 20th day of November 1857.

Signed, Sealed, published
and declared by the said
Erum Jenkins, to be his
last will and Testament
in the presence of us, who
at his request and in his
presence do subscribe our
names as witnesses thereto
Edw. Howell
John B. March
Edw. Henry Lee

Erum Jenkins (seal)

At a Monthly Court held for Tauxemond County,
the 14th. day of December 1857.

This last will and Testament of Erum Jenkins deceased was proved according to law, by the oaths of William Henry Lee, and the solemn affirmation of Edward Howell, two of the subscribing witnesses hereto, and was ordered to be recorded; and on the motion of John B. Jenkins the Executor herein named, who made oath hereto according to law; and with Abram Kiddick, Edward Howell (of C.) James Barnes, Solomon P. Daughtery and James M. Holland (of John) his securities who justified, entered into and acknowledged a bond, in the penalty of Eighty thousand dollars, with condition according to law, Certificate is granted him for obtaining a probat of said will in due form, which bond is ordered to be recorded.

Teste,

Peter B. Prentiss, Clerk

A Copy: Teste,

Peter B. Prentiss, Clerk.



Edum Jenkins ^{x mil}
Will
(A. Copy)

(F).

Jenkins v. Jenkins' Ex'r

1 Exhibit filed
with the Bill

2 Sund. in Chy 50. 6 copies 75. Htg: 18. doc: 18. atto: 10 = \$1.71

lcky Htg: att: 30. chm: ~~50~~ x 64 \$2.00. fcl: bll: 15. return 35 = 2.80

late 50. order 36. 2 copies 40. Rule 50. fcl: cont: 4. Pub: 11 = 1.91

refl: 15. order 36. upen: 15. or: 34. copy for X bll: \$13.00 14.02

dean \$1. copy 75. fcl: up: 15. Dean 60. ch 40 2.90

for: pa: 21. fcl: cont: 4. = 2.11

	50
	~~\$25.84~~
	~~12.50~~
cek:	~~\$36.34~~
Att: H:	16.00
Shff: Ely	1.50
" Kello	1.20
Comm ⁴ :	35.00
Printer	16.00
	~~\$106.04~~

4.50 dm R.R.

11.50 " W.B.W (Jen)

16.00

Cash

1870
Jan 10
Feb 10
Mar 10
Apr 10
May 10
Jun 10
Jul 10
Aug 10
Sep 10
Oct 10
Nov 10
Dec 10

I, *Wm. S. Sencellen*, editor
of The Virginian, a newspaper printed in the
City of Norfolk, in the State of Virginia, do
hereby certify that the order hereto annexed
has been published once a week for four suc-
cessive weeks in the newspaper aforesaid.

Given under my hand this *6th*
day of *August* A. D. 186*6*

Wm. S. Sencellen

Cost of executing the said order, paid by
the above-named plaintiff, \$*2.50*.

VIRGINIA.—At rules held in the Clerk's
office of the Circuit Court of Nansemond
County, on Monday, the 2d day of July, 1866:
Henry W. Jenkins, Complainant,
against
John B. Jenkins, Executor of Exum Jenkins,
deceased, Abram Riddick, Edward Howell,
(of E.) James Barnes, Solomon P. Daughtrey,
and James M. Holland, (of Jno.) Defendants.
IN CHANCERY.
The object of this suit is to recover a legacy
due the complainant, and to settle the account
of the defendant, John B. Jenkins, Executor of
Exum Jenkins, dec'd; and affidavits having been
made and filed that the defendants, Abram
Riddick and Solomon P. Daughtrey, are not
residents of this Commonwealth, it is ordered
that they do appear here within one month af-
ter the publication hereof, and do whatever is
necessary to protect their interests—and that a
copy of this order be published in the "Norfolk
Virginian," a newspaper published in the city
of Norfolk, once a week for four successive
weeks, and posted at the front door of the Court
House of Nansemond county, on the first day of
the next County Court.
A Copy—Teste:
PETER B. PRENTIS, Clerk.
JOHN R. KILBY, D. C. Jyl—w4w

Henry W. Jenkins

[#]
to { Certip: of Pub.

Geo. B. Jenkins, Exr
to bal.

Suffolk

J. R. Kelly

4.50

NORFOLK, VA.

Sep 24 1866

Wm J. P. Kilby P. G.

TO THE NORFOLK VIRGINIAN, Dr.

1866
July 10

To 2 yrs law & co
Henry W Jenkins Plaintiff
v. Jenkins Et

\$4.50

Received payment
J. Hubert Summell & Co

At a Circuit Court held for Nausemond County, on
the 16th day of April, 1867:

Henry W. Jenkins Complainant:
against John Chauncery
John B. Jenkins, Executor of Exum Jenkins
deceased, Abram Riddick, Edward Howell
(of E.) James Barnes, Solomon P. Daughtrey and
James M. Holland (of Geo.) Defendants:

This Cause, in which the plaintiff has proceeded a-
gainst the said Solomon P. Daughtrey and Abram Rid-
dick in the mode prescribed by law against absent de-
fendants, came on to be heard on the Complainant's Bill
taken for confessed as to the said Edward Howell (of E.)
James Barnes, and James M. Holland (of Geo.) on whom
process had been duly served, and they still failing to ap-
pear and answer, and on the answer of said John B. Jenkins
Executor of Exum Jenkins, deceased, with general repli-
cation thereto, and on Exhibits filed with said Bill and
Examination of witnesses, and was argued by Counsel:
On consideration whereof the Court, ^{both} a Judge, order and de-
cree that a Commissioner of this Court ascertain whether
the legacy of Six Thousand Dollars to the plaintiff in the
will of Exum Jenkins deceased, was ever paid by the said
John B. Jenkins as Executor aforesaid, and if not, then
ascertain whether the same was retained by him and in
what kind of assets, and what has become of said assets:
Also in what kind of assets the sum of One Thousand

and Eighty two dollars and twenty cents, Balance in said
Executor's hands as appears by Exhibit (A) page 20, was
on the sixteenth day of April, 1860, and what has become
of the same. And the said Commissioner is authorized
to summon before him any one or all of the parties or
other persons and examine them on oath, and whether ex-
amined before or not, touching any matters concerning the
same, and make report to Court with any matters spe-
cially stated deemed pertinent by him or that may be
required by any of the parties to be so stated: And
that notice of the taking of such accounts be published
once a week for four successive weeks in the "Christian
Sun", a newspaper published at Suffolk, which notice
shall be in lieu of personal service of notice on the
parties.

A Copy.

Teste

Peter B. Prentiss. Clerk

Given day
July 9th

Commissioner's Office,
Suffolk, Va. May. 29th 1867

To

Henry W. Jenkins Complainant.
and In Chancery

John B. Jenkins, Executor of Exum Jenkins
deceased, Abram Riddick, Edward Howell
(of E.) James Barnes, Solomon P. Baughtry
and James Holland (of Ino.) Defendants:

You are hereby notified that I have fixed upon Tuesday, the 9th day of July, next, if fair, if not, on the next fair day thereafter (Sunday excepted) to take and settle at my office, the following accounts, required to be taken by the decree of Nausemond Circuit Court, rendered on the 16th day of April, 1867, in a suit in chancery depending in said Court, and in which you are parties Complainant and Defendants: to wit:

"Whether the legacy of Six Thousand Dollars to the Plaintiff in the will of Exum Jenkins deceased, was ever paid by the said John B. Jenkins as Executor aforesaid, and if not, then ascertain whether the same was retained by him, and in what kind of assets, and what has become of said assets: Also in what kind of assets the sum of One Thousand and Eighty two dollars and twenty cents, Balance in said Executor's hands as appears by Exhibit (A.) page 20, was on the sixteenth day of April, 1860, and what has become of the same. x x x x And that notice of the taking of such accounts be published once a week for four successive weeks in the "Christian Sun", a newspaper published at Suffolk, which notice shall be in lieu of personal service of notice on the parties." At which above mentioned time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of the said Court, the day and year first aforesaid.

W. L. Riddick
Comm'r.

Commissioner's Office,

Hufford, Va. July. 9th 1867

The taking stating & settling the accounts required by the aforesaid decree, having been begun and not concluded, is adjourned & continued to the 24th day of August, 1867. at the same place, and between the said hours of that day.

W. L. Maddick
Cm.

Aug. 24th 1867

The further taking & settling the within required accts. is adjourned and continued to the 3rd day of September, 1867. at the same place &c.

W. L. Maddick
Cm.

LEGAL ADVERTISEMENTS.

COMMISSIONERS OFFICE,
SUFFOLK, Va., May 29th, 1867.

TO HENRY W. JENKINS,
Complainant,
IN CHANCERY,

And

John B. Jenkins, Executor of Exum Jenkins, deceased, Abram Riddick, Edward Howell (of E.) James Barnes, Solomon P. Daugherty, and James M. Hellaud, (of Jno) Defendants.

You are hereby notified that I have fixed upon Tuesday, the 9th day of July next, if fair, if not, on the next fair day thereafter, (Sunday excepted) to take and settle at my office, the following accounts, required to be taken by the decree of Nansemond Circuit Court, rendered on the 16th day of April 1867, in a suit in Chancery depending in said Court, and which you are parties Complainant and Defendants. to wit:

"Whether the legacy of Six Thousand Dollars to the Plaintiff in the will of Exum Jenkins, deceased, was ever paid by the said John B. Jenkins, as Executor aforesaid, and if not, then ascertain whether the same was retained by him, and in what kind of assets, and what has become of said assets:—also in what kind of assets the sum of One Thousand and Eighty-two Dollars and Twenty Cents, balance in said Executor's hands as appears by exhibit (A.) page 20, was on the sixteenth day of April 1860, and what has become of the same.

And that notice of the taking of such accounts be published once a week for four successive weeks in the "Christian Sun," a newspaper published at Suffolk, which notice shall be in lieu of personal service of notice on the parties—at which above mentioned time and place you are required to attend.

Given under my hand, as Commissioner in Chancery of the said Court, the day and year first aforesaid. W. L. RIDDICK,
my 31-4t Commissioner

I do hereby certify that the annexed advertisement has been published in the "Christian Sun" for four successive weeks, and that the price charged is according to our regular rates.

*W. B. Wellons,
Editor and Proprietor*

Price of Advertising \$11.50

The Commonwealth of Virginia:

To the Sheriff of Southampton County: Greeting:

We command you to summon John B. Jenkins to appear before me, a Commissioner in Chancery of the Circuit Court of the County of Vansemond, at my office in the Town of Suffolk, on Thursday, the 5th day of September 1867, to testify and the truth to say in behalf of Henry W. Jenkins, in a certain suit in Chancery in said Court pending and undetermined, between the said Henry W. Jenkins, Complainant and the said John B. Jenkins, Executor of Exr^{or} Jenkins decd. and others defendants, and this he shall in no wise omit under the penalty of £ 100: and have then then this writ.

Witness W. L. Riddick, Commissioner of said Court this 24th day of August A. D. 1867 and in the 92nd year of the Commonwealth.

W. L. Riddick
Commr.

Henry W. Jenkins

vs. J. S. Jones.

Jos. B. Jenkins Exr etc.

Executed Aug. 31st. 1867
By delivering him a copy.

P. Carson Deft
for S. Wells Shff

Jenkins

vs: J. In Chy.

Jenkins Ex^r. &c.

The Deposition of ^{Langston} Lucretia J. ~~Goodman~~, late,
taken before me, pursuant to the annexed
notice and adjournment, at my office in
the town of Suffolk, on Wednesday August 14th
1867, between the hours of 6 A. M. & 6 P. M.
of that day, to be read ^{on behalf of Henry W. Jenkins} as evidence, in a cer-
tain suit in Chancery pending in the Circuit
Court of Nausemond County, wherein Henry
W. Jenkins is Plaintiff and John B. Jenkins
Ex^r. of Ex^rum Jenkins decd and others are
defendants.

Present: John R. Kelby Pl^{ff}'s Counsel

Lucretia J. Goodman being duly sworn depo-
seth and saith as follows:

1st Question:

Will you state how John B. Jenkins as Executor
of Ex^rum Jenkins decd. paid you the sum of
\$482.27, and \$320.31, as directed by decree of
the Circuit Court of Nausemond County of 21st
April, 1860 in the Chancery cause of Elizabeth
Jenkins &c. vs: John B. Jenkins, Ex^r. of Ex^rum
Jenkins, decd. and others, and when did he
settle with you?

Answer: He paid me by his own individual note without security, of about (\$400) four hundred dollars one half of five Hundred & eighty-five dollars, the amount I owed for purchase of land - and other claims he held against me - ~~and appeared by State-
measurers~~ The above mentioned note is still unpaid.

And further this deponent saith not.

Suzette J Goodman

The further taking of these depositions is adjourned and continued to the 5th. day of September, 1867, at the same time and place.

M. L. Riddick

Conv.

September 5th 1867.

Present:

M^r. R. Kilby, atty. for Pltff.

John B. Jenkins, who had been duly summoned appeared and being duly sworn deposed and saith as follows:

1st Question by Pltff's atty.

You have said in your answer that your brother Henry W. Jenkins requested you to collect his money for him: How did you collect this money? Did you owe the money yourself, & if so, how did

you get the money & when? And what became of it?

Answer: I collected the money from sales of my own property in Confederate currency; I sold Cotton, brandy, and cattle: I owed the debt to my brother as Executor, myself - except the bond of Howell referred to in my answer.

I think during the Christmas of 1861, my brother Henry W. Jenkins directed me to collect his money, as stated in my answer, and I accordingly did so as I have before stated by sales of my own property. The money I received by direction of my brother, I used in my business - at its then current value, only temporarily though - always holding myself ready to pay him what was due him in the same currency when he should apply for it, which he never did until after the war ended.

And further this deponent saith not.

John B Jenkins

State of Virginia:

Nauvmond County, to wit.

I. W. L. Riddick, a Commissioner in Chancery for the Circuit Court of said County, in said State, do hereby certify that the foregoing depositions were duly taken, sworn to and subscribed before me at the times and place mentioned therein.

Given under my hand this 5th day of September, 1867.

W. L. Riddick

Comm^r in Chy.

I, Henry W. Jenkins, of Lafayette County & State of Arkansas,
formerly of Nausemond County, Virginia, do hereby constitute and
appoint John R. Kilby of Nausemond County and State of
Virginia, my Agent and Attorney for me and in my name
to ask, demand, sue for and receive of John B. Jenkins, Ex-
ecutor of Eam Jenkins dec'd (my father) all Legacies,
special or otherwise, and all moneys and estate of every
description, to which I am entitled, under the Last Will &
Testament of my said father, Eam Jenkins dec'd, and for
me and in my name to grant all proper receipts and
discharges for the same, and in all respects to settle all
matters in my behalf in the premises, in as full & com-
plete a manner as I could do, were I personally pres-
ent - hereby ratifying all my said Attorney may law-
fully do in the premises - Witnesses my hand & seal
This 24th day of January 1862.

Witness

Henry W. Jenkins 

In the Clerk's Office of Nausemond County Court, The 24th.
day of January 1862.

This Power of Attorney was acknowledged by Henry
W. Jenkins, and thereupon admitted to record.

Teste,

Peter B. Prentiss, Clerk

In the Clerk's Office of Nausemond County Court, The 4th.
day of September 1867.

The foregoing Power of Attorney with the original cer-
tificate thereon, was produced by John R. Kilby to The

Clerk of said Court, and on the application of said
Kilby is recorded anew: The Book in which the same was
originally recorded having been destroyed by the burning
of The Clerk's Office and records, on the 7th day of February
1866.

Teste,

Peter B. Prentiss. Clerk

A. Copy:

Teste,

Peter B. Prentiss. Clerk



X^{me}

Henry W. Jenkins

Do { Copy Recd. attc.

John R. Kilby.

(A.)

(1)

Dr The Estate of Exum Jenkins deceased.
In account with John B. Jenkins, Executor

Cr.

1860: April 16	By amo. of Balance of Principal and Int. due Estate this day, as per acct (E) of exhibit (A)			\$1082.20
" May 1	" amo. recd. part of Bunyan Barnes' two notes due Estate			656.95
" July 28	To paid Wm. H. McGuire, Const. costs of warrant to. vs. H. H. C. Jones per rect.			85
" Aug. 16	By amo. recd. of Isaac Langston's Est. for Rent of Land 1858 + 1859.			138.64
" Sep. 10	" amo. recd. of D. L. Milteers' Est. for H. H. C. Jones' Note to.			6.22
" Octo: 20	" amo. recd. of Lucretia J. Langston for sale of Land to. subject to dower of Eliz. Jenkins to.			585.00
" Nov: 7	To paid W. L. Riddick, Comr. fee for acct & rept. in suit of Eliz. Jenkins vs. Exum Jenkins Exr. to per rect.		50.00	
" "	" paid John R. Kilby, atty. costs to. in said suit, per rect.		127.52	
" "	" paid P. B. Prentiss, Clk's fees per do.		15.27	
1861: Apl. 16	By Int. on \$370.63 prin. of above bal. for 12 mos.		\$22.24	
" "	" Average of Int. on \$1386.81- amo. recd by Exr. - say for 6 mos.		\$41.60	
" "	To Sp. Ct. Comm. on \$1450.65- (including Int.)		72.53	
" "	" Balance of Principal due Estate		2202.84	
			^{Int.} \$63.84	\$2469.01 \$2469.01

1861: Apl: 16.	By Bal. of Principal due Est. at ann. rest: brot on	\$			2202.84
" "	" do. of Int: do. do.	\$63.84			
1862: Jan. 22	To paid W ^m Howell, Const: Ex ^{ts} + costs in favor of Isaac P. Lee per rect	\$	39.00		
" April 16	By Int. on \$1757.44 - prin. of above bal. for 12 mos.	\$105.46			
" "	To 5 th prot. Commis. on \$105.45 -		5.27		
" "	" Bal. of Principal due Estate.		2158.57		
		^{Int.} \$169.29	2202.84		2202.84

1862: Apl: 16	By Bal. due Est. brot: on				2158.57
" "	" " of Int: do. do.	\$169.29			
1863 "	" Int: on \$1757.44 - part of said Bal. 12 mos:	\$ 105.45			
" "	To Bal. of Principal due Estate		2158.57		
		^{Int.} \$274.74	2158.57		2158.57

1863: Apl: 16	By Bal. due Estate brot on				2158.57
" "	" do. of Int: do. do.	\$274.74			
" May 2	To paid E. W. Massenburg, Atty's fee tc. per rect:	\$	50.00		
1864: Apl: 16	By Int: on \$1757.44 part of said above bal. 12 mos	\$ 105.45			
" "	To Bal. due the Est:		2108.57		
		^{Int.} \$380.19	2158.57		2158.57

1864: April 16	By Bal. due Est. brot. on				\$2108.57
" "	" Do of Int. do. do.	\$380.19			
1865 "	" Int. on \$1757.44 part of above				
	Bal. 12 mos.		105.45		
" "	To Bal. due the Est-			2108.57	
		^{Int.} \$485.64		\$2108.57	\$2108.57
1865: April 16	By Balance due Est. brot. on				\$2108.57
" "	" Do. Int. do. do.	\$485.64			
1866 "	" Int. on \$1757.44 part of				
	above Bal. 12 mos		105.45		
" "	To Bal. due the Estate			2108.57	
		^{Int.} \$591.09		\$2108.57	\$2108.57
1866: April 16	By Balance due Est. brot. on				\$2108.57
" "	" Do. of Int. do. do.	\$591.09			
1867: "	" Int. on \$1757.44 part of				
	above bal. 12 mos.		105.45		
" "	To Bal. due Estate			2108.57	
		^{Int.} \$696.54		\$2108.57	\$2108.57
1867: April 16	By Bal. due Estate brot. on				\$2108.57
" "	" Do of Int: do. do.	\$696.54			
" Octo: 12	" Int. on \$1757.44 part of above				
	Bal. from Apr. 16 th to Octo 12 th 1867	51.55			
" "	To Bal. due The Estate			2108.57	
		\$748.09		\$2108.57	\$2108.57

1867: Octo: 12	By Bal. of Prin. due Est: but on				\$2108. 57
"	"	" do. of Int: do. do. & added			748. 09
"	"	To Edward Howell's note, part of said	}		
		Balance		\$1349. 76	
"	"	" Amo. to Bal. & due Est.		1506. 90	
				\$2856. 66	\$2856. 66

1867: Octo: 12	By Bal. due Estate as above, and to be,				
	distributed as follows:				\$1506. 90
"	"	To Elizabeth Jenkins, widow of Exm ^r	}		
		Jenkins decd. $\frac{1}{3}$			502. 30
"	"	" Balance			\$1004. 60
"	"	To John B. Jenkins, Residuary Legatee $\frac{1}{3}$		334. 86 $\frac{2}{3}$	
"	"	" Lucretia J. Goodman (late Langston) do. $\frac{1}{3}$		334. 86 $\frac{2}{3}$	
"	"	" Henry W. Jenkins do. $\frac{1}{3}$		334. 86 $\frac{2}{3}$	
				\$1004. 60	\$1004. 60

(B.)

(5.)

Dr. Henry W. Jenkins, Special Legatee under
the Will of Exum Jenkins, decd.

In Account with John B. Jenkins, the Executor, Cr.

No. 1.

1860: April 16.	By this amo: 1 st Installment of Legacy of \$6000 under the Will of Exum Jenkins decd- due Dec. 14 th 1858 & Int. thereon to date - retained in Executor's hands, as per Acct. (E.) Exhibit A. -			\$2160. 67
" "	" this amo. 2 nd Installment of said Legacy, due Dec: 14 th 1859 & Int. to date - retained in Exor's hands. as per Acct. (E.) Exhibit (A.)			2040. 67
1867: Octo: 12	" this amo. 3 rd Installment of said Leg- acy - due Dec. 14 th 1860 - & retained in the Executor's hands as per Acct (E.) Exhibit (A.) -			2000. 00
" "	" Int: on said 3 rd Installment from Dec: 14 th 1860, to Octo: 12 th 1867 }			819. 33
" "	" Int: on said 1 st & 2 nd Installments (\$4000.) from Apl. 16 th 1860, to Octo: 12 th 1867 }			1797. 33
" "	To Bal. of Prin. & Int. on said Legacy, due Henry W. Jenkins, to date. }		\$8818. 00	
		\$8818. 00	\$8818. 00	
1867: Octo: 12	By Bal. of Prin. & Int. due Henry W. Jenkins, to date -			\$8818. 00

1862: Feby: 12	By amo. of Special Legacy due Henry W. Jenkins, at this date in Executors hands, with Int. to Apl. 16 th 1860.		\$6200.34
" "	" Int: on \$4000. part thereof from said Apl. 16 th 1860, to Feby. 12 th 1862		442.66
" "	" Do. on \$2000. also part thereof from Dec: 14 th 1860, to Feby. 12 th 1862.		139.33
" "	To Bal. of Prin: & Int. due Henry W. Jenkins, in the Executor's hands to date	\$6782.33	
		\$6782.33	\$6782.33
1862: Feby: 12	By Bal. of Prin. & Int., of Special Legacy due Henry W. Jenkins by Ex'r. at date brot: down.		\$6782.33
" "	" Value in gold at this date of this amo. of \$6782.33. in Confederate States Treas. notes (\$1.30 for \$1.)		\$5217.18
1867: Octo: 12	" Int: on \$5217.18 from Feby. 12 th 1862, to Octo: 12 th 1867		1773.84
" "	" Amo. due Henry W. Jenkins, as Residuary Legatee, brot. on from Acct: (A) page (4)		334.86 $\frac{2}{3}$
" "	To Total Balance of Prin: & Int. due Henry W. Jenkins, as Special & Residuary Legatee, by John B. Jenkins, Ex'r. to date.	\$7325.88 $\frac{2}{3}$	
		\$7325.88 $\frac{2}{3}$	\$7325.88 $\frac{2}{3}$
1867: Octo: 12	By Balance due Henry W. Jenkins as above brot: down		\$7325.88 $\frac{2}{3}$

Commissioner's Office.

Suffolk, Va. September 10th 1867

To the Circuit Court of Hansemond County:

Pursuant to a decree of the Circuit Court of Hansemond County, rendered on the 16th day of April 1867, in a suit in Chancery depending in the said Court between Henry W. Jenkins, Complainant, and John B. Jenkins, Executor of Exam Jenkins decd. Abram Kiddick, Edward Howell (of E.) James Barnes, Solomon P. Daughtrey and James M. Holland (of Jno.) Defendants -

The undersigned, one of the Commissioners of the said Court, to whom was referred for settlement, by said decree an account to "Ascertain whether the legacy of six thousand dollars to the plaintiff in the will of Exam Jenkins deceased, was ever paid by the said John B. Jenkins as Executor aforesaid, and if not, then ascertain whether the same was retained by him and in what kind of assets, and what has become of said assets. Also in what kind of assets the sum of One thousand and eighty two dollars and twenty cents, Balance in said Executor's hands as appears by Exhibit (A.) page 20. was, on the sixteenth day of April 1860. and what has become of the same" -

Reports to the Court, that on the 29th day of May, 1867 he issued notices against the several parties aforesaid, requiring them to attend the sub-

tlement of the said accounts, before him, at his said office, on the 9th day of July, next thereafter which said notice was published for four consecutive weeks in the "Christian Sun", as directed by said decree - copy of said published notice, with the certificate of said publication is hereby appended. That the parties aforesaid by their attorneys appeared before the Commissioner in obedience to said notice and the stating and settling of said accounts was begun, but not being concluded was adjourned and continued until the 14th day of August, following. That on the said 14th day of August the further taking, stating and settling the accounts aforesaid was resumed, but not being concluded, was further adjourned and continued until the 5th day of September, following. That on the said 5th day of September, the taking, stating and settling said accounts was resumed, and continued until concluded.

Your Commissioner reports, with reference to the first account required by said decree - that he has stated and settled the same (Acct. B. Nos. 1 & 2) up to the 12th day of October 1867. The Legacy given to Henry W. Jenkins, the Complainant, by the will of Exum Jenkins decd., of \$6000. - payable by the Executor, John B. Jenkins in three installments - due respectively on the 14th day of December 1858; the 14th day of December 1859; and on

the 14th day of December 1860. was retained in ~~the~~ the hands of the said Executor in assets of a fair value, on the 16th day of April 1860: That the said Executor was the principal debtor to the Estate of his testator, and the said legacy, with the accruing interest was retained by him as aforesaid, subject to the demand of the Complainant, Henry W. Jenkins.

By Account (B. No: 1) your Commissioner has stated the balance of Principal and Interest due by the Executor, to the Complainant, on this legacy of \$6000, retained by the said Executor, up to the 12th day of October 1867. the same amounting to \$8818.00, on that day; of which \$2818.00 is Interest-; neither the Principal or Interest of which was ever paid.

By Account (B. No: 2.) your Commissioner has stated the account in another form, and ascertains the balance due Henry W. Jenkins from said Executor, on the 12th day of February, 1862, to be \$6782.33 on this aforesaid Special legacy. This has been so stated, because it appears by the evidence that the Complainant, a little before this time directed the Executor to pay him the sum due on account of said legacy, and the Executor, who acted individually as well as in his fiduciary capacity. This money, realised the same by selling his own property for Confederate States Treasury notes, then almost the sole currency in circulation, and awaited a further demand from the Complainant - but

afterwards used the money in his business. though the Complainant had executed a power of Attorney to John R. Kilby Esq. to collect this money from the Executor. the same being executed on the 24th day of January 1862, and recorded in the Clerk's office of Wareham County Court on the same day, which was legal notice to all whom it may have concerned - and which offered an opportunity to the Executor whereby he might have discharged the debt at that time. In view of all the circumstances, the Commissioner has thought it equitable to allow the said Executor credit for the depreciation of the money he then realised by direction of Complainant at the then rates of Exchange of Confederate States Currency for gold. At the then rate of Exchange the said sum of \$6782.33 in Confederate money was worth \$5217.18. in gold - which latter sum is that upon which Interest has been charged the Executor, from Feby. 12th 1862 - some time after said power of Attorney was executed recorded - up to the 12th day of October 1867 - making Principal & Interest \$6991.02 due the Complainant on that day by said Executor, on account of said Special Legacy.

Your Commissioner has stated by Acct. (A) the second account required by said decree. and reports that the \$1082.20, balance in the Executor's hands due the Estate of his Testator on the 16th day of Apl. 1860, was in effect of a par value. That the

said Executor received other assets of a like value since, which have been charged to him; likewise has made certain payments, the vouchers for which were examined by your Commissioner, and the same have ^{been} allowed to him.

The said Account (A.) is in the nature of a further account of the transactions of John B. Jenkins Executor of Edmund Jenkins decd., and has been stated and settled up to the 12th day of October, 1867, on which day there is a balance in the said Executor's hands due the Estate of his Testator of \$1506.90, of which \$97.00 is interest, the same being for distribution, and of which the Complainant Henry W. Jenkins is entitled to $(\frac{1}{3})$ of $(\frac{2}{3})$ as Residuary Legatee - being \$334.88 $\frac{2}{3}$.

By account (B. No. 2.) your Commissioner reports that on the 12th day of October there is due from the said Executor to the Complainant, on account of Special Legacy - Prin. & Interest \$6991.02 and to the same by the same, as Residuary Legatee the further sum of \$334.88 $\frac{2}{3}$ - making total indebtedness of the said John B. Jenkins, as Executor as aforesaid, to the said Complainant Henry W. Jenkins - the sum of \$7325.88 $\frac{2}{3}$ on the said 12th day of October, 1867.

Your Commissioner returns herewith the aforesaid accounts and the evidence relating thereto, with copies of decree and

notice aforesaid.

Given under my hand as Commissioner as
aforesaid, the day and year first aforesaid.

W. L. Addick

Comr. in Chy.

Costs:

Commissioner's fee \$35.00

Wm. B. Wellen's Pub. notice 11.50

\$46.50

Sam'l Kelco. Shp. South. Co. .20

\$46.70

Henry W. Jenkins

W: 3 Conn. Rept. &c.

Mr. B. Jenkins Exr. &c.
& others.

Sept: 11th 1867 Filed
atk

19th Feb

The Commonwealth of Virginia,

Southampton

To the Sheriff of ~~Nansemond~~ County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *John B. Jenkins Executor*
of Execm Jenkins deceased, Abram Reddick, Edward
Howell (of E) James Barnes, Solomon P. Daughtrey,
and James M. Holland (of Geo.)

to appear at the Clerk's Office of our *Circuit* Court, for the County of Nansemond, on the
first Monday in *July* next, 1866, being rule day, to answer a bill in
chancery, exhibited against *them* by

Henry W. Jenkins

and unless *they* shall answer the said bill by the next rule day
thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *21st* day of *June* 1866, and in the *90th* year of
the Commonwealth.

Peter B. Prentis. Clerk.

PS The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Kelby. p. 9

Henry W. Jenkins

Sum. in Chy.

John B. Jenkins, Exor.
of Gum Jenkins decd
Val:

To July Rules 1866
Hausemond Cr. Co.

Executed on John B
Jenkins by delivering
a Copy Gum ^{to} 29. 1866

To Haron Sept
for Saml. Kelle Shff

Pro: C. No: 1. Aug 7
Cr: Co:



The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *John B. Jenkins, Executor*
of *Esau Jenkins deceased, Abram Riddick, Edward Howell*
(of E), *James Barnes, Solomon P. Daughtrey and James M.*
Holland (of Jo)

to appear at the Clerk's Office of our *Circuit* Court, for the County of Nansemond, on the
first Monday in *July* next, 1866, being rule day, to answer a bill in
chancery, exhibited against *them* by
Henry W. Jenkins

and unless *They* shall answer the said bill by the next rule day
thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *21st* day of *June* 1866, and in the *90th* year of
the Commonwealth.

Peter B. Prentis. Clerk.

The Sheriff will, in his return, note the day on which this process is executed on each Defendant.



Jerusalem Va.
Oct. 8

John R Kilby Esq
Suffolk
Nansemond Co
Virginia

Jerusalem Oct 8th 1867

John R Kilby Esq

Dear Sir

I shall be
down to your circuit court on Monday
morning your court commences Saturday
and I suppose will not adjourn before
Tuesday I shall bring Perkins with me
if not anyway I expect to settle it
If you show a liberal spirit
If it be necessary for me to come sooner
please let me know

Yours &c

Wm B Shuman

To Henry W Jenkins Esq
Sir

Take notice
that I shall at ~~my house~~ ^{Newcombs depot} in Southampton
County on Monday the 23^d of July 1866
between the hours of sunrise and sunset
and to be continued from day to day until
finished proceed to take the depositions
of Lucenia J. Goodman ^{and John B. Jenkins} to be made as
evidence in my behalf in a certain suit
now pending in the circuit court of
^{County in Chancery} Hanover and wherein you are plaintiff
and I and others are defendants at
which time and place you may
attend if you see fit

John B Jenkins

July 16th 1866

Southampton County to wit

This day, John B. Jenkins appeared
before a justice of the peace for the above said
County and made oath that he left a copy of the
within notice with John R. Kilby atty for the
plaintiff the 16th of July 1866 given under my
hand the 16th July 1866

J. H. Doshoff J. P.

The deposition of Lucenia Goodman taken at Newsum's depot Southampton County Va on the 23rd of July 1866 before the honor of sunrise and sunset to be read as evidence in behalf of John B Jenkins in a certain suit in chancery now pending in the circuit court of Wausemon in which Henry W. Jenkins is plaintiff and John B Jenkins and others are defendants pursuant to the annexed notice duly given.

Lucenia Goodman having first duly sworn on the Holy Evangelists of Almighty God deposes and says as follows

About Christmas 1861 Henry W. Jenkins was at my house, and he told me that he wanted Brother John B. Jenkins to collect his money that he had made out as much as he intended coming after it Henry W. Jenkins and John B. Jenkins are both brothers of mine

Question by Plaintiff's counsel, where does your brother Henry W. Jenkins live and do you see him often

Answer, About 17 or 18 years ago he left Virginia where he lives I do not know I have seen him ~~three times~~ ^{three times} since he left Virginia the first time before my father died, the second time about two years after my father's death and the last time

in the winter of 1861 & 62 I have heard he
was in Petersburg about the 24th of April
1866

Question by the same Did you hear Henry
W Jenkins say whether he had ordered John
B Jenkins to collect his money
Answer Yes I did

Question by John R. Kelly atty. for H. W.
Jenkins - at the time your Brother H. W.
Jenkins was at your house about the end of
the year 1861 was there, or was there not
a suit pending in Nausemond Circuit
Court on behalf of the Legatee of your father
Ezra Jenkins dec'd. against John B.
Jenkins his Executor to settle the
estate & have the Legacies paid.
Answer. I don't recollect -
and further this deponent says
not - Lucetta J Goodman

John B Jenkins Having been first duly
sworn on the holy Evangelists of Almighty
God deposes and says as follows

I think it was between Christmas and
New Year's day 1861 that I met Henry W
Jenkins at my father's woodcut house
in Nausemond County, He told me, he
wanted me to have his money ready for
him, he would come for it. I told him

I would do so and send him a check for
it and to tell me when to send it, he
objected to it, and said it would trouble him
to duplicate it in case it was lost but
ordered me to have it ready for him. I replied
I would do so, I went to work and raised
his money for him as he directed, all
except a debt against Edward Howell of
E, which I would have advanced to him at
that time had he have come as Mr
Howell was at that time responsive I
had funds of my own, I collected the
money in Confederate States Treasury notes
which at that time was the currency of
the country, I having this money in my
hands and Henry Jenkins not coming for
it became uneasy, and applied to my
attorney Mr B Shands to apply to Judge
Baker judge of the circuit court of
Southampton then sitting for decisions
as to the movement of this money, when
the ~~court decided~~ ^{Judge said} he could do nothing
in the matter as all the papers of
Ezra Jenkins estate about which
a suit was then pending were in
the clerk's office at Suffolk in Nausemond
and that was then in the occupation of
U. States Army

Question by atty. for Henry W. Jenkins.
When Henry W. Jenkins was at the

residence of your father's widow about Christmas
1861, was all the Legacy that said Henry W.
Senkins was entitled to, then due under
the will of Emma Senkins

Answer: I don't recollect, the record will
show.

and further this Deponent saith not.

signed

John B Senkins

Southampton Co D wit

The above depositions
were taken, sworn to and subscribed before
me a Commissioner in Chancery in the
county Court of Southampton at the
time and place mentioned in the caption
given under my hand this 23^d of day
of July 1866

Jm B Shances

Commissioner in Chancery

John B. Jenkins

advs { Depositions

Henry W. Jenkins

Came to hand, 26th July 1866
under cover, sealed. C.H.

The deposition of Wm B Shames taken
without notice to H. W. Jenkins by consent of
John R Hilby his attorney and by consent of
defendants cannot to be made as evidence
in favor of John B. Jenkins in a certain suit
now pending in chancery in the circuit court
of Nansumond in the case of H. W. Jenkins vs
John B. Jenkins exr of Exm Jenkins dec'd & als

Sometime in the year 1863 I do not
remember whether at the spring or fall term
of the circuit court of Southampton County
John B. Jenkins as executor of Exm. Jenkins
applied to Judge Richard H. Baker then
sitting in chancery for an order for him
to invest the funds of his testator, he
stated that he had a large amount of funds
in hand belonging to that estate and that
he could find no safe investment and that
he brought them into court, that he feared
they would be lost and the loss would fall
on him perhaps unless the court made
some order, he stated that the reason he
applied to the circuit court of Southampton
was, that Suffolk and include all Nansumond
county where he qualified was then occupied
by Federal Troops that the court was then
closed, he also stated that there was a suit
then pending in Nansumond County for
the settlement of the estate and construction
of the will of Exm. Jenkins, and that
he could not obtain access to the papers,
Judge Baker declined to make the order

apprising as a reason, as well as I remember
that he could make no order in the cause
without the papers in the cause come before
him, and advising Mr Jenkins to get the
papers that were necessary if he could from
Mansuona and lay them before the
court at some other time or place, I made
the application for John B Jenkins as his
counsel, and the above statement contains
my recollection of it

Wm B Shanes

Southampton County Exr

Wm B Shanes This day personally
appeared before me and made oath that
the above deposition is true to the best of
his knowledge and belief given under my
hand This 25th day of February 1867

Stedley S. Howard
Clerk in charge of
Southampton County
Court

Jenkins

vs 3

Jenkins vs als

Deposition of
Wm B Shand

ap 16

Henry W. Jenkins

n

John B. Jenkins Executor of Executrix Jenkins
decd. & others.

This day John R. Kilby, attorney for
Plaintiff, made oath before me that Abram
Riddick & Solomon P. Daugherty, two of the
defendants in the above cause, are, as he
sincerely believes, non residents of the State of
Virginia.

Sworn to before me
in my Office, this 21st.

day of June 1866

Peter B. Prentiss. Clerk.

signed

John R. Kilby

Jenkins

n

Jenkins' 54^r tal.

affidavit of
non residence of
two of the depts.

June 21st. ¹⁸⁴⁶ Taken by J. H. S.

Henry W. Jenkins

n.

John B. Jenkins Exr to Sal

This cause, in which the plaintiff has proceeded against the said Solomon P. Daughtery & Abram Riddick in mode prescribed by Law against absent defendants, came on to be heard on the Complainant's Bill ~~and the answer of John B. Jenkins Executor of Estate Jenkins decd.~~ taken for confessed as to the said Edward Hume of E, James Barnes, & James M. Holland of Ind, on whom process had been duly served and they still failing to appear and answer, and on the answer of said John B. Jenkins Executor of Estate Jenkins decd, with general replication thereto, & on exhibits filed with said Bill & examination of witnesses and was argued by counsel. On consideration whereof the Court doth adjudge, order & decree that a Com of this Court ascertain whether the Legacy of \$6000, to the plt. in the will of Estate Jenkins decd. was ever paid by the said John B. Jenkins as Executor aforesaid, and if not, then ascertain whether the same was retained by him and in what kind of assets, and what has become of said assets: also in what kind of assets the sum of \$1082.20 Balance in said Executor's hands appears by Exhibit (A) page 20, was on the 16 April 1860, and what has become of the same — and the said Com.

is authorized to summon before him, any one or
all of ~~the parties~~ or other persons & examine
them ^{whether examined before or not} on oath, touching any matters concerning
thesame, (and make report to Court with any
matters specially stated deemed pertinent by him
or that may be required by any of the parties
to be so stated.

and that notice of the Taking
of such accounts be published once
a week for four successive weeks in
the "Christian Sun" a newspaper
published at Suffolk, which notice
shall be in lieu of personal service
of notice on the parties

Tenkins

n

Tenkins *enr*

1867

april et. Decree.

To be entered

R. H. Baker

Entered.

Jenkins v. Jenkins &

This cause came on this day to be again heard on the papers formerly read on the Report of Court W. L. Riddick made pursuant to the decree of the 16th of April 1867; to which Report there is no exception, and was argued by Counsel; On consideration whereof the Court doth confirm the said Report with adjudg. order to wit that the Defendant John B. Jenkins, ~~John Riddick, John Thomas, James Barnes, Solomon P. Riddick, & Jas. M. Woodard~~ do pay to the said plaintiff the sum of. \$7325.88, with Interest on \$5217.18 part thereof from 12th Octo. 1867 till paid, ~~the amount due to said Henry W. Jenkins as appears by~~ ^{the amount due to said Henry W. Jenkins as appears by} ~~Statement No. 2. of account (B) of said Report - the Court adopting that Statement as the correct one - and that the said Defendants also pay to Edward J. Gordon \$334.86, account due her as appears by account A; of said Report, with Interest from the 12th Octo. 1867 till paid, & that the plaintiff recover of said Defendant his costs by him expended in the prosecution of this suit; and liberty is reserved to the plaintiff to apply for such further relief against the sureties of said John B. Jenkins as he or Edward Jenkins dec'd as may be proper, should this decree be unsatisfied by him.~~

Jenkins

M.

Jenkins, sal

1867

Octo. Ct. Decree

To be entered

R. H. Baker

Entered.

1866 Jan. 16 Recd of John R. Jenkins Exor.
of Execm Jenkins decd. a Bond executed
by Edw & Howell of E. for thirteen hundred
and forty nine dollars & seventy six cents
~~due~~ by Bond dated 24th Jan'y 1866 & due
on demand - which I am to see for unless
secured.

John R. Kilby

Mr. R. Kilby
Rect.
for Rev. E. Howell's
Bond.

G'

At a Circuit Court held for Hanscom County, the 21st. day of April 1860.

Elizabeth Jenkins, widow of Erum Jenkins dec'd. Complainant
against In Chancery

John B. Jenkins, Executor of Erum Jenkins
deceased - and in his own right; Henry W. Jenkins,
Leora B. Jenkins, Isaac Langston and Lucetta,
his wife; Jethro Waslett and Sophia Ann, his wife,
and Boykin Blunt; the said Boykin Blunt,
being under twenty one years of age. . . . Defendants

This cause came on this day to be again heard on the
papers formerly read and on the reports of Washington A.
Riddick, Commissioner and Adolphus H. Jones, John R.
Lee and Albert M. Rawls, Commissioners, made pursuant
to the decree of the 14th. day of October 1859, and on exceptions
to said reports - and was argued by Counsel; on consideration
whereof the Court doth overrule the first and second exceptions,
and sustain the third exception, and doth as judge order
and decree that the said report of Adolphus H. Jones, John R.
Lee and Albert M. Rawls be confirmed and that Commis-
sioned Riddick's report be also confirmed, except account
(A.) Thereof on page 7, and doth as judge, order and decree
that John B. Jenkins as Executor of Erum Jenkins deceased
pay out of the sum of Thirteen thousand and eighty-eight
dollars and fifty-nine cents, as appears in his hands by com-
missioned Riddick's said report as follows, to wit: To himself
one hundred and one dollars and three cents and forty nine
dollars and sixty-one cents; to Lucetta J. Langston, four
hundred and eighty-two dollars and twenty-seven cents and
three hundred and twenty dollars and thirty-one cents; to
the plaintiff Elizabeth Jenkins, three thousand and fifty-
one dollars and seventy-five cents, in fee, and to same in fee,
two hundred dollars, and to same to be held for life two hundred
and eleven dollars and seventy six cents; to Robert M. Savage
and Leora B. his wife, six hundred and forty-eight dollars
and twenty cents, and also two hundred and ninety one
dollars and thirty-three cents; and that he retain for
Henry W. Jenkins, twenty-one hundred and sixty dollars
and sixty-seven cents, and also two thousand and
forty dollars and sixty-seven cents, and also two thousand
dollars - And the Court doth further as judge order and
decree that the said John B. Jenkins, as executor aforesaid,
pay the costs of this suit including a fee of Fifty dollars
to the plaintiff's attorney, and a reasonable attorney's
fee to the attorney of John B. Jenkins, Executor as

aforesaid; and the Court doth also as judge order and
 decree that there be paid to the plaintiff, Elizabeth
 Jenkins to be held by her for life as follows, to wit: by
 John B. Jenkins, fifty three dollars and fifty three
 cents, by Lucretia J. Langston one hundred and fifty
 seven dollars and sixty four ^{and one fourth} cents, and by Robert M.
 Savage and Leora B. his wife, one hundred and fifty
 one dollars and seventy six and a half cents, and by
 John S. Haslett, two hundred and seventy five dollars
 and twenty nine and a half cents, and it is further
 decreed that interest be paid the several parties on
 all of the several sums aforesaid from this day till paid,
 to those entitled to said sums - And the Court doth further
 as judge, order and decree that Washington D. Riddick,
 a commissioner of this Court take a further account
 of the transactions of John B. Jenkins as executor of
 Esau Jenkins deceased and a legatee account, and that
 account "C." of Commissioner Riddick's said report be
 recommended to him to be stated on the terms of the decree
 heretofore made in this cause, and that he make
 report of any matters deemed pertinent by him or that
 any of the parties may require to be so stated; and that
 notice of the taking of said account be published once
 a week for four successive weeks in the "Christian Sun"
 a newspaper published at Suffolk and that such
 publication shall be equivalent to personal service
 of such notice on the parties or any of them.

Attest:

Peter B. Prentiss, Clerk

Costs up to & including this
 decree & 2 copies.

Clerk	\$22.49
Att. Gen.	51.50
Shff. Savage	3.20
" Briggs	.50
Sgt. Matthews	.20
A. H. Jones	17.00
Jno. R. Lee	10.00
A. H. Rawls	10.00
Commr.	50.00
Printer	9.87
Susan Walters	.50
E. G. March	2.26 to be paid to J. R. Kelly
	<u>\$177.52</u>

1800 of the Langston
 to come in such order

Elizabeth Jenkins (widow)

3 1182 20
394

Copy Deed
Apr. Term 1860
Geo. B. Jenkins, Esq.
de. de.

JB

W. B. Jones

To The Honorable R. G. Baker judge of the
Circuit Court of Macon County in
Chancery sitting

The answer of John B.
Fenkins to a bill in chancery by Henry W. Jenkins
as him and others

This defendant for answer to the said
bill or as much thereof as it is material for him
to answer, answering says, That it is true he
qualifies as executor of his father Exr. Jenkins
as set forth in the bill, that a suit was
instituted for a construction of the will and
payment of legacies occasioned principally by
the testator's widow renouncing the provision
made for her in Exr. Jenkins' will, and he
herewith files a copy of the commissioner's
report of the 3rd of March 1860 and ^{of a decree}
of the circuit of Macon County of the April
term 1860 in the suit of Jenkins vs. H. W.
Jenkins vs. H. W. which have been called for
by the plaintiffs bill, It will be seen by a
reading of the said decree that among other
things ordered it was decreed that John B.
Jenkins "retain for Henry W. Jenkins the
twenty one hundred and sixty dollars and
sixty seven cents, and also two thousand and
forty dollars and sixty seven cents, and also two
thousand dollars" That at the time the
decree was ordered for him to obtain the

the amounts above stated for the plaintiff, though the account showed the funds to be in his hand yet in reality it consisted of debts due from private individual of undoubted solvency and good credit at that time, that the same remained uncollected for the purpose of satisfying this legacy until this respondent was ordered to collect the same by the plaintiff, This defendant says further that at the time of entering this claim it was not known when the plaintiff was nor had he been heard from for a long time before, that during the late war to wit some time in December 1861 the plaintiff came to his house and ordered him to collect the said several sums of money and told the same until he came for it, he proceeded to collect the money all except one bond against Edward Howell of C, for \$1300 who at that time was proprietor of lands and slaves to a large amount and perfectly solvent until ruined by the results of the late war and against whom he has brought suit as will appear by Mr. Kilby's receipt under the file marked C, and that he has held the funds so collected subject to the plaintiff's call or order, This defendant says further that he held these funds which were received in Confederate States Treasury notes and at that time at par and the only currency of the country for a long time but not having from the plaintiff, and knowing that this

matter was under the control of the court, he made an effort to obtain an order for their investment, Sometime in the year 1862 the county of Nansemond was occupied by the Federal armies, and the court ceased to be held there and this defendant was unable to get any order from the circuit ^{court} of Nansemond, in the year 1863 This defendant does not remember whether at the spring or fall term he applied to judge Richd H Baker then holding the circuit court of Southampton County for an order for him to invest the funds which he had belonging to Emma Jenkins' estate including that specially retained for the plaintiff, After hearing the statement of this defendant the judge declined to make any order in the case as the papers in the cause were in Nansemond, he having nothing before him on which he could legally act, This defendant continued to hold these funds until they were lost by the result of the war

This defendant states further that from the time Henry W Jenkins came to his house in December 1861 and ordered him to collect his money and told it subject to his order he never saw or heard from him until after the surrender of Genl Lee the dissolution of the Confederate States government and consequent entire destruction of the value of its notes and currency, This ^{defendant says that he} cannot think that a court of equity will charge

John B. Jenkins This day appeared before me
a justice of the peace for the said county, and made oath
that the allegations of the above answer are true, given
under my hand This 2nd day of August 1866
J. H. Bishop J. P.

A Statement of the amounts paid to the devisees and legatees of ~~Edmund~~ Jenkins
 dec'd by John B. Jenkins his executor

1860

August 16 th	Paid Elizabeth Jenkins	\$3587. 47.
" "	Paid Robert M. Savage	958. 32
~~Sept~~ 16.	Paid Frederick J. Langford	1177. 36.
		<u>\$5723. 15</u>

Statement of Amounts
 paid by John B. Jenkins

III

Jenkins
ads 3 Answer to
John B. Jenkins
Jenkins

Filed Oct. 18th 1866
ellg

(1)
To the Hon. Richard H. Baker, Judge of the Circuit
Court of Hansemond County -

Complaining, shew unto the Court your
Complainant, Henry W. Jenkins -

your Complainant respectfully represents
to the Court and says, That his father Esq.
Jenkins died in Hansemond County Virginia
on the day of 1857, after having made
his Last will and Testament, which was on
the 14th day of December 1857 duly proved
and recorded in Hansemond County Court, as
will be seen by a duly certified copy of said
will, and the order of Court granting said probate
filed herewith and prayed to be taken as part
of this Bill is made (A.).

That John B. Jenkins, the Executor therein
named qualified as such Executor in Hansemond
County Court on the 14th day of December 1857,
and entered into and executed a Bond as such
Executor in the penalty of Eighty thousand dollars
conditioned according to law, with Abraham
Riddick, Edward Howell (of E.), James Barnes,
Solomon P. Daugherty, and James M. Holland
of pro. his securities - all of which will be
seen by reference to the order of Court granting
said qualification, a copy of which is endorsed on said
will filed herewith as aforesaid.

That the Testator by the first clause of his will

says "I give and bequeath unto my beloved
"son Henry W. Jenkins, the sum of six thousand
"dollars, to be raised out of my Estate, the said
"six thousand dollars to be paid to my said son
"Henry W. Jenkins, by my Executors hereinafter
"named, in three annual instalments of two
"thousand dollars each, to him and his heirs forever"

Your Complainant Charges That the
said sum of six thousand dollars has
not been paid to him, nor has any part
thereof been paid to him, and he now de-
mands the payment thereof with interest
according to Law.

Your Complainant further says that
this suit would have ^{been} brought long since, but
that in the year 1858, a suit in Chancery
was brought in this Court by Elizabeth
Jenkins the widow of said Deceased Jenkins,
against John B. Jenkins Executor of said
deceased, & the Legatees named in said will
(Your Complainant among them) having for
its object the settlement of said Deceased's
Estate, and ascertaining the rights of the
several parties under the Deceased's will &
that the said cause was duly heard &
considered and the questions arising
thereunder adjudicated, and that a Report
was in said cause made out by a Com-

minutes of said Court showing a settlement
of the transactions of John B. Jenkins,
as Executor of said Testator, and also showing
the amount due each Defaulter, and that
by a decree made in said Cause the said
John B. Jenkins as Executor aforesaid
was directed to pay the amounts ascertained
to be due the several parties, except your
Complainant, and that as in fact of your
Complainants' Legacy was then not due, the
said decree directed the said John B. Jenkins
as Executor aforesaid to retain the sum of
Six thousand dollars, to pay the Legacy due
your Complainant which he did — That
your Complainant, so far as he is concerned
is willing to accept the Commissioner's
Report and the decree made in said cause
as correct, and would now file copies thereof
with this Bill, but the Clerk's office of the
County of Stansford was destroyed by fire
on the 7th of February last and all the records
therein, including the papers record of said
cause were burnt & destroyed — Your Com-
plainant however understands that the
said John B. Jenkins has in his possession
a duly certified copy of said decree &
Commissioner's Report, which your
Complainant now calls on him to produce

to the Court, so that your Complainant's Charge, may be verified thereby - That so far as any other questions were adjudicated by said suit, or so far as any other questions under said will are concerned he has nothing to do, but believe, they have all been disposed of - Your Complainant prays that the accounts of said John B. Jenkins as Executor of Exr. Jenkins decd, may be settled, and that the Legacy due your Complainant may be paid, and he is willing as above stated to accept the report of the Commissioners showing such settlement as made up under the suit above referred to, as correct.

Your Complainant prays that a decree may be granted ^{for the amount due} him, against the said John B. Jenkins as Executor aforesaid, to be paid out of his own estate, if it shall appear that he had assets sufficient to pay the same: and if so, and he should be unable to pay the same, that then a decree may be granted your Complainant against the sureties of said John B. Jenkins on his Executorial Bond, for the Legacy due him.

In consideration whereof and as this Court has jurisdiction to grant all proper relief - Is the End your Complainant prays that the said John B. Jenkins as executor of said

Exem Jenkins dec'd. And the said Abram
 Riddick, Edward House (of E.), James Barnes,
 Solomon P. Daughtrey, and James M. Holland
 (of John) may be made defendants hereto
 (and be compelled to answer the allegations
 herein, and that the prayer of your Complainant
 aforesaid may be granted, and that all
 further (and proper relief may be granted,
 Consistent with Equity &c.

John R. Kilby p. v.

Killy p. v.

Henry W. Jenkins

W. E. Bill

John B. Jenkins Esq.
of Exum Jenkins & Co
Sal.

Wm. P. Car. & Co.

Jenkins
vs & Chy. Notes
Jenkins' Exor. dcl.

1866. June 21st. Sum. in Chy. to July Rules 1866

" do do Affidavit of new residence of defts: Abram
Riddick & Solomon P. Daughtry. Taken & filed

" July 2nd. Bill &c filed - Conditional decree in all
the other defendants

" " 24th. Repositions filed by defendant.

" Aug: 5th. Conditional decree confirmed in defts. ^{Mr. B. Jenkins, Exr & Edw Howell (4 E)}
James Barnes and Jas. W. Hallow (of Geo) ~~& others~~
~~for hearing, as to~~

" " " Or: of Prob: Against the defts: Abram Riddick
& Sol: Daughtry having been published & posted
according to law cause set for hearing
on mo: of pl'tts: Counsel.

" Octo: 16th. Ans. of dt. Mr. B. Jenkins, filed, same value & sent

1867. Apr: 16th: Decree for accos:

" Sept: 11th: Report filed

" Octo: 14th: Decree for money.

Chy. Notes