

1883-005

Nansemond Co. (Suffolk)

Chancery Causes: Claudius Peel vs Mills Rogers Jr & wife

Byrd

At a Monthly Court held for Newsumand County, the 13th:
day of September, 1873.

On the motion of Sarah E. Byrd, administratrix of
Henry H. Byrd, deceased, who was late guardian of
Claudius Peel, orphan of Jeremiah Peel, deceased; it is
ordered, that she be allowed to expend sixty-eight dollars
and twenty-five cents, with interest from the 1st day of
January, 1870, and that she account for the same, in her
return hereafter to be made.

A Copy:
Teste:

Peter B. Prentiss, Clerk.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Miss Rogers pr. Sarah E. her*
wife, late Sarah E. Byrd widow of Henry H. Byrd, and Administratrix
of said Henry H. Byrd; who was Guardian of Claudius Peck

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be
held for the said Court, on the first Monday in *September* next to answer a
Bill in Chancery, exhibited against *them*
in the said Court by *Claudius Peck*.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said
Court, at his office, this *29th* day of *August* 188*2*, in the *107th*
year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Causey. p. 9

Claudius Reel

4 { Sum. in Chy:
25

Mills Rogers, Jr. & Sarah E.
his wife, &c

To Sept. Rules, 1882

8 x 5 1/2 in 1

Pro. B. No. 1. Page 2
Cir. Co.

1882 Sep. Term 1st Decided, and a true copy heretofore
delivered to these Rogers & and Sarah E, his wife. Late March
& Rogers, widow of Henry H. Rogers, and Edmund Rogers
of said Henry H. Rogers, who are: Guardian of Claudius
Reel, each.

Attest: David Rogers
J. S. Hodgman Clerk

At a Quarterly Court held for Nassau and
County the 10th day of November 1873
On the motion of Sarah E. Byrd, who made
oath ~~as~~ thereto and entered into a bond in the
penalty of two thousand five hundred dollars,
conditioned according to law, with John D. Voight
James Voight and William Rawls of whom her
securities (who testified as to their sufficiency)
which bond being acknowledged by the obligors
therein is ordered to be recorded, Certificate is
granted her for obtaining letters of Administration
on the estate of Henry H. Byrd dec'd in due form.

a copy.

Teste:

Peter B. Prentiss, Clerk

Copy order of Qualification
of Sarah E. Byrd, as
admx. of Henry H. Byrd, decd

At a monthly Court held for Nausemond
County the 13th day of February
1882.

On the motion of Nathan Spivory
it is ordered that the estate of
Josiah W. Johnson deceased be com-
mitted to John L. Fulgham, Sheriff
of this County for administra-
tion according to law, it appearing
that the said Josiah W. Johnson has
been dead more than three months,
and no person having applied
for administration on this es-
tate

from the
order committee
Sept. 6 1844

W. B. B. also
on
B. & C. Williams —
or Boston
April 1844

In the Clerk's Office of Hansemond County Court the
25th: day of November 1881.

The Account of Sarah E. Byrd, Administratrix
of Henry H. Byrd deceased, late guardian of
Claudian Paul, orphan of Jeremiah Paul deceased,
is excepted to by Claudian Paul, he being now of
full age, and he, the said Paul charges that the
said Account is unwarranted, illegal and wholly
incorrect, and asks that the said Acct. be not
confirmed.

Claudian Paul

By C. H. Causey Atty.

A copy:

Teste:

Peter B. Prentiss. Clerk.

Copy & Exceptions
to 9th. Accos

Claudius Peck

^{v.}
Mills Rogers Jr. &c.

On the motion of Sarah E. Rogers leave
is given her to file her answer to the
complainant's bill, which answer is ac-
cordingly filed. -

Claudius Deeb

N. 3

Rogus & wife

Enter April 1883

Geo. B. Wood

Entered O. B. Baker, from 1888.

Claudio's Deb. -

^{vs.}
Mills Rogers Jr. Wife &c

On the motion of the defendants
leave is given them to file their answer
to the Complainants Bill within ninety
days from the adjournment of this
Court. -

Claudius Peck

N.

Mills Rogers Jr. T^r.

Enter

Octo 10th 1882

Lea 1360

Entered Chancery Order
Book No. 1 - Page 580

1st Q. Wm H. Riddick being duly sworn, depose & say,
What is your name, age, occupation and
where do you reside? & do you know the parties to this suit

Ans William H. Riddick, 23 years of age - lumber
getter, & reside in Hanesmond County and
know the parties to this suit.

2^d Q. Where did you reside in the year 1874 and with
whom did you live

Ans In Hanesmond County and I lived with
Mrs Byrd.

3^d Q. What was your occupation during that
year

Ans I was working for Mrs. Henry Byrd.

4th Q. Did Claudius Peel live with her that
year and if so state all you know
about his duties on the farm

Ans He did - and did general farm work
just as I did

5th Q. What wages did Mrs Byrd pay you, if any,
for that year

Ans She paid me twenty dollars and my
clothes and board

6th Q. How long did Claudius Peel go to school
that year

Ans I do not know. He did not go long -

And further this deponent says not

William H. Riddick

Peel
to
Rogers.

Departure for Pelee

The deposition of Edw. B. Harrell, taken before me Rob. H. Prentiss, a Commissioner in Chancery of the Circuit Court of Hansemond County to be read as evidence in behalf of the defendants in the Chancery cause of Claudius Peck v. Mills Rogers & wife now pending in the Circuit Court of Hansemond County. Taken by consent of all parties.

Present: C. H. Clancy for Plaintiff
Rob. H. Prentiss for Defts.

The witness Edward B. Harrell being first duly sworn in answer to questions deposes and says. -

1. Q. What is your age, residence occupation and do you know the parties to this suit?

A. I am 39 years old, Hansemond County, Superintendent of the Poor in Hansemond. I know the parties to this suit.

2. Q. How far did you live from Mrs. Rogers

(Formerly Mrs. Byrd) in 1873, 1874 + 1875?

A. About $\frac{1}{4}$ of a mile - between $\frac{1}{4}$ + $\frac{1}{2}$ mile.

3. Q. ~~How often~~ Did Claudius Peel live with her, & if so how often did you see him?

A. Yes he lived with her - I saw him frequently, sometimes once a week, sometimes oftener, sometimes not so often.

4. Q. Was he a healthy well-grown boy, or otherwise?

A. He lacked all of that in - He was a weakly ^{boy}, sick almost all the time, until the last 12 months he staid there, he was better.

5. Q. What was the matter with him?

A. It was supposed ~~he~~ was eating filth.

6. Q. What was his general condition?

a. He was shortwinded, had no strength or energy for anything. - I think if you had run him 50 yards it would have killed him. - But it was not as bad as that the last year he staid there, he was improving some, - right smart. -

7. Q. Did he do as much work as W. H. Riddick while Riddick was there?

a. I don't think he did - Of course he couldn't, he didn't have the constitution to do it. -

S. Q. Did Mrs. Byrd hire other labor while Riddick was there or did Riddick & Claudius Peel do all the farm work?

A. I think she hired some day labor - I don't know how much - I know she hired some by the day - I saw them in her field. -

9Q How was Claudius' Feel treated by
Mrs Byrd, that is was he well
treated or badly treated?

A. He was well treated - no doubt about that - She treated him just like one of her own family. -

Cross-examination

1. Q. What Doctor attended Peel while he was sick

Ans. I don't know that he had any - I am not positive -

2. Q. Did you ever see Peel eating anything

Ans. I never did in my life - I think it was steak - he eat fish - I heard Clavel acknowledge he did.

3. Q. Do you know of your own personal knowledge and observation how much work Peel did in 1873-4+5-

Ans. I do not - I do know that he was able to very little - the last year he was able to do more

4. Q. How do you know that he was more able to work the last year than the previous years?

Ans. Because his looks showed it -

5. Q. What was the last year he worked for Mrs Byrd

Ans. I do not recollect the date - I think it was 1875 or 6 - I may be mistaken about that -

6 Q How often did you go into the field where Peel was at work in 1873-4-5-+ see how much and what kind of work he performed

Ans I could not tell - I don't know that I ever went for that purpose - I passed through there nearly every week while she stayed there -

7 Q Did you ever see him (Peel) in the field at work?

Ans Oh yes - many a time - I have seen him in there when you could hardly call it - work

8 Q What kind of work have you seen him doing

Ans Plow - haul dirt, and most anything a light-handed could do on the farm -

9 Q Do you know anything of the facts that lead to this suit?

Ans I do not

10 Q Did you ever hear Mr. Bryant say that Peel owed her anything or that she was charging him board before this suit?

Ans I do not think I ever heard him say anything about it - any way

Re-examined:

1. Q Would you have been willing to have given him his board & clothes for his labor during the time he staid with Mrs. Byrd. -

A. I would not ^{have given him more} ~~up~~ to the last year. - Then probably he might have been worth more. - The last ^{year} he might have been worth something but very little. -

2. Q Was his labor worth as much as his board & clothes for the two years after Henry Byrd's death? -

A. I have my doubts about it, whether it was or not. - That is the valuation I put on him others might think differently. - His labor was worth a little something of course. - I would not have had him around me sir. -

Further this Dependent saith not. -
Edward B. Harrell

State of Virginia
County of Hansemond, to wit.

I Robt. P. Huntis a Commissioner in Chancery
of the Circuit Court of Nausemond
County do certify that the foregoing
deposition of Edw. D. Harrell was taken,
sworn to and subscribed before me
this 28. day of September 1883. Given
under my hand this 27. day of September
1883. -

Robt. P. Huntis.
Comm. in Chancery.

Claudius Peck

Deposition

v. E. B. Randall

for defendants

Logan & wife

1883. Oct. 1. 5th J. P. J. LK

The depositions of John Byrd Jr, Jesse W. Rogan and others before R. R. Prentiss a Commissioner in Chancery at the Office of R. R. Prentiss in Suffolk, by consent to be read as evidence in behalf of the Plaintiff in a certain suit in equity depending in the Circuit Court of Newsumond County where Claudius Peel is plaintiff and Miles Rogan Jr & Sarah E. his wife are defendants

Prentiss C. C. Chancery atty for Pctff
and Rott R. Prentiss atty for Defs.

~~that~~ John Byrd Jr, being first duly sworn, depose and say -

1. Q: What is your name, age - residence & do you know the parties to this suit
am John Byrd, 66 yrs - reside in Newsumond Co. and I know the parties to this suit

Q. 2. State whether or not you knew Claudius Peel in 1874 and 1875, and if so where was he living, what was his physical condition

am I knew Peel in 74 & 75 - He was living with the widow Byrd (now Mrs Rogan) In 1874 Peel was a little weakly but he was always knocking about

3. 2. What kind of work did he do while living with Mrs Byrd - and did you ever see him at work?

Ans He was plowing, hauling dirt and such work as that when I saw him on the farm - I have seen him at work - He used to do all the wedding work off from the farm - he was her main hand in attending to her business in hauling and going off to the stores when he was not doing that he was on the farm at work - That was in 1874

4. 2. In 1875 she came to my home and I said "Widow who are you going to have this year?" She said I am going to try Claudius Peel again, Cousin William Rawls says bloody is weakly and I had better hire a man, but a man costs so much I do not feel able to hire one - and bloody has been with me so long and knows all my business that I do not think I can get along without him - She said she was going to give him a little patch of cotton and send him to school some, I think about three months - I know he went some - but how long I do not know -

4. Q. Did you ever know of Peel's being so sick for any considerable length of time that he could not attend to his work in 1874+5-

Ans. Well I do not know that he was, he was able to knock about and do something all the time in 1874 and in 1875 he did nearly all the plowing the widow had done - I lived closest by - her first husband was my brother and I was as intimate then as anywhere else. Some times I would be there once a month and sometime once or twice a week.

5. Q. What other help did Mrs Byrd have in cultivating her land in 74+75 besides Blanchin Peel?

Ans. In 74 a man by the name of Billy Riddick worked with her - no other regular hand - she hired some by the day sometimes - Riddick was I think more able to do hard work than Peel was in the cornfield -

6. Q. Did you ever hear Mrs Byrd say that Blanchin Peel owed her anything in 1874, or that she was charging him for his board and clothes during that year before this suit began?

Ans. I never did -

7. Q. Would you consider that the services he

performed in 1874 were worth his board
and clothes?

Q. I should ~~they were~~ think they were

Cross-Examined:

1. Q. What time in 1875 - did you have the
conversation with Mrs. Byrd spoken
of in, your answer to the 3^d question?

A. It was in the first of 1875 - right
after Christmas. -

2. Q. Was Claudius Peel well-grown and
healthy in 1874 or otherwise?

A. No sir - he is not well-grown yet. -
He was always small and weakly and
is yet. - He is one of these tallow-faced
fellows but he is always going pretty much. -

3. Q. Was he as well-grown and strong
as W. H. Diddick in 1874 & 1875?

A. No sir. - I don't think he was. -

Re-examined in chief

1 2 Was not Claudius Peel's services in 1874
as well worth his board and clothes

as Wm. H. Ridelich were worth his board
+ clothes an \$20- in money
Ans I should think they were -

And further this deponent saith not
J. W. Byrd

Jesse W. Rogers being duly sworn de-
posed and says

1. Q. What is your name, age - residence and
do you know the parties to this suit?

Ans Jesse W. Rogers - 48 yrs of age - reside in
Hanseman County and know the parties
to this suit -

2. Q. Did you know Claudius Peel in 1874 +
1875, and if so where was he living and
what was his state of health?

Ans Yes I knew him; He was living with Mrs
Sarah E. Byrd - His health was not so very
good

3. Q. Was he able to do any work in 1874, and
if so what kind of work -

Ans He did work every day when he was able
to work - he used to plow and haul dirt
and anything else that came along -

4. Q. Did you know of his being so sick for any
considerable time that he was unable to
do any kind of work in 1874

an No - I do not recollect anything about that.

5. 2 Did you ever know a doctor to be called in to attend him in any case of sickness ^{in 1874}?

an I do not recollect about that -

6. 2 How near did you live to Mrs Byrd in 1874

an About a quarter of a mile -

7. 2 Did you see Paul often at his work in 74 -

an Yes

8. 2 If he had been sick and unable to work for any length of time would you not have known it -?

an I reckon I would - I do not know whether he was sick or not - I do not remember anything of his having been down sick

9. 2 Do you not consider that Claudius Paul was worth his board and clothes in 1874 for what he did for Mrs Byrd -

an I should ^{think} he was -

Cross: Examined:

1. Q. How much land did Mrs Byrd cultivate in 1874 - 5 - ?

A. I don't know sir. I never used to walk

~~2. Q. Did I~~ over the farm - hardly ever. -

2. Q. Did she hire other labor besides W. A. Riddick & did not she and the rest of her family do farm labor? -

A. I have seen her and her children out in the cotton patch ~~th~~ I don't know whether she hired other labor or not. -

3. Q. How often did you see Claudius Peel during 1874 - 5 -

A. I don't know - I could not tell you. - I saw him several times during the year. -

~~And further~~ Re-examined
1. Q. Do you mean to say in your answer to the 3^d ~~X~~-question that you only saw Peel several times during the whole year in Mrs Byrd's field at work, or at the home when you paid a visit to Mrs Byrd?

A. I do not mean to say that I only saw him a few times during the whole year. I saw him frequently on the road going off on business for Mrs Byrd.

and in the field at work for her

And further this deponent saith not
Jesse W. Rodgers

Claudius Paul - the Plaintiff in this
case was introduced to rebut the state-
ments of Mrs Byrd or Rogers - and
being duly sworn deposed and said -

The Deft. except to the introduction of
this witness on the ground that he has
been once fully examined touching the
issues involved in this case - and
no new matter has been introduced

172 Mrs Rogers has stated in her examination
that you were always sick in 1874 and
were taking medicine all the time -

How long were you so sick you could not
work and how much and what sort
of medicine did you take in 1874 ~~++~~

Ans I was sick for one day and a half in 1874
with the chicken pox so that could not
work, and I may have had the diarrhea
a day or two and took a dose of Camphor
or pain-killer

2,2 Were you, or were you not so weak in 1874
that you could not walk to school -

Ans I was not as I went to school only 17 or 19 days I am not positive which, and walked three miles night and morning to L. J. Ralston

3. 2 Did Mrs Byrd ever take you to Dr Everett or Dr Corbin for treatment in 1873. or 1874

Ans She never did nor to any other doctor - nor was any doctor ever called in to see me after Mrs Byrd - My late grandmother's death

4. 2. Were you in the habit of going out in the field and lying down on a pile of dirt and sleeping for hours at a time as Mrs Rogers states in her answer to the 8th Question in her examination?

Ans No, if I had she would have run me away in twenty-four hours

5. 2. Mrs Rogers states in her 10th answer in chief that she had only two small ^{in 1874} boys - meaning yourself and Riddick - that she hired help and had the most of her work done and that many times her neighbors would help her - How much help did she hire ^{in 1874}, and how much did her neighbors help her and who were they?

Ans She hired the mauling of the rails it took to fence the farm, she hired help in saving fodder and perhaps one or two days in

housing potatoes - Nat Rountree and his son helped one-half day each - Abram Ellis and son the same length of time and Wright Hawthorne and son one day each - That was all the help she had

Cross examined:

1. Q. Did you ever have any quarrel or hard words with Mrs. Dyrd?

A. I did in 1876. - She started me one morning to pick corn field peas telling me to go immediately to work and not to bring the horse back with which I carried out the can - that her little boy could do it at, and I tied the horse and started to work. The horse slipped the bridle, was then loose in the corn - I then got up the horse, which took me about one hour - I was wet to my waist. I struck the horse about three licks with the plowing-ropes, and she came out and in abuse to me, said things that I would not take from any man - She told me

that I had tried to burn up her house, and would kill her or the horse either. In response to which I told her that I had staid with her three years since the death of her husband, that, that was the third good crop I had raised and help raise, and should stay and help house that. After that took out for some one else, as I should not stay longer, but as for trying to kill her, her horse or burn her house anyone that said so lied, as the very well knew. Then I left and went back to picking peas.

2. Q. Why did you wait so many years after becoming 21 years old, before asking Mrs. Byrd for a settlement?

A. I supposed her to be honest and that she would settle when it was convenient as she had spoken to my brother to come down when it was convenient & see it settled right, which he expressed a willingness to do.

3 Q.

How long after you became 21 years
old, ^{was it before} ~~did~~ you ask her to settle?

a. About four years. -

Further this deponent saith not.
C. C. Peel

State of Virginia
County of Nausemond, to wit:
I, Robt. H. Pantis a Commissioner
in Chancery of the Circuit Court of
Nausemond County do certify that the
 foregoing depositions were taken, sworn to
and subscribed before me this 4th
day of October 1883.

Robt. H. Pantis.
Commr in Chancery.

Claudio Peel

Plaintiffs

Wm

Depositions

Woods & wife.

The depositions of Sarah E. Byrd and others taken before me, R. H. Prentiss Commissioner in Chancery, at the law office of R. H. Prentiss in Suffolk, by consent to be read as evidence in behalf of the defendants in a certain suit in equity depending in the Circuit Court of Nausemond County wherein Claudius Peel is Plaintiff and Mills Rogers Jr. & wife are defendants. -

Present: C. H. Canby for Plff.

R. H. Prentiss for Defendants.

Sarah E. ^{Rogers} Byrd, being first sworn deposes and says.

1. Q.

State your residence ~~see~~ and are one of the parties to this suit?

A.

Near Chulcutuck in Nausemond County & am defendant in this suit. -

2. Q.

State whether or not you employed the Plaintiff Claudius Peel to do general farm work in 1874 and 1875; whether or not he lived with you during those years, and if so on what terms? -

A.

Yes he lived me in those years as one of

the family - And I did for him just as if he had been one of my own children. Gave him money whenever I had any to spare for pocket money. - I sent him to school when he was able to go. - He was not able to work but very little. Sometimes he would feed my stock, sometimes he couldnt. - I was advised by a neighbor after my husbands death not to keep him there because he would be a dead expense and I already had all I could bear. He was never willing to do even what he could do. -

3. Q. Did you furnish him clothing during those years & pay for his schooling?

Ans. Yes sir. - and also for chewing tobacco, and for medicine. -

4. Q. Did you keep an account of these expenditures?

A. No sir. - I did not. I just took him as one of the family and did not know it was necessary to keep an account. -

5. Q. What made you so careless?

A. Because I went to Mr. J. R. Kilby for a settlement. He told me that there was \$6.50 due him - I asked him how I should proceed to pay it. His answer was "Pay indeed. I think it should be allowed you for what you are doing for him - for he is a dead expense" And at that ^{time} Mr. Peter Prentiss came in and Mr. Kilby said he was glad he came at that time. He says you allow it to her for I would not keep him for ten times the amount - a little dirt-eating ^{boy} puppy - for I know all about the boy I will assist you in allowing it to her in Court. Then I paid Mr. J. R. Kilby \$4.50 for fixing the papers and he said that I would never hear from it again - that he would fix it all right. And I never expected to -

Expected to. So much of this answer as details what Mr. Kilby & Mr. Prentiss said is excepted to by Pliff. -

6. Q. What the condition of Claudius Felt's health during these years? 1874 & 1875 - and previous to that time -

Ans. He was just as unhealthily as he could

down on a pile of dirt and sleep for hours at a time.

9. ~~Did~~ What share did Claudius Peel have in raising crops of corn, cotton, potatoes, fodder, peas &c., the year W. H. Riddick lived with you?

a. He did but very little. He helped a little when he was able but it was so often he was not able.

10. Q. Did you hire any other help?

a. Yes indeed - I had only these two small boys. I hired help and had the most of it done, only what me and my children did. And many times my neighbors would come and help me. - W. H. Riddick was a small boy - He had been burnt and only had the use of one hand to do anything much. -

11. Q. When did you first hear that Claudius Peel was claiming any money of you?

Ans. Two years ago, in October. It was the second Saturday in October 1881, at Quarterly conference at Liberty Spring. - I had no such idea

but after conference he came to me and asked me "if it was not time that business between us was settled" I did not know what business he meant. I thought all business between us was settled. Mr. Kilby said it ~~was~~ was. - So he would have to go and search the record and know more about it for I did not know anything about it at all. We had no further conversation until some time afterwards. I saw him and told him, didn't he think that he had consumed all that was due him. He said he didn't know but he thought I ought to pay him. I told him that it was very unpleasant to be treated so unkindly by him as I had always tried to be a mother to him. - This also happened at Church. -

12. Q. Was the account made up by Mr. Wilbur Kilby made up after this? -

A. Yes - it was made after the first conversation. -

13. Q. What led you to make up this account?

A. Well, Mr. Withers & Mr. ^{Peter} Prentiss & Mr. William Kilby told me that I would have ^{to} bring in an account against him for board & clothing & schooling ~~to~~ to cover the ~~expense~~ ^{of the \$65.} as I had never made any return, not knowing that it was my duty to do it.

14. Q. Was Claudias Peck ever foreman on the farm?

A. No sir.

15. Q. Did you ever make a bargain with him to board & clothe & send him to school for 3 months in the year, & give him a horse when he became 21 years old, in return for his work?

A. I told him if he would stay with me until he was 21. and be a dutiful boy and work I would raise him a colt. But he did not do that. He was neither dutiful nor industrious. And I sent him to school just as much as he was able to go. I don't know how much. —

16 Ques. Was his work worth his board and clothes medicine & attention?

Ans. Not for the first two years after my husband's death. - The last year he ~~staid~~ with me I gave him an acre in cotton, a patch of corn & peas - What he realized I do not know, but at Christmas when he left, he had \$20. or \$25. to loan out besides his pocket money - He loaned it to Dr. Council.

Cross-examined:

1 Ques. Please state what amount Mr Byrd the late Guardian of Claudius Peck, was charging him at the time of his death for board?

Ans. I do not know what he was charging him, or whether he was charging anything -

2 Ques. Do you know whether or not he had charged him any thing for board for three or four years prior to his death?

Ans. I do not know anything about it - Did not Mr Byrd consider Peck's services to him worth his board and clothes?

- Ans No indeed -
- 4th 2 How do you know this?
- Ans Because I heard him express himself to that effect -
5. 2 Why then did he not charge him board?
- Ans I do not know
- 6 2 Please state how you expended the amount of \$95.83 which was due to Peel on the 1st of September 1873 -
- Ans In board and schooling and clothing and the general expenses of a young boy.
- 7 2 How much of this was for board?
- Ans I do not know, the account gives the amount -
- 8 2 How much for schooling?
- Ans You will have to refer to the account -
- 9 2 How long did he go to school in 1873
- Ans I do not know - I never took any account of it - all that he was ever to go - I sent him as I did my own children
- 10 2 To whom did he go to school in 1873
- Ans He went to ~~Dr. Goodale~~ Harrison King
- 11 2 How long did he go to school in 1874 and to whom
- Ans I do not know how long he went, I think

Le went to Dr Borneat

12 Q How old was Benjamin Peel in 1873
an I do not know, I think he was Seventeen -
as he was born I think in 1856 -

13 Q Did you tell him you were charging
him $\$6\frac{50}{100}$ per month for two months
in 1873?

an No Sir - I did not expect to charge
him any board till he brought this
account against me which I thought
was paid

14 Q Did you tell him in 1874 that you
were charging him board and meat for
his clothes and tuition

an No Sir I did not tell him that either

15 Q When did you first conclude to
charge him anything for these items

an After he brought this suit against
me

16 Q You say you gave him pocket money
as you were able to do so - how
much did you give him in 1873 & 74

an I have no idea - never took any note
of it -

17 Q Who worked for you on your farm
in 1874, besides W. H. Riddick and
Peel?

an I could not tell you I hired by the

day as I could get ~~a~~ hands - my ches-
sman worked and I too

18 Q How many days work did you pay
for to extra hands

Ans I do not know

19 Q Did you tell Paul in Sept 1875 that
he owed you \$43.72-?

Ans No Sir

20 Q Did you claim that he owed you
anything at that time

Ans I did not have any claim against
him, as I thought I had expended
the \$65⁰⁰ and would never have
said anything about it - if he had
not brought this account against me.

And further this deponent saith not
Sarah E Rogers

Wm J. Morgan another witness being first duly
sworn in answer to questions deposes & says

1. Q. State your age, residence, occupation & do
you know the parties to this suit?

Ans. I am 64 years old live in Nantuxona County,
Farmen, and I know the parties to this suit.

2. Q.

Did you live near the farm occupied by Mrs. Rogers (formerly Mrs. Dyer) in the years 1873, 1874, 1875 & 1876? -

A.

I did on the adjoining farm. -

3. Q.

Did you know Claudius Peck during those years. - if so, how often did you see him; was he a well grown boy, was he industrious; was he in good or bad health. -

A.

I knew him. - I saw him sometimes two or three times during the day, sometimes two or three times during the week. - He was not a well grown boy, he was not industrious. - He was in bad health, brought on I suppose by his own imprudence (no doubt about that) His imprudence had brought on some-
^{he was swollen,} thing of a dropsical state, and he was not able to do anything. - He was not able to earn his board and clothes any time while he staid there, ~~and~~ ^{when} I saw him. - And I could see him any time when I had a mind to look at him. -

4 Q. What do you mean by his impudence?—

A. Eating of dirt, sticks and anything else he could cram into him.—

5 Q. Did he do as much work as W. H. Piddick?—

A. No sir he did not. He was not able to do it.—

6 Q. Did Mrs. Byrd (now Mrs. Rogers) hire other hands while W. H. Piddick ^{and Claudius Peel} were with her?—

A. She did. In mowing mowers, and the crops when they needed work—and I think a good portion of the labor done then was day labor hired by her. The hoe labor in the cotton crop Mrs. Byrd and her daughters did.—

7 Q. How long was Claudius Peel with Mrs. Byrd?—

A. I think about 4 years after the death of her husband.—

8 Q. Was he treated as one of her family?—

He was, kindly and affectionately -

Cross-examined

1. 2. How many hands did Mrs. Rogers hire in 1874.

Ans. I could not tell

2. 2. Name some of them

Ans. I think she hired a colored man by the name of Jesse Watson - one by the name of Nathan Reed - I do not know that can name another or

3. 2. How many days did she hire each of those you mentioned?

Ans. I could not tell that

4. 2. How many acres of land did Mrs. Rogers cultivate in 1874?

Ans. I suppose about 35 or 40 acres

5. 2. What crops did she raise, and how much of each

Ans. Corn, cotton, potatoes, cornfield peas. I suppose she raised 60 bbls of corn - 3000 or more pounds of seed cotton - 100 bushels of potatoes - Cannot tell about the peas

6. 2. Did you ever hear Mrs. Rogers say that Peels owed her anything or that she was charging him for board clothes &c before the beginning of

Q. This suit -
No I never heard anything like that
And further this deponent said not
W. J. Morgan
Jury

The witness William Rawls being first duly sworn in answer to questions deposes and says:

1. Q. State your age, residence, occupation & do you know the parties to this suit?

A. I will be 63 years old tomorrow, I live in Nausmond, Farmer, and I know the parties to this suit.

2. Q. Did you live near Mrs. Byrd (now Mrs. Rogers) during the years 1873, 1874, 1875 & 1876; if so, did Claudius Peel live with her?

A. I lived about a mile off. - And Claudius Peel lived with her, certainly for two years after Henry Byrd's death.

3. Q. Did you know Claudius Peel during

these years; if so, how often did you see him; was he small or well grown; healthy or sickly; industrious or lazy?

A. I knew him very well from his infancy up till now. Sometimes I would see him once a week sometimes it would be a month or two. - When I had to go to mill I went right by the yard. - He was small, mighty small for his age. - He was very sickly indeed. - I don't think he was able to do much, and was not very willing to do what he could. - No person is who is in his condition is able to do much. -

4. Q. What was the condition you speak of?

A. He was weak as he could be, swelled up, bloated with the 'dopey'. I have seen him when he could not walk across the street.

5. Q. Did he do as much work as W. N. Kiddick?

Ans. I could not tell - but it don't look to me that' he did, because Riddick was the largest boy the heathest boy. -

6. Q. Did Mrs Byrd hire other hands during these years? -

A. I think she did - day hands. - I have heard her say so. - She had to have hands to get ~~the~~ manure, because neither one of the boys could do it. - I know that hands worked there - I suppose she hired them

7. Q. Was he treated well by Mrs. Byrd?

A. I think he was treated as well any one of her children. - I don't think that she made any difference either in clothing, feeding or bedding. - I have been ~~there~~ and I never saw any difference I think she treated him equally as well as her own children. - I am sure of that. -

Cross examined

12 How many hands did Mrs Rogen hire in 1874

Qⁿ I could not tell how many I do not know any of the day travel - I know she did hire some - but do not know who or how many -

2 2. Do you know how much work Peel did in 1874 - and can you tell how many days he was not able to work?

Ans No I can not tell because I was not there to know

3 2. Did you ever hear Mrs. Rogers say that Peel owed her anything, or that she was making any charge against him before this suit was begun?

Ans No I did not -

And further this deponent saith not

William^W Rawls
witness

State of Virginia
County of Hansemond to wit,
I Robt. P. Prentiss & Commissioners
in Chancery of the Circuit Court of
Hansemond County do certify that
the foregoing depositions were taken
sworn to and subscribed before

me at the time and place mentioned
in the caption hereto.

Given under my hand this 21.
Day of September 1883.

Robt. P. Huntis.
Counsellor at Law.

Claudius Peck

vs. Defendants'
Depositions

Nogus & wife.

1853. Sept. 22nd: filed.
ck

The depositions of Blandins Peck and Jas S. Peck taken before me Maria Briggs a Notary Public for the County of Henderson, by consent at the office of Withers Prentiss in the town of Safford on the 6th day of October 1882, between the hours of 6 A.M. and 6 P.M. to be read as evidence on behalf of Blandins Peck in a certain suit in equity depending in the Circuit Court for the County of Henderson wherein Blandins Peck is Plaintiff and Mills Rogers & wife are defendants.

Blandins Peck being duly sworn and deposes and says as follows -

Primes C. H. Caney of counsel for Plaintiff - Withers Prentiss of counsel for defendants.

1 2 What is your name, age, residence ^{occupation} and are you a party to this suit.

Ans. Blandins Peck - 26 yrs of age. I live in Wright County - Farmer - I am.

2. 2. How old were you at the time of the death of H. H. Byrd your late guardian

Ans. Seventeen yrs. of age.

3 2. What duties were you accustomed to perform, if any for him previous to his death.
Ans. I performed general work for him on his (Byrd's) farm

4 2. How long before his death had you been accustomed to perform such work
Ans. For 7 (Seven) years.

5 2. How long did you go to school in 1873
Ans. Did not go to exceed five weeks.

6 2. How long did you go in 1874
Ans. Not to exceed one month

7 2. In the year of 1874 for whom did you work = excepted to by counsel for defense
Ans. Mrs. Sarah I. Byrd. ^{as being irrelevant}

8 2. What was the nature & character of the work you performed for her

Ans. General farm work. W. H. Riddick & myself raised a crop of corn estimated at sixty barrels, 3000 lbs. of seed cotton, 100 Bushels of potatoes, fodder, peas &c.

9 2. Justice & answer excepted to by counsel for defense
How old was W. H. Riddick at this time and what wages did Mrs. Sarah I. Byrd pay him
Justice excepted to by counsel for defense as irrelevant and impertinent

Ans. 16 yrs. of age. He received twenty mears and his board & clothes for the year's work

10 2. Did you perform as much of the labor necessary to raise the above mentioned crops

as the aforesaid W. H. Riddick

Ans.

I did

11 2.

would you know at that time that Mrs. Sarah E. Byrd as the Administrator of the late husband was charging you \$6.00 per mo. for board =

excepted to by counsel for defense as a leading question

Ans.

I did not

12 2.

When did you first learn this fact

Ans.

In 1881.

13 2.

How did you learn it

Ans.

Learned it from county clerk by examining the record

14 2.

would you not believe that there was a balance due you from the estate of your late guardian out of the monies he had received from your Father's Estate

Ans.

I did = excepted to by counsel for defense -

15 2.

would you ever ask for a settlement of your Father's Estate

Ans.

I did in 1881. And asked Mrs. Sarah E. Byrd & she said that she did not know anything about it, that Mr. Wilbur Kirby had the money in hand - that Mr. Kirby & Mr. Prouty said it had taken it to raise me and referred me to them

for an explanation, I went to see Mr Kilby and he did not know me and failed to give any explanation. The answer is excepted to by counsel for defense so far as it relates to anything by said by Mr Kilby.

16 Q. Have you ever received since you attained the age of 21 yrs. any money from Mrs. Sarah E. Byrd (now Mrs. Rogers) on account of balance due you from your father's estate

Ans. Not one cent

17 Q. Did you continue to work for Mrs. Byrd after the year 1874 or if so how long and on what terms

Ans. I did work for her - two years - she was to give board and clothes and send me to school three months each year as she was to have done in 1874, which she failed to do, and in addition she was to raise me a home by the time I was twenty one, which she also failed to do.

Excepted to by counsel for defense

Cross Examined by defendant's counsel

2. Q. What was your father's name, when did he die. How many children did he have at his death and what was the value of his estate and of what

did it consist.

Ans. Dennis Paul. Byrnes district Harrison
County Virginia = Sept 8 children: How
I know the value of his estate = It consisted
of land, Household and Kitchen furniture and
Shoemakers tools

27th 2. How much land did he have

Ans. 160 acres I think more or less

28th 2. What was it worth

Ans. Fifteen hundred dollars

29th 2. What was his personal estate worth

Ans. I do not know

30th 2. Did he owe any debts and if so state
to whom they were due and the Amts.
thereof

Ans. He did owe some debts, but they were
small: one was due to David Lee of
Twenty dollars the rest I don't know

31st 2. How much does Mrs Byrd now (Mrs Rodgers)
owe you on Settlement of guardianship
account.

Ans. Sixty five dollars with interest from 1870

excepted to by Counsel for Plaintiff

32nd 2. When did your father die

Ans. In 1866

33rd 2. You have stated that you did not know
the value of your fathers estate, nor the Amts. of
debts due by him. Will you please state

how you know what Amb. Cam into
Mrs. Rogers hands as Administrator of
Henry Byrd deceased and how you know
it was sixty five dollars in 1870

Excepted to by counsel for Plaintiff

Ans.

9 2.

I learned it from the record
When you say you learned it from
the record. what record do you refer to,
guardians account or the Administratrix
account: Excepted to by counsel for Plaintiff

Ans.

I learned it from both, I learned it
first from the guardians report, I mean
Henry Byrd, secondly by a motion made
by the Administratrix Mrs. Byrd, that she
be allowed to spend this money for
me, said motion was made in 1875

10 2.

Were you present either by counsel or
in person when the said motion was made,
and if so did you make any objection
to the Application -

Ans.

I was not present either in person or by
counsel and the motion was made to my
utter ignorance

11 2.

You stated in your answer to the question
before the last, that you had gotten this
information when the motion was made by
Mrs. Byrd to spend this money - Now you

Last Answer you state that this motion was made to your utter ignorance, please explain the discrepancy

Ans.

I did not mean to state that I got it where the motion was made but I got it from the record afterwards

12. 2.

What was your age in 1870, at the time you allege this sixty five dollars was due you

Ans.

I was fourteen yrs. old.

13 2.

so you mean to say that you examined the record when you were fourteen yrs. old and had only gone to school five months and was capable of telling how much was due you from your father's estate when you say that you did not know how much his estate was worth or how much his debt amounted to

Ans.

I do not mean to say that, but I mean to say that I examined the record in 1881, the record then showed that the aforesaid amt. still remained unaccounted for, either by H. H. Byrd or his administration

14 2.

Then I understand you to say, that you were too young to know anything of the facts in this case, except what you have gathered from the record in relation thereto?

Ans. My youth and inexperience and trusting to other
people's honesty caused me not to make the record
before 1881: I am excepted to by course for defense
^{as not being responsive}

152.

do you know anything of the facts in this
case as to how much money was due you
in 1870 or how much had been paid for
you since that time. What the value
of your father's estate was at the time of
his death or what was his indebtedness
except what you have gathered from the
record evidence now in the clerk's office, or
what may have been told you by
others: excepted to by course for Plaintiff
Ans. What I know I learned from the record.

The witness is here shown exhibit B. and after
referring his memory says the amt. due him ^{in 1870}
is \$68²⁵ instead of sixty five dollars

And further this deponent says not

Claudio J. Bell

James S. Paul being duly sworn deposes and says as follows.

1 2. What is your name age residence and occupation and do you know the parties to this suit.

Ans. James S. Paul - Thirty one yrs of age -
ransden and Co. Va - Farmer. I know the parties to this suit.

2 2. When did your father die and what relation are you to the plaintiff

Ans. Died October 4th 1866: The plaintiff in this suit is my brother

3 2. Who qualified as guardian of your brother and state how long he lived after his qualification: Examined by Counsel for defense

Ans. Henry H. Byrd qualified as guardian of my brother. He lived nearly seven years after his qualification

4 2. State if you know what services your brother was in the habit of performing for his guardian during said guardian's life time.

Ans. He worked on the farm as a farm hand doing general work

5 2. Were these services continued after said guardian's death for his widow if so how long.

Ans. They were continued either three or four years

6 Q. you have stated that you are a brother of the plaintiff. how much have you received from your Father's Estate

Ans. One Hundred and ninety five dollars or thereabouts

7 Q. Has your Mother ever received any money from his Father's Estate

Ans. Not that I know of.

1 Q. Cross Examined by counsel for defense who paid you the one Hundred and ninety five dollars referred to and was it a part of the money from the sale of the real Estate or was it a part of the money arising from the sale of the personal Estate:

Ans. My Mother as my guardian paid it to me. It came from the sale of both the real and personal estate

3 Q. Did your Father leave a will

Ans. He did not

4 Q. Who chose the Administrator for the Estate

Ans. My Father's Widow:

1 Q. Examined by counsel for Plaintiff were not the services of your brother performed during the time from the year 1873 until he

left Mrs. Byrd's employ in December 1876
worth his board and clothes. excepted by ^{defence} counsel for

Ans.

2 2

They were. He was foreman on the jury
Did you ever have any conversation with
Mrs. Sarah E. Byrd about this matter
and if so state it

Ans.

I did on the Third Sunday in October last.
She said she was surprised when my
brother asked her for a settlement as she
thought it was all settled. She also told
me to see him and tell him to wait until
conference was over and she would see
him and settle with him. She stated
that he went to school a little but she
did not remember how much and she
did not have any account of what he
spent for him, nor she could not remember
how much he had paid out since he husband's
death. In the latter part of 1874 or the first of
1875 Mrs. Byrd said to me that she wanted me
to meet her at the clerk's office and see her
settle with my brother. I told her I would
meet her at any time. But I have never heard
anything more of it.

Re cross examined by counsel for defence

1 2.

How much money does Mrs. Rodges owe
the Plaintiff in this suit? Except to ^{for Plaintiff} by course

Ans.

I do not know

2 2.

Who was present at the conversation which
occurred on the 3^d Sunday between
yourself and Mrs. Byrd

Ans.

No one could hear it but Mrs. Byrd & myself
was it before or after service

3 2.

Ans.

It was at recess

4 2.

Was there dinner at church that day

Ans.

yes

5 2.

Was it before or after dinner that she
invited you out to have this conversation

Ans.

After dinner

6 2.

You have stated that the other people
were in church, do you mean to say that
Mrs. Byrd remained out of church with
you alone to talk over this matter

Ans.

We did not go out of the church, she took
me to one side of the church

7 2.

You state that the conversation referred to
took place inside the church - was the lunch
eaten in the church or out of doors

Ans.

The lunch was eaten in the church

8 2.

How many people were at the church
that day

Ans.

From 12 to 18 persons

9 2.

Did the conversation occur between the benches or in the aisle of the church

Ans.

She was sitting on the end of one bench and I was sitting on the end of another

10 2.

Are you sure that Mrs Byrd told you that she didn't. Remember the Amb. due her by Claud

Ans.

She did not say that Claud owed her anything

11 2.

Are you sure that Mrs Byrd told you that she didn't. Remember how much Claud owed her.

Ans.

I am sure she said that she did not remember how much she had paid out for Claud, that she had kept no account of it.

And further this deponent says not

James S. J. Dear

Pue
18
Rogers

Definition for Pelt

Claudius Peel

^{v.}
Mills Rogers Jr. and Sarah E. his wife
who was Sarah E. Byrd widow and
Administatrix of Henry S. Byrd decd.,
late guardian of Claudius Peel. -

This cause which has been regu-
larly matured and set for hearing at
rules according to law, came on this
day to be heard on the Bill and
the Exhibits therewith filed, the answer
of Sarah E. Rogers with general
replication thereto, the depositions
of witnesses, and was argued by
counsel:

On consideration whereof, the
Court doth adjudge order and decree
that the complainants bill be
dismissed, and that the defendants
recover of the complainant their
costs by them in this behalf
expended. -

Claudius Peck

N. M. Deere

Wills Rogers Jr

To be entered

Oct. 17, 1883.

Geo. H. Brown

discovered

Entered Oct 20, 1883 page 646

Claudius Peel

vs. 3 In Chancery
Mills Rogers Jr. & Sarah E.

his wife who was Sarah E. Byrd widow
and admstr. of Henry Byrd decd. late gen.
of Claudius Peel the plff.

This defendant
Sarah E. Rogers the wife of Mills Rogers
Jr. now and at all times hereafter saving
and reserving unto herself all benefit and
advantage of exception which can or may
be had or taken to the many errors uncer-
tainities & other imperfections in the said
complainants said bill of complaint
contained, for answer thereto or unto
so much & such parts thereof as this
defendant is advised is or are material
or necessary for her to make answer
unto this defendant answering saith
that it is true that she was the admin-
-istratrix of Henry Byrd her late hus-
-band now deceased, it is also true that
he the said Byrd was the guardian
of Claudius Peel the plaintiff in
this suit, It is also true that the sum
of \$95.83 came into the hand of this respon-
dent as admstr. of the said Byrd.
But this respondent says that after

the death of her said husband that she went to large expense in feeding clothing and educating the said plaintiff out of her own funds as will be seen by exhibit marked "2" filed with the plaintiffs bill and which is asked to be taken as a part of this respondents answer, and which account shows that the said plaintiff is now indebted by said respondent in the sum of \$43.72 over and above all moneys which have ever been received by her. That your respondent utterly denies that there is any error in the Commissioners report marked "2" filed with the bill, That so cautious was your respondent that she took the precaution ^{before} ~~of~~ expending the wards money that she obtained an order from the County Court as will appear from exhibit marked "B" filed with the bill, which court at that time & now had full power and authority to grant. That out of the funds so in her hand she paid herself a part of the amount due her, still leaving the balance referred to due her, That all of the articles and

charges made in account "2" are
honest and bona fide and can be
amply proven by your respondent.
Your respondent denies that the
statute of limitations is any bar to
the charges therein made or in any way
affects them, And your respondent
having fully answered the com-
plainant's bill of complaint, prays
that the account of Commissioner
Kilg filed with the bill marked "2"
be confirmed, & made binding upon
the parties & this respondent be hence
dismissed with her reasonable
costs in this behalf expenced &
she will ever pray &c
Attest & Proutis p. d.

Sarah E Rogers
Edm. &c.

State of Virginia
Hansemond Co. to wit

This day personally appeared before me
A. L. Withers Notary Public in and for
the County aforesaid Sarah E. Rogers
the person whose name is signed
to the writing above and made oath
that the matters contained therein
are true to the best of her knowledge
information & belief. Given under my hand this
20th Jan. 1883. A. L. Withers Notary &c -

Claudius Phil
et. 2 Du Chey
Miss Rogers et ux

Answer of
Sarah E. Rogers

At a monthly Court held for Hampshire
County the 10th day of December 1866.

The Court appoint Henry H Byrd guardian of
Claudius Peel, orphan of Jeremiah Peel,
deceased, and thereupon the said Henry H Byrd
entered into a bond in the penalty of One
Hundred dollars, Conditioned according to
law. with Holloway Byrd and William Rawls
for his sureties therein, who justified, which
bond being acknowledged by the obligors
therein is ordered to be recorded.

A Copy
Teste:

Peter B. Prentiss. Clerk.

Exhibit ("a")

To Claudius Paul Orphan of Jeremiah Paul, deceased.

In Account with Henry B. Byrd, late Guardian of said

1870 Jan	1. By Balance due the ward brought in				
	" from last accounts recorded.			\$	68. 25
1873 Sept	1. " interest on \$68.25. Compounded for				
	5 years, and 8 months				32 18.
	8 per cent. Earn on \$68.25.		\$	2 60	
	Commissioner's fee retained			1 30	
	" Clerk's fee			1 30	
	" Balance due the ward.			25 33	
			\$102 40	\$100 43	
1875 Sept	1. By Balance due the ward brought in			\$	75 83.
	To Amount retained by Sarah E. Byrd,				
	Administratrix of the estate of said				
	Henry B. Byrd, now deceased, to be				
	expended by her for said Orphan's				
	Maintenance and Clothing in pursuance				
	of an order of Hansemond County Court,				
	September term 1875			\$	75 83.

Commissioner's Office

Stafford Virginia

24 September 1875.

To Hansemond County Court.

Your Commissioner reports to Court that the foregoing account of Henry B. Byrd, deceased, late guardian of Claudius Paul his ward, is audited by said Commissioner at the request of Sarah E. Byrd, the Administratrix of the estate of said Henry B. Byrd deceased; that the sum of twenty five dollars and eighty three cents, is charged and retained as said account will show, by said Administratrix to be expended for the maintenance and clothing of said Claudius Paul in pursuance of an order of Hansemond County Court, September term, 1875; that the said Administratrix, as such has given such bond as the law requires, the propriety of the same and the security thereof being sufficient; and that the name of said Administratrix was entered in the list of Fiduciaries posted up at the front door of the Court-house of Hansemond County on the first day of September Court last.

And then in this direction being having elapsed since the same was then put up, the foregoing account is made up and completed.

Given under my hand as Commissioner of Accounts, the day and year first expressed.

Willur J. Kelly.

Commissioner of Accounts.

Inquire

On the County Court of Mansfield County, the 5th day of November 1875

This, the foregoing, account, which was filed in the Clerk's Office of this Court, on the 25th day of September 1875 by Willur J. Kelly Commissioner of Accounts, having remained there one month, was this day examined by the Court, No exceptions having been filed thereto, and no errors appearing on the face thereof, the Court doth confirm and order the same to be recorded.

Teste

Peter B. Prentiss Clerk.

A Copy

Teste:

Peter B. Prentiss Clerk.

11

R. Claudius Paul, Orphan of Claudius Paul deceased,
 In Account with Sarah E. Byrd, Administratrix of the Estate of Henry
 H. Byrd, deceased, who was late guardian of Claudius Paul.

1873-				
Sept.	1	Byrd, was retained by said Administratrix out of the Estate of said Henry H. Byrd deceased, being the amount due to said orphan by said Henry H. Byrd his late guardian to be expended by said Administratrix for said Orphan. Maintenance and clothing, as per said guardians account entered in guardian's Book No. 6, p. 24 in the Clerk's Office of Harrison County Court. to wit:		\$ 95. 73.
Sept	18	To Board of said Orphan for ten months in 1873 @ \$6.50 per month	\$ 13. 00	
	"	Clothes furnished said Orphan in the year 1873.	10. 00	
	"	paid for tuition and School Books for said Orphan for 1873.	10. 00	
	"	Board of said Orphan for the year 1874. @ \$6.20 per month	48. 00	
	"	Clothes and tuition for said Orphan for the year 1874.	25. 00	
	"	Fee retained for Comr. of Accounts	2. 25	
	"	Fee retained for Clerk's Comr.	1. 50	
		By Balance due Sarah E. Byrd		43. 92.
			\$ 139. 75.	\$ 139. 75-
1873-				
Sept	18.	To Balance due Sarah E. Byrd.	\$ 43. 92.	
		Commissions are not allowed said Sarah E. Byrd in the above account on said sum of \$95.73. because the same have been allowed said Henry Byrd in his account as guardian of said Claudius Paul.		

Commissioner's Office
Dudport Va. 31st October 1881

Nausemond County Court,

The undersigned respectfully reports to Court that Sarah E. Byrd, Administratrix of the Estate of Francis E. Byrd deceased, who was the late guardian of Claudius Fulk, Byrdson of Nausemond Co. deceased, has exhibited before your Commissioner a statement of all moneys received by her for said Claudius Fulk, and with which she became chargeable for him, and of all moneys disbursed by her on his account, together with the vouchers in support of the disbursements, that she finds a balance of Forty three and 2/100 dollars to be due by the said Claudius Fulk to the said Sarah E. Byrd on the 18th day of September 1881, with interest thereon from that day, that the said account is supported by satisfactory vouchers and that the said Administratrix has given such bond as the law requires, the security thereof, and the securities thereto being sufficient: that the foregoing is the statement of the transactions of said Sarah E. Byrd, showing the amount of money received by her for said Claudius Fulk and the manner in which and for what purposes she has disbursed the same on his account, and for his benefit, and the balance due her above named, after having so done, that the said Administratrix was on Grand in the list of Testatrices posted at the front door of the Courthouse of Nausemond County, on the first day of October Court last, and now on this day (ten days having elapsed since said list was posted as aforesaid) the foregoing account is stated in complete

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

Hilbert J. Ellis
Commissioner.

In the Clerk's Office of Nausemond County Court, the 29th day of August, 1882.

I do hereby certify, that the foregoing is a true copy from the original now on file, in said Office.

Wesley
Peter B. Prentiss, Clerk.

(a copy)
Claudio's Peel, orphan
with Sacch:

Sarah E. Byrd, admx. of Henry
H. Byrd, deceased, late guardian
of said orphan.

Completed and filed in my office this
31st day of October, 1881. Walter J. Kelly,
Cmt.

"Q"

Nov: 1st: ¹⁸⁸¹ Filed in the Clerk's Office
by Commr: Kelly.

" 25th: Executives filed

Copy order to appear
p 68²⁵

B.

At a monthly Court held for Mansomons County
the 13th day of September 1875

On the motion of Sarah E. Byro Administratrix
of Henry H. Byro, deceased, who was late guardian
of Claudius Peck, orphan of Jeremiah Peck, deceased.
it is ordered that she be allowed to expend Sixty eight
dollars and twenty five cents with interest from the 1st
day of January 1870, and that she account for the
same on her return hereafter to be made.

A Copy

Teste:

Peter B. Prentiss. Clerk

In the Circuit Court of Henric County,

In Chancery

Claudius Peel

Plff.

vs

Mills Rogers Jr. & Sarah E. his wife, who
was Sarah E. Byrd, widow & admx. of
Henry H. Byrd, late guardian of
Clausius Peel - the plaintiff -

Defts.

To the Hon^{ble} George Blow, judge of said Court.

Humbly complaining, sheweth unto
your honor, your orator, Claudius Peel,
son and heir of Jeremiah Peel deceased,
that your orator's father, departed this
life in the year 1866; that shortly thereafter
to wit, on the 10th day of December, 1866, Henry
H. Byrd qualified as guardian of
your orator as will appear by a duly
certified copy of the order of Henric
County Court herewith filed marked
"A". That on the day of November
1873, the said Henry H. Byrd departed
this life and on the 10th day of November
1873, Sarah E. Byrd, his widow, duly
qualified as the ^{Administrator} of
his estate. That the said H. H. Byrd
^{on the 1st day of September, 1875 -}
~~at his death~~ was indebted to your orator
in the sum of \$95.83 as the least

account recorded will shew, a copy
of which is herewith filed marked 4th,
and is prayed to be taken as part of this
bill and which amount was retain-
ed by said Sarah E. Byrd, adm^{tr}, of said
H. H. Byrd out of the assets of his estate on
account of his indebtedness as your
Orator's guardian: That after the sum
of \$95.83 came into the hands of said Sarah
E. Byrd adm^{tr}, an order was obtained
from the County Court of Henrivers
County allowing said S. E. Byrd to ex-
pend the said sum of \$95.83 for his educa-
tion and maintenance and on the ^{31st} ~~18th~~
day of ^{October} ~~September~~ ¹⁸⁸¹ ~~1880~~ an account was
made up by Commissioner W. J. Kelly
between said Sarah E. Byrd adm^{tr} of H. H.
Byrd, late guardian of your orator, and
your orator, and by said account it was
made to appear that the whole amount
found to be due your orator in the previous
account had been expended and a bal-
ance was found to be due from your
orator to said Sarah E. Byrd adm^{tr} of
\$43.92 and this last account was on the
31st day of October 1881 completed and
filed in the ~~clerk's~~ Office of ~~Henrivers~~
~~County Court~~ by W. J. Kelly Comm^r of

accounts and on the 1st day of November 1881 said account was filed in the Clerk's Office of Newsummer County Court and on the 25th day of said month and year exceptions were filed thereto by your orator, by Counsel, and said account still remain unconfirmed, a copy of said account with the endorsements thereon and the exceptions thereto being herewith filed marked ~~2~~ "2" and is prayed to be taken as a part of this bill.

Your orator believes and hence alleges that the said account is unwarrantable, illegal and wholly incorrect and the balance struck in the last account made up by Courtth Kelly is forced to absorb the entire amount due your orator and to bring him in debt to the said Sarah E. Byrd administratrix of his late guardian - and further that as administratrix of H. H. Byrd late guardian of your orator, ^{the County Court of Newsummer County} ought not nor could not confer upon her authority to expend any portion of your orator's principal money. That the items for ^{board} clothes and tuition in the account made up by Courtth

Kelly on the 31st of October 1881 if correct and legal charges should have been included in the account stated and reported by said Comr. Kelly on the 24th day of September 1875, as will appear by an inspection of the accounts herewith filed marked "1" & "2" and are prayed to be taken as part of this bill, (each and every of said items antedating the account made up on the 24th of September, 1875.

That your orator was at the time these charges were made for board and clothe fully able to earn his own board and clothe and did constantly and faithfully work on the farm of the said H. W. Byrd.

That the items for tuition are improper and incorrect as your orator was not at school a sufficient time in either year to incur such charges.

That even if the said items were proper charges in the years 1873-4, the said Sarah S. Byrd acting by delaying the making up of her account until the 31st of October 1881 lost all right to charge your orator under the statute of limitations.

In consideration whereof, and forasmuch
as your orator is remediless in the prem-
ises save in a Court of Equity where
matters of this sort are properly cog-
nizable and relievable; to the end
therefore that justice may be done your
orator prays that Mills Rogers Jr. and
Sarah E. his wife, who was Sarah E. Byrd
Widow and Adm^{tr} of H. H. Byrd dec^d
late Guardian of your orator, be
made parties defendant to this bill
and required on their Corporal oaths to
answer the same as fully and particu-
larly as if the statements of this bill were
here again repeated, and the said de-
fendants thereto specially interogit-
ed: That the many errors, inconsis-
tencies and illegalities in the ac-
count marked No. 2. rendered before
Comm^r. Kelly on the 3rd of October 1881,
may be corrected and the said account
of Sarah E. Byrd Adm^{tr} of H. H. Byrd late
Guardian of your orator claiming the
right under an order of the County
Court of Hansmann County ~~cook~~
to expend every cent of your orator
principal money and moreover to
bring him in debt to the said adm^{tr}

may be discharged and falsified: that
the amount found to be due to your orator
under the account stated by Com^{te} Kelly on
the 24th of September 1875 may be decreed
to be paid to your orator with proper in-
terest from that time till paid.

And that your orator may have such other
further and general relief as the necessi-
ties of the case may require and to equity
shall seem fit.

And your orator will ever pray &c
C. H. Keating of Counsel
for plaintiff

Causey. p. 9

Lelandine Peel
is & the paper

Miller, Roger & wife

Bill

Claudius Peel

vs Chy: Notes.

Mills Rogers, Jr: & wife Lm,

1882, Aug: 29th: Sum^t. in Chy: to Supt: Ruler, 1882, issued.

" Sept: 4th: Bill de felix - L Decree nisi vs defendants.

" Octo: 2nd: Decree nisi refused & cause set for hearing.

" Octo: Term. Lamm given to file ans: in 90 days.
1883; April. Lamm given to Sarah E. Rogers to file her answer which is
accomplished.

" Sept: 22. Deps: filed.

Chy: Notes