

1851-002

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BURWELL

VS. MERRYMAN etal

(2)

11/1851

other SURNAMES: [B + H.H. Burwell]
Waller, Reese Rowland, Kittle
Furgason, Furgurson [Wolff
+ Merryman], Wolff, Merriman,
Peele, Turner

Burwell Sept.

to } Stat. Rules

Merrymann & Co

H. H. Burwell Surviving partner of B & H. H. Burwell Late merchants &
partners trading under the firm style of B & H. H. Burwell
against

Benjamin G. Waller & James E. Merryman. & Sampson C. Reese

- 1849 April 13. Subpoena & Restraining order issued. to Deft. Waller & Merryman
" May R. Subpoena & ret. Executed on Deft. Waller. Merryman no Subpoena.
Bill filed & new Sp. awarded to Deft. Reese.
" June R. Sp. & ret. executed on Deft. Reese.
" July " Cause set for hearing as to Deft. Waller. - Order of publication to:
Deft. Merryman
" Aug. R. Cause set for hearing as to Deft. Reese
1851 Mar. 11th Decree issued to send to Reese Est.
" May. F. Revised. Ans. of Reese Est. & decree for account
" Nov. " Final decree

Stiff boots

blks	\$ 12.52
Stiff	2.71
Coat	35.00
Or Pub.	5.50
Saw &	<u>17.41</u>
	\$ 74.14

Barrett }
a } Bill
Murrayman d.

1849 May Rules

To The Hon Richard H Baker Judge of the Circuit
Superior Court of law & chancery for the County of
Southampton In Chancery

Humbly complaining shew unto
your Honor your orator H H Burwell surviving
partner of B, & H H Burwell late merchants &
partners trading under the firm and style of
B & H H Burwell, That James P Merryman is justly
indebted to him in a large sum of money, that
is in the sum of \$63.96 due by bond bearing date
April 12th 1849, and \$50 due by note bearing date 16th
of Feb 1849, also in the sum of \$66.63 due by bond
bearing date 16th of Feb 1849, also as one of the firm
of Wolf & Merryman in the sum of \$400 due by four
several promissory notes of \$100 each bearing date
on the 2^d of April 1849, copies of which bonds and
notes are herewith filed (the originals of which
will be filed when required) and prayed to be taken
as parts of this bill, marked 1, 2, 3, 4, 5, 6, & 7

Your orator further states that the said Merryman
is not a resident of this commonwealth,
but resides in the state of North Carolina beyond
the reach of process of this Court

Your orator states that the said Merryman has
money & effects and debts due to him in the hands
of Benjamin P Waller and of Sampson C Reese of this
County which he is advised may be rendered
liable for the payment of his demands, through

The interposition of this Court

In tender consideration of all which, and in as much as your orator is without remedy in the premises except in a Court of Equity - To the end therefore that justice may be done, he prays your Honor to make James & Merrymon, Benja^c Waller & Sam^lson & Bess Defendants to this bill - That an order of publication may be awarded as to the absent Defendants Merrymon - That the Defendants Waller & Bess may each be compelled to state upon oath whether they have any money goods or effects of, or any debts due to James & Merrymon in their hands and how much - and that they be enjoined and restrained from disposing of, paying away or secreting the same till the further order of this Court - That the amount due to your orator may be decreed to be paid him - and whatever may in the hands of Waller & of Bess may be appropriated to the payment thereof -

That your Honor will grant such other & further relief in the premises as Equity may dictate, and as in duty bound he will ever pray
&c

H H Bussell

by Charles Christopher, atty

(Answer of J. E. Merryman)

To the Honbl. N. H. Baker Judge of the Circuit
Superior Court of Law & Chancery for the County
of Southampton.

This Respondent saving to himself all benefit
of just exception that may hereafter arise to the
Compelt's Bill, For answer thereto or unto so
much thereof as he is advised it is material for
him to answer, Answering - says that it is true
as set forth in the Compelt's bill, that he did execute
the several bonds referred to in D bill as being
due from ^{him} individually - and it is also true that
several notes charged against R. Wolff & Merryman
were duly executed - In this connection your Respon-
dents here to state that he was engaged with R.
Wolff in the Coach Making business - that during
this time the firm ~~became~~ became indebted to the Compelt-
together with others: that upon the dissolution of
a Copartnership, the Creditors of the firm demanded
payment of their debts, which your Respondent was
unable to pay at that time. He here to state
that there were many debts due the firm and a parcel
of unfinished work on hand at the time of the
dissolution - That R. Compelt contrived of ^{himself}
himself of the Partnership books, which he still
holds and your Respondent states it as his belief
that he has collected many of the debts due and
has not accounted for the same. And your

Respondent further shews unto the Court. that the
D. Compelt has heretofore, to wit. before the institution
of this suit, Proceeded by warrant in the State of
North Carolina to recover the debts sought to be
recovered by this proceeding - that judgements were
had and executions sued out. which were levied
on the unfinished work above referred to. that no
work was sold and a considerable amount was
paid to D. Compelt - which together with the
monies collected as above stated, your Respondent
verily believes has fully satisfied the Compelts
demand - He therefore submits, if a Court of
Equity ought not to compel a disclosure, as to
the amount collected, as well as the balance
due, but uncollected on the Partnership books in
the Compelts possession - as well as the true amount
received on account of the sales of unfinished
work. and he further submits that the Compelt
has no right to recover of your Respondent one of
the firm of Wolff & Maryman, out of his private
estate, a partnership debt - so long as there are
partnership effects - especially when those effects
are in his own hands & subject to his control
and having answered he prays to be there
dismissed with his reasonable costs by him in
this behalf expended.

Ridley & Goodwyn
Kindred

Virginia - Southampton County - Civil.

This day James E. Kerry man per-
sonally appeared before me, a Justice of the Peace
in and for the county aforesaid, and made oath
to the truth of the foregoing answer so far
as he knows or believes. -

Given under my hand and seal
this eighth day of November 1849.

G. A. W. Newcom J. P. Seal

(Answer of B. C. Waller)

To the Hon^{ble}. R. H. Baker Judge of the Circuit
Superior Court of Law & Chancery for the County
of Southampton. In Chancery.

This Respondent saving to himself all benefit
of just exception that may hereafter arise - For
answer thereto or unto so much thereof as he is advised
it is material to answer - Says - That the said
Merriam intermarried with a daughter of your
Respondent, who was possessed of a separate estate,
which your Respondent held as her guardian
at Law. That since the marriage he has had
only partial settlements with the said Merriam
he states that no formal report has been
made showing the state of his account. He is
therefore not prepared to state the amount of
his indebtedness to the said Merriam & if he is
indebted at all - He further states it as his belief
that but little remains in his hands, he having
made considerable payments from time to time
since the marriage, as well as other payments made
on account of debts contracted by the ward before
the coverture. And having answered he prays
to be hence dismissed -

Kinross
R & G.

Southampton County to wit.

This day B. C. Waller personally appeared before me a (J.P.) and made oath to the truth of the foregoing answer. So far he knows or believes - Given under my hand & seal of office this eighth day of Novr 1849

G. A. W. Kearsom J.P.

Burwell
i { Anson
Meyman

1851 May Term

The answers of Mark J. Peck & Edwin P. Fur-
men Editors of Sampson C. News to a bill
of complaint filed against them &c by H. H. Bur-
well surviving partner of B & H. H. Burwell

These Defendants now and at all times
hereafter saving & reserving all benefit
of exception &c for answer to the said
bill of complaint or so much thereof as
they are advised it is material or necessary
they should make answer unto, answer-
ing say - That Benja. Wallace holds a bond
purporting on its face to be due him as
the guardian of the wife of the Defendant
Merryman, against the estate of their
deceased for about Three Hundred dollars
with interest from the 18 day of May
1846 - That they have no other effects of
any kind belonging either to the Defend-
ant Wallace or Merryman, and
having answered they pray hence to be
dismissed

Sac. Thompson County to wit;
This day the said Mark J. Peck & Edwin P. Fur-
men personally appeared before me a justice
of the peace in and for the said County and made
oath that the facts stated in the above answer
are true to the best of their knowledge and

belief- Given under my hand this 17th day
of March 1851

H. J. Smith. (J.P.)

Burwell

2 } Or: Sub.

Merryman &

A copy posted at O.H. 4001 July
10. 1849. L.R.G.

Records taken in the Clerk's office of the
• At the Circuit Superior Court of Law and Chancery held for the County of Southampton
on the 2^d day of July 1849.

H. H. Burwell Surviving partner of B and H. H. Burwell late merchants and partners
trading under the firm and style of B & H. H. Burwell. p^{ers}

against

James E. Merryman, Benjamin E. Waller & Sampson E. Reese. D^{fts}

Subpoena

The defendant James E. Merryman not having entered his appearance and given
security according to the Act of Assembly and the rules of this Court and it appearing by
satisfactory evidence that he is not an inhabitant of this County it is ordered that the said Defend-
ant do appear here on the first day of the next term and answer the bill of the plaintiff
and that a copy of this order be forthwith inserted in some newspaper published in the
Town of Petersburg for two months successively and posted at the front door of the
courthouse of this County.

Burnell

is } Geo. Deane

Merryman &

Southampton Circuit Court May 3rd 1831.

H. H. Burwell surviving partner of B & H. H. Burwell late merchants & partners
trading under the firm and style of B & H. H. Burwell Petff
against

Benjamin C. Waller, James C. Merryman & Sampson C. Rose Dfts.

} In Chancery

This day this cause came on to be heard on the bill, answer of the defendants Waller, Merryman and Peck & James executors of Rose, exhibits and depositions and was argued by Counsel - On consideration whereof, the Court doth adjudge, order and decree that Benjamin C. Waller render before a Commissioner of this Court an account of the effects in his hands belonging to the defendant Merryman at the time of the restraining order in this cause was executed, and that the Commissioner report the same to Court with any matters specially stated deemed pertinent by himself or required by any of the parties to be so stated. And it is further decreed that the plaintiff render before the said Commissioner an account of all the goods, debts and effects belonging to the firm of Wolf & Merryman or to the defendant Merryman individually which he may have received and what disposition he has made thereof. And that the Commissioner report the same to Court with any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated.

Hoop.

Teste. L. R. Edwards Clk

✓
Barwell
res & Comm. notice
Merryman &

Executed by delivery
a true copy

Thos Barham Es
for A. Lybeck Sherriff

Southampton Circuit Court May 3^d 1857.

H. H. Burwell surviving partner of B & H. H. Burwell late Merch-
ants & Partners Trading under the firm and style of B. & H.
H. Burwell. Plff

Against

Benjamin C. Waller, James E. Merryman & Sampson C. Reed, Affs.

This day this cause came on to be heard on the bill &
answers of the defendants Waller, Merryman and Reed & Turner
Executors of Reed, exhibits and depositions and was argued
by counsel - On consideration whereof the Court with adj-
-udged, order and decree that Benjamin C. Waller render
before a Commissioner of this Court an account of the
effects in his hands belonging to the defendant
Merryman at the time of the restraining order in this
cause was executed, and that the Commissioner report
the same to Court with any matters specially stated
deemed pertinent by himself or required by the
parties to be stated. And it is further decreed
that the plaintiff render before the said Commission-
-er an account of all the goods, debts and effects
belonging to the firm of Wolf & Merryman, or to
the defendant Merryman individually which he
may have received and what disposition he has
made thereof. And that the Commissioner report
the same to Court with any matters specially stated
deemed pertinent by himself or which he may be
required by any of the parties to be so stated -

A Copy

Teste L. R. Edwards Clk.

Commissioner's Office July 17th 1857.

The parties interested in the above decree will take notice
that I have appointed Tuesday the 19th day of August
next at my office in the town of Lonsdale, to take the
accounts directed by said decree, at which time and place
they are required to attend.

L. R. Edwards Clk.

Burwell & Co
i } Gross
Merriman & Co

To be entered

R. H. Baker

May. Co. '51

1851 May Term

Bureau Sept

May Term 1851

Merryman &c

This day this cause came on to be heard on the bill, answer of Th. Defendant & Waller, Merryman, and Peck & Turner Executors of Beas exhibits and depositions and was argued by counsel on consideration. whereof the Court doth adjudge order and decree that Benjamin C Waller render before a Commissioner of this Court an account of the effects in his hands belonging to the Defendant Merryman at the time the restraining order in this cause was executed, and that the Commissioner report the same to Court with any matters specially stated deemed pertinent by himself or required by any of the parties to be so stated, and it is further decreed that the Plaintiff render before the said Commissioner an account of all the goods debts and effects belonging to the firm of Wolff & Merryman or to the Defendant Merryman individually which he may have received and what disposition he has made thereof, and that the Commissioner report the same to Court with any matters specially stated deemed pertinent by himself or which may be required by any of the parties to be so stated

Buswell & Co

7 }
Murrayman & Co

To be entered

R. H. B.

Nov. Co. '51

1851 November Term

Barwell & C

Merryman & C

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Cobb made pursuant to the order of May term 1851 and was argued by counsel, for consideration whereof the court overruling the exceptions to the said report and confirming the same, doth adjudge and decree that the Defendant James E Merryman pay to the Plaintiff the following sums to wit \$63.96 with interest from the 13th of April 1849, the sum of \$50 with interest from the 16th of February 1849, and the sum of \$66.63 with interest from the 16th of February 1849, together with his costs; And that the Defendant Benjamin C Waller pay to the Plaintiff the said sums interest and costs out of the amount reported to be in his hands but the Plaintiff is not to have the benefit of this decree until he shall have entered into bond in the clerk's office of this court, with security in a sum of double the amount decreed to be paid conditioned according to law.

Execute on Benjamin to Waller by ^{giving} ~~turning~~ a copy ~~to~~
to him on or the 23^d of April 1849 at 7 o'clock A.M.

James E. Merryman ~~and~~ William B. Woffe
no ⁱⁿ habitation
and J. Turner deputy
of Lepta Pavan Esq.

Burwell
to 3 Spain ship
Merryman &c

1st day May Term

On March the Wm. de la 8th of the respondents
Merryman and Woffe in the hands of the other respondents
do that he be returned from paying conveying away or
disposing the debt by him owing to: or the stock in his
hands by turning to the said Merryman and Woffe
until the further order of the Court
J. H. Edwards, Clerk
Hambley & Wappling pg

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

*Benjamin C. Waller and
James C. Merryman and William B. Driff*

before the Judge

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
in the first day of the next May Term
County of Southampton, at the Rules to be holden for the said Court on the first Monday in

~~next~~, to answer a Bill in Chancery exhibited against *them* in
the said Court by *H. H. Burwell surviving partner of B
& H. H. Burwell*

And unless *they* shall answer the said Bill within ~~four~~ ^{*two*} months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON
R. EDWARDS, Clerk of our said Court, at the Court-house, the 18th day of
April 1847, in the 7th year of the Commonwealth.

R. Edwards. clks

[One Copy to be delivered each Defendant.]

Enclosed on Bury to Waller by giving him a true
copy on April 23rd 1849 at 4 o'clock A.M.

Lames & Morning man no inhabitant.

Edward C Turner docty
of Lupton Laram Gtft--

Burwell
2 { Spa, in chg
Waller

1849 1st day May
Court.

In March the income is to be of the dependant
Merryman in the hands of the other its fundan^y. so that
they be retained from paying away, or ascertaining
the state by him owing to, or the effect in his hands
as long as he the said Merryman until the further
order of this court

Wm H. Edwards, C.C.
Cham Sep 8. Wapenbury p^g

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

*Benjamin C. Muller and
James C. Merryman*

Before the Judge
to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the
County of Southampton, *on the first day of the next Court Term* at the Rules to be holden for the said Court on the first Monday in
next to answer a Bill in Chancery exhibited against *him* in
the said Court by *H. H. Burwell* surviving partner of *B.
H. H. Burwell*

And unless *they* shall answer the said Bill within ~~four~~ ^{*two*} months thereafter, the Court will
take the same for confessed, and decree accordingly. And this *they* shall in no wise
omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON
R. EDWARDS, Clerk of our said Court, at the Court-house, the 18th day of
April 1847, in the 7^{3^d} year of the Commonwealth.

S. R. Edwards

[One Copy to be delivered each Defendant.]

To attach the debts monies and effects of the Defendant Merryman
in the hands of the other defendant so that he be restrained from
paying, conveying away or secreting the debts by him owing to, or
the effects in his hands belonging to the said Merryman until
the further order of this Court.

Teste

Chambliss. & Masonburg p. q

J. R. Edwards lcl

L. 3. 6

Burrell 6 Sept.

to J. Sp. & Res. or dco

Merryman & Co

1849 June Riches

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

Recd

James A. Merryman, Sampson &

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in

June

next, to answer a Bill in Chancery exhibited against *them* in

the said Court by *H. H. Burwell surviving partner of H. & H. H.*

Burwell

And unless *they* shall answer the said Bill within ^{*four*}~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *8th* day of

May

1849, in the

73^d

year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

To attach the monies, debts and effects of the defendant Merryman in the hands of the defendant Reese so that he be restrained from paying, conveying away or secreting the debts by him owing to or the effects in his hands belonging to the said Merryman until the further order of the Court

Texte

L.R. Edwards & Co

Chambliss & Mapenbury J. J.

Burwell

Sp. P. Order

Merryman &

1849 June 1st

Granted May 25th 49.

Wm. R. Parker of

J. Darden

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon

Jamson & Reese

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in

June.

next, to answer a Bill in Chancery exhibited against ~~in~~

~~the said Court by~~ *James E. Merriam, Benjamin B. Waller and*
Said Reese in our said Court by H. St. Burwell surviving partner
of B. & H. St. Burwell

And unless *he* shall answer the said Bill within ~~four~~ ^{*three*} months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON

R. EDWARDS, Clerk of our said Court, at the Court-house, the *12th* day of

May

1849, in the *73^d* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

Barwell

vs.

Merryman

A true copy
of the within
Notice served on
H. H. Barwell on
~~the 8th of July~~
~~1850~~
~~Wm. J. H. Goodell~~

Mr. H. H. Barwell

Sir you are hereby notified
that on the first-day of March next-at the
Court-House in the Town of Oxford I shall
proceed to take the depositions of
Lewis H. Kittle and others to be read in
evidence in a certain matter of Controversy
now pending in the Circuit-Superior Court-
of Law and Chancery for Southhampton County-
Virginia wherein you are plaintiff and
myself and others are Defendants-
when and where you may attend
if you think proper

February 8th 1850

R. W. Lapiter Atty for
J. E. Merryman

Merrymore &
no } com.
Burnell

The Commonwealth of Virginia: To a Justice of the Peace for the
County of ^{Grauville} ~~Frederick~~ in the State of North Carolina, ~~she will~~ ^{certify herself to be such} Greeting:

Know ye that we trusting in your fidelity and provident circumspection
in diligently examining whatever witnesses on behalf of the plaintiff in a
Suit in Chancery depending in the Circuit Superior Court of Law & Chancery for
the County of Southampton in which St St Burwell surviving partner of B & St St
Burwell is plaintiff & Benjamin C Waller James C Merryman & Sampson
C Reese is Defendant

command you, ~~or any two or more of you~~, that at such day and place as you
shall appoint, you assemble yourselves, and the witness ~~as~~ ^{as} aforesaid before you,
you call and cause to come, and diligently examine on the Holy Evangelist
of Almighty God, and ~~then~~ ^{after} examination into our said Court dis-
tinctly and plainly without delay you send and certify enclosed, returning also
this writ: Witness, ^{Littleton R Edwards} James Rochelle, Clerk of our said Court, at the
Courthouse this 18th day of March 1850
in the 74th year of the Commonwealth.

JR Edwards Clk

I delivered a true Copy of the within Notice to Mr
Burwell at his Store House 29th June 1880

For Mr Gough shff

By
John N. H. H. & shff

Notice

M. H. H. Burwell

You will take notice that on
29th July next at the Court House in ~~the County~~
in Greenview County ne I shall proceed to take
the depositions of Dr J. C Marshall and others
to be read in evidence in a certain suit now
pending in the Superior Court of Chancery for
the County of South Hampton Virginia wherein
you are plaintiff and my self & others are defendants
When and where you may attend if you think
proper and continue from day to day until
concluded.

June 29th 1850

James E. Marrison

~~Barren~~
i Notice
Murrayman &

Enclosed
Jno Barkham Deputy
for A. Myrick
Sheriff.

To James Murryman and Benjamin
C. Waller

Take notice that on the 12th day of August next
between the hours of nine in the forenoon
and six in the afternoon of that day at the
Court House in the Town of Oxford Gran-
ville County State of North Carolina, I
shall proceed to take the depositions of
certain witnesses to be used as evidence
for and before the Commissioners in Chan-
cery in a suit now pending in the Circuit
Court of Southamptown County on the Chan-
cery side, wherein I am Plaintiff and you
& others are Defendants, and if from any
cause the taking of the said depositions
shall not be commenced, or being com-
menced, should not be completed on that
day, the taking of the same will be adjourn-
ed from time to time until the said
depositions shall be completed -

Given under my hand this
21st day of ~~July~~ August 1831

H H Burrill

Burnell expt

to } Deposition

Merryman & P

Came to hand Sealed March 7th

1850.

L.R.C.

Ans. I do not know of any - I know nothing about it

Question By Same. State if you know the amount due to B & B & Burwell by the Firm of Wolf and Meriman & by Wolf & Meriman individually at the time of the Disposition of the Concern of ~~the~~ Wolf & Meriman

Ans. Objections By Defendants

I know nothing of my own knowledge

Question By Same. State whether on the occasion of your hearing the Plaintiff say that he had in his possession the Books of Wolf & Meriman he also said what amount he had been ^{or would be} able to realize upon said Books

Objections By Defendants

Ans. I do ^{not} recollect hearing Mr Burwell say what amount he had realized or would realize from the Books.

Question By Defendants

(You have been asked by Plaintiffs Counsel if you found any credits upon the Firm's Books now state if in your examination of said Books you did not reject doubtful Debts and allow credits on the List of Balances reported by you as you were informed by Wolf & Meriman they were entitled

Ans. We left out Debts which Wolf & Meriman thought were bad & included in the List such as they thought good - some of the ^{accounts} credits before carried to the List with such amounts as Wolf & Meriman supposed off - set - some of the Debts included in

in that List if yet uncollected are very bad 2 or 3 of which I doubt could not have been collected at that time I mean a Debt on A B Hawkins and one on John W Baskerville

Question By Same. Do you know of any steps that have been taken to collect the abovesaid Debts and if the said A B Hawkins was not in possession of considerable amount of Property at the time abovementioned Ans. I know of no steps that have been taken - Hawkins had a good deal of Property around him but he was very much embarrassed & has since failed

Question By Plaintiff

Did not J E Merriam after the transfer of said Books to the plaintiff notify by public advertisement the Debtors to the concern of Wolf & Merriam not to make any payment to the Plaintiff as he was not authorized to receive them & such payments would not be allowed or to that effect thereby embarrassing hindering obstructing & delaying the said Plaintiff in the collection of the said Debts

This Question objected to Defendants Council because of its irregularity & irrelevance

Ans. I saw such advertisement posted up in Anderson & Vickers it was after the transfer of said Books but as to what effect it produced as to the collection of the Books I have no knowledge

Question By Defendants

Do you know that the Books of the said Partnership were transferred or intended to be transferred to H H Burrill for the benefit of the Creditors of the Firm of Wolf & Merriam or have you Anderson informed that that was the object

Objected to By Plaintiff

Ans. I understood from Wolf & Merriam that the Books were transferred to H H Burrill & I also understood from James E Merriam that he thought for the benefit of all ~~their~~ Creditors

Question By Same. Did James E Merriam assign as a reason for putting up the advertisement above alluded to that the Books have been assigned exclusively to the use of the Firm of B H H Burrill & do you know that the said Books have been assigned to the said Firm exclusively

Objected to By Plaintiff

Ans. I think he did assign that as a reason but I do not know that the Books were assigned to B H H Burrill exclusively only from what I have heard - I never saw the transfer and further this Dependent saith not. in Testimony whereof Lewis H Kittle hath hereunto subscribed his name & affixed his seal in my presence & I have also subscribed my name & affixed my seal this the day & date abovesaid

J. P. Caschall (J. P. Caschall) Lewis H Kittle (Seal)
Commissaries

J. J. Marshall

In obedience to the enclosed Commission to my de-
rected issuing from the Circuit Superior Court of Law
in Chancery for the County of Southampton for the
State of Virginia for taking the Deposition of Lewis
A Kittle concerning a certain Matter of Controversy
in said Court depending wherein H A Beemell
Surviving partner of B & H A Beemell is plaintiff
and Benjamin C Waller James E Meriman and
Simpson C Russell are Defendants and who I have
caused the said Lewis A Kittle to appear before me
at the Court House in the Town of Oxford Granville
County North Carolina on the 1st day of March
1830. Plaintiff & Defendant being both present
who being duly sworn upon the Holy Evangelists
Deposition & oath as follows.

Question By Deft

Do you or do you not reside in
the County of Henderson North Carolina?

Ans. I reside in the Town of Henderson

Question By Same

Are you or are you not ac-
quainted with James E Meriman & William B
Wolf & if so state whether they have been engaged in Co-
partnerships in the Coach making Business in said Town

Ans. I am acquainted with James E Meriman and
William B Wolf & the Coach making Business was
carried on by them in Partnerships as I always understood

Question By Same.

State as near as you can how long they
continued in Business and what amount of Business ap-
peared to be done by them

Ans. They continued in Business between one & Two years
& they seemed to be doing a good deal of Business but to

what amount I cannot say.

Question By Same. Have you ever been informed as to the cause of the Disfranchisement of said Copartnership?

Ans.

I understood it was misunderstanding between Wolf & Merriam in regard to the Board of some of the Hands employed by the Concern one wanted to Board some of the Hands & the other wanted to Board the same Hands.

Question By Same. Did said Concern after its Disfranchisement turn out to be much embarrassed or greatly in Debt?

Ans. I think it was very much embarrassed.

Question By Same. What disposition was made of the proceeds of the sale of the stock & work & materials belonging to said Firm?

Ans. I do not know. more than that the property was sold to the highest Bidder.

Question By Same. Were you called in as one of the Committee to examine the Books & Debts of the Concern?

Ans. I was.

Question By Same. State all you know about the Debts and liabilities of Debt you saw upon the examination of said Books as to the amount.

Ans. I think the amount of Debts then standing on the Books was between Eight Hundred & One Thousand Dollars amongst the Debts there were some B or C that were subject to Credits as then understood & their proper amounts or the Balance not known.

Question By Same. Now that include all the Debts as well those Paid up as those not Paid up?

Ans. All that I saw.

Question By Same. Who examined the Books with you?

Ans. A. C. Harris.

Question By Same. Did you examine the Books together or separately each one making out a statement for himself?

Ans. Mostly together.

Question By Same. Did A. C. Harris produce a statement to you of the Debts which he found upon said Books & if so what was the amount?

This Objection By Plaintiff

Ans. He produced a statement or List of Names amounting to a little the size of Eight Hundred Dollars.

Question By Same. Do you know or have you been informed in whose Hands these Books have been or are now?

Ans. I heard H. B. Russell say that the Books were transferred to him but I do not know where they are now.

Question By Same. Do you know what amount if any of the Debts on said Books have been collected?

Ans. I do not know.

Question By Same. In speaking of the above named Books did you examine them all minutely or not?

Ans. I examined the Ledger minutely & there was a Day Book that I did not examine minutely there were accounts on that Book unposted & I suppose there were Two Hundred Dollars on that Book which was included in my former estimate of what was due on the Books generally.

Cross examined By the Plaintiff

Question By Plaintiff

You say you were one of the Committee called in to examine the Books who called you in?

Ans. I think James Merriman called me in.

Question By same. You say that it was understood at the time that several of the Debts charge in the Books were subject to Credits State if you can what particular Debts they were & whether the Credits were entered on the Books.

Ans. I think there was one Debt of George Kittrells & one or two others the names of which I do not remember. I saw no Credits on the Books.

Question By same. State if you know what proportion of Debts charge on the Books were good & what bad & what doubtful.

Ans. I think some of the Debts were good, some bad & some doubtful but what proportions I do not know.

Question By same. Do you know that all the amounts charge upon said Books as Debts other than those above mentioned as subject to Credits were really & still due & owing at the time of the transfer of the said Books to the Plaintiff.

Ans. I do not.

Question By same. Do you know whether any & if so what persons Debited upon said Books had set-offs against the amounts with which they were respectively charged & if any to what amount.

Ans. Mr Merriman informed me he had given Mr Debnair a Receipt for twenty five Dollars. I know of no other.

Question By same. Do you know whether any one of these Debts or any part of any of them was paid to Merriman or Wolf before the transfer of the said Books to the Plaintiff & whether any or any part of the said Debts were paid to Merriman or Wolf after the said transfer of the said Books.

Merryman &
as } Commission

Burwell & Co

The Commonwealth of Virginia: To a Justice of the Peace for the County
of ~~Granville~~ ^{such} State of North Carolina who will certify himself to be, Greeting:

Know ye that we trusting in your fidelity and provident circumspection
in diligently examining whatsoever witnesses on behalf of the Defendants in or
suit in Chancery depending in our Circuit Superior Court of Law & Chancery for
Southampton County between H. H. Burwell surviving partner of B & H. H.
Burwell plaintiff and Benjamin C. Waller. James E. Merryman & Sampson
LeRuse Defendants

command you, ~~we say two or more of you~~, that at such day and place as you
shall appoint, ~~you assemble yourselves, and~~ the witness ~~is~~ ^{as} aforesaid before you,
you call and cause to come, and diligently examine on the Holy Evangelist
of Almighty God, and their examination into our said Court dis-
tinctly and plainly without delay you send and certify enclosed, returning also
this writ: Witness, ^{Edw. R. Edwards} James Rochelle, Clerk of our said Court, at the
Courthouse this 29th day of January 1850
in the 74th year of the Commonwealth.

J. R. Edwards *ls*

Came to hand sealed Aug 19th 1850.

J.R.G.

Willis Furgerson being next sworn deponent and
saith

Question by the Deft. — State whether you ever
present at a conversation between H. H. Burwell
the Plaintiff in this suit and Benjamin G. Waller
if so state what said conversation was

Answer — I was present at a conversation between
the said parties, a part of the time; Mr Waller
asked Mr Burwell if he was ready for a
settlement, Mr Burwell said he was, then
Mr Waller asked Mr Burwell what were
the books made over to him for; Mr Burwell
said the books were made over to him to
secure him, for the debt Wolff & Merryman
were owing him

Question by Deft. — State if you know the reason
why they did not come to a settlement

Answer — I do not know

Question by Deft. — Did the Plaintiff submit the
books to the examination or inspection of
the said Waller

Answer — He did not while I remained in the
room

Question by Deft. — State whether or not the
Waller did not request the Plaintiff to show
him the books —

Answer — I don't think he did while I was
in the room

W. H. Furgerson

The foregoing Depositions of A C Harris and
W H Hargerson, were this day duly taken
before me, read over, sworn to, and respectively
subscribed before me this 29th day of July
1850

L S Parrshall Jp

H H Burwell Surveying }
Partner of B & H H Burwell }

vs

Bury^d C Waller & others } W H Hargerson.
J O Marshall, and A C Harris each char-
-ged the Defendant with one days attendance at
Oxford, 50 Cts to and 24 Miles travel at 2¢ mile.
Also with two days attendance at Henderson
when the Defendant failed to attend to take
their depositions, Sworn to before me this
29th day of July 1850

L S Parrshall Jp

by hand

Oct 7th
Aug 13



Clerk of the Circuit Court of
Southampton County

Car of E W
Mansburg Va

Jerusalem
Va

1851
Return to Court Order Aug 16

1 month

Remitted by
to the
Mansburg Va

North Carolina }
Granville County }

In obedience to the enclosed Commission
issuing from the Circuit Court of Southampton
County, in the State of Virginia, in a certain suit
in Chancery in said Court pending, wherein H.
H. Burwell Surviving Partner of H & H Burwell
is Plaintiff, and Benjamin C. Waller, James E.
Merryman & Sampson & Reese are Defendants.
I, James M. Wiggins, a Justice of the Peace
in and for the County of Granville in the State
of North Carolina, have this 12th day of
August in the year of our Lord 1851, be-
tween the hours of nine in the forenoon and
six in the afternoon, at the Court House in
the town of Oxford in the said County of
Granville, have caused Horace H. Rowland a
Witness summoned by the Plaintiff in said
suit, to appear before me, and the said Rowland
being duly sworn on the Holy Evangelists of
Almighty God, ^{to testify and the truth to say} as to such matters as he may
know, touching the suit aforesaid, doth depose
and say as follows:

Question by the Plaintiff. Are you acquainted with
James E. Merryman the Defendant named
in the above mentioned suit?

Answer. I am.

Question by the Same. Have you at any time had
any conversation with the said Merryman
touching the claim of H. H. Burwell
Surviving Partner against him, & if
so, state what the conversation was,
when and where it took place.

Answer. In the town of Henderson in the County of

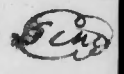
Chauville aforesaid. in the Spring of 1849. I think
in the month of April. the day after Mr Mer-
ryman returned from Virginia. I had a conver-
sation with Mr Merryman in which he informed
me that H. H. Burwell had been to Southampton
County to attach his effects in the hands of
Mr Waller his (Merryman's) father-in-law.
that Burwell thought he was very keen to
go down below Stony Run to take the Carri-
so as to get a head of him. that he did
get ahead of him one day, but as God would
have it, when Burwell got to Southampton
Mr Waller was not there, but had gone
to Petersburg - that he Merryman went
on to Petersburg - after getting there. Mr
Waller's lawyer was there & he (Merryman)
& Waller settled and fixed his matters so
that Burwell could do nothing with his
attachment. I asked him if he got his
money & he replied "No. stored I did
not get a dollar, but I have fixed it
so, that Burwell cannot get a cent
of his money." and he further said that
none of his creditors should ever have
one cent of his wife's money - he did
not intend it should go that way. Mr
Merryman commenced this conversation with
me, ~~being~~ being prompted thereto by my
questions from me.

and further this deponent saith not
Monac H. Rowland

J. James M. Wiggins, a Justice of the
Peace in and for the County of Chauville

and State of North Carolina, do hereby Certify
that the foregoing deposition of Monac H.
Rowland was taken before me, at the time
and place, as in the Caption, herein before
stated, that the same was read over by the
said Rowland, sworn to and subscribed
in my presence.

Given under my hand and
private seal (having no seal of office)
at Oxford, this 1st day of August A.D.
1851.

J. J. Wiggins J.P. 

Burwell &
res } Lomas Report
Murrayman &

1857 Sept. 22nd

Burwell

vs

Cherryman

Comrs. office, Sept 20th 1857

Pursuant to the decree of the Circuit Court
of Southampton at May Term 1857, in the above suit
in chancery. The Commissioner gave notice to the parties
to appear at his office in the Town of Lonsdale on the
19th day of August 1857, to render before him the accounts
required by said decree - On which day the parties sub-
being prepared. The comr. adjourned the taking of
said accounts to the 1st day of Sept 1857, at which
time they rendered before him the said accounts
which are herewith returned -

Wm. W. Cobb. Comr.

The following is a list of claims that were in the hands of H. A. Barwell belonging to the firm of Wolff & Merryman which were not collected, including those that were involved and those to which there were offsets. The whole of these claims were handed over to the firm of Wolff & Merryman on the 27th of August 1857, as was shown by a receipt exhibited before the Commissioner.

	Offsets		Involved	
John Valentine	3	94		
Alex. Butler	3	00		
Isaac G. Fisher			1	12
Thos. Cyprip			5	04
Wiley Mitchell				25
Alex. B. Hawkins			12	38
Wm. Brummitt				75
Jos. B. Delnan	194	75		
Hardy Harris	1	00		
George Kittrell	69	67		
Mrs. S. Reaves	2	25		
Travis Flannigan	4	75		
P. W. Wyche	5	25		
Wyche & Blackwell	2	15		
James Short				25
Mrs. Lindsay				75
Estate of Mrs. C. Williams			8	00
Mary E. Southall		63		
Wm. H. Stanton				13
Geo. W. Linn				50
J. H. Higgins			15	26
Richd. Ball				38
Thos. J. Blackwell	56	42		
Elizabeth Jones	7	60		
Lewis Robinson				87
Peter L. Reaves			6	29
Peter Hawkins	4	38		
continued				

	Assets	Insolvent
James Cooper		1 50
N. A. H. Goddard		6 25
Dr. Scott of Blacksville	8 50	
Thos. J. Best	1 50	
Baughan & Hughes	15 75	
Jno. Gresham		2 75
Jno. Cunningham		2 50
Isol Merritt		2 22
Wm. H. Hughes	1 00	
Nicholas Arrington per J. G. Finch		3 00
Wm. H. Zoning		8 50
J. D. Marshall	3 50	
Banyell Burrows	8 76	
Martin Zula	1 00	
Geo. T. Reaves	7 33	
Jno. W. Baskerville		126 43
Estate of B. Burwell	54 25	
B. Zula	3 95	
Saml. Reaves Sr.	5 61	
B & H. H. Burwell	9 65	
Henry Bull		3 50
P. F. Pescud	67	
James Turner	37 63	
Vincent Baughan	5 72	
Paul. A. Paschall	4 00	
Wm. Hicks	1 25	
Wm. Hayes	50	
H. H. Burwell	4 00	
Thos. Morris	18 00	
Jno. A. McManis	6 14	
Pecker Edwards		1 00
Nathan Robinson		4 00
Jno. Crews		4 50
George B. Reaves	17	
Continued		

	Assets	Insolvent
W. H. White	3 57	
B & G. R. R. per W. H. White	29 27	
Is. Merryman	5 01	
Mrs. R. Wynn		2 50
Is. A. Stallings	3 79	
Jno. P. Eaton	40 98	
Isaac H. Davis	13 47	
Jno. Wynn	60	
Is. Stampfer	25 00	
Wm. J. Merryman, note		21 74
Robt. Merryman "		6 00
Isaac G. Finch		5 04
Thos. Byrnes		1 12

The commissioner begs leave to report that the whole of the insolvent claims mentioned above were landed over on the 27th day of August 1857 by H. H. Burwell, to Wm. B. Wolff one of the partners of the late firm of Wolff & Merryman, and a receipt given in the name of said firm.

Respectfully submitted
Wm. B. Wolff

Elizabeth C. Waller

In account with Bayl's C. Waller her Guardian.

			Dr.	Cr.
1847				
Augt	16	By balance due the ward per report \$		1297 64
Decr	31	To cash paid B. E. & H. P. Pope, acct	33 22	
"	"	By interest on \$1297.64 to this day		29 19
"	"	To Commipions on \$29.19	1 45	
"	"	By balance due the ward	1292 06	
			1326 83	1326 83
1848		By balance due brought down \$		1292 06
Decr	3	To cash paid S. C. Mess, acct.	21 10	
"	20	" " " B. E. & H. P. Pope, "	93 62	
"	31	By interest on \$1292.06 one year		77 52
"	"	To Commipions on \$77.52	3 87	
"	"	By balance due the ward	1250 99	
			1369 58	1369 58
1849		By balance due brought down \$		1250 99
Feby	9	To cash paid B. E. & H. P. Pope, acct.	43 59	
"	"	" " " Pope & Darden, "	1 32	
"	"	To account due the Guardian retained	85 00	
April	20	To paid J. E. Merryman	450 00	
"	"	By interest on \$1250.99 to this day		22 91
"	"	To Commipions on \$22.91	1 14	
"	"	By balance due the ward	692 85	
			1273 90	1273 90
"	"	By balance due brought down \$		692 85
		with interest thereon from this date until paid.		

The Commipioner begs leave to report that The restraining order in the suit of Burwell vs Merryman &c. was executed on the defendant Waller on the 23rd day of April 1849, and the above balance of \$692.85 with interest from April 20th 1849, was the amount due at that time from Waller to Merryman who intermarried with Elizabeth C. Waller

Respectfully Submitted
Wm. H. C. Cobb Comr.

H. H. Burwell, surviving partner &
In account with Wolfe & Merryman

1849			Dr.	Cr.
May 10	To amt received from Mrs. W. Baskerville	\$	15 40	
" "	" " " " " Drury Turner		95	
" 26	" " " " " Geo. J. Reeves		1 09	
" 30	" " " " " Mrs. A. Spencer & Co.		1 50	
" "	" " " " " Jos. S. Jones		4 50	
" "	" " " " " Wm. C. Crabtree		40 80	
June 5	" " " " " Vaughan & Hughes		33	
" 11	" " " " " Elbert Cheek		27 19	
" 12	" " " " " Jos. B. Mann		25 17	
" "	" " " " " Wm. Brodie		12	
" 16	" " " " " Jas. A. Stallings		7 92	
Augt 9	" " " " " David Stone		1 25	
" 20	" " " " " R. A. Young		2 48	
" 28	" " " " " Wm. H. Bobbitt		2 00	
Sept 10	" " " " " Henry Fitts		75	
" 21	" " " " " S. J. Hayes note & Int.		70 82	
Oct 27	" " " " " Mrs. D. Hawkins		16 80	
Dec 5	" " " " " Jas. P. Hunnicutt		1 75	
" 6	" " " " " Geo. Wilson & Co.		15 80	
" 12	" " " " " Robt. Burton		1 00	
" 14	" " " " " R. P. Hughes		15 25	
" 24	" " " " " L. Cogbill		1 75	
Dec 31	By amt of two judgments retained		222 42	
" "	To balance due Wolfe & Merryman		31 72	
			254 14	254 14
1850	To balance due brought down	\$	31 72	
Jan 22	To amt recd. from Thos. Rowland		4 25	
Feby 5	" " " " " Morris Hart		11 87	
" 15	" " " " " George Kittrell		4 25	
" 26	" " " " " Benj. Wilson		2 50	
Mar 7	" " " " " L. H. Bupel		10 25	
" 9	" " " " " Thos. Morris		10 42	
	Amount carried forward	\$	75 26	

1850	amount brought forward	\$	75 26	
Mar 9	To amt recd. from Thos. Lemay, note		20 00	
April 8	" " " " " Geo. H. Rowland		4 30	
" 27	" " " " " Mrs. Vaughan		4 36	
" "	" " " " " Mrs. Coy		6 00	
May 9	" " " " " A. Cooke		4 25	
" 13	" " " " " Thos. Lemay bal. note		20 00	
" 23	" " " " " T. O. Marshall		2 22	
" 29	" " " " " Wm. H. Jordan note & Int.		4 80	
June 7	" " " " " Martin Fuller		1 00	
" 23	" " " " " J. H. Foster note & Int.		14 07	
July 13	" " " " " R. F. Birchell		50	
" 23	" " " " " P. Flagg		1 00	
Sept 7	" " " " " Thos. Lemay bal. note		7 06	
Oct 9	" " " " " S. G. Hayes bal. note		1 00	
Nov 1	" " " " " H. A. Barton		5 15	
" "	" " " " " E. P. Paschall note & Int.		93 15	
" "	By cash paid attorney			5 00
Nov 16	To amt recd. from Mrs. B. Debnau		18 63	
Dec 31	To interest on \$31.72 one year		1 90	
" "	To balance due Wolfe & Merryman			279 65
			284 65	284 65
1851	Amount due brought down	\$	279 65	
Mar 13	To amt recd. from Jas. Dickerson		1 70	
May 15	" " " " " Ford Faulkner		1 54	
July 31	" " " " " W. H. Young		1 37	
Augt 11	" " " " " Thos. Morris		26 25	
" "	To interest on \$279.65 to this day		9 75	
" "	To balance due Wolfe & Merryman			320 26
			320 26	320 26
" "	To balance due Wolfe & Merryman		320 26	
	with interest from this date -			

The commissioner begs leave to report that the above account shows the amount of funds

in the hands of H. H. Burwell belonging to the firm
of Wolff & Merryman on the 11th day of August 1857
and on the 27th day of August 1857. The said Burwell paid
over to Wm. B. Wolff one of the partners of the late firm of
Wolff & Merryman the whole amount of said funds.
and a receipt given in the name of Wolff & Merry-
man which was exhibited before the Commissioner.
The Commissioner is therefore directed by the plaintiff
to report that there are now no funds in his hands
belonging to the firm of Wolff & Merryman -

The defendant J. E. Merryman excepts to the above
account because he says that the said plaintiff
has not returned a correct account of all the funds
that have come into his hands belonging to
the firm of Wolff & Merryman.

Respectfully Submitted
Wm. B. Cobb
Comr.

Comrs. fee \$35.00 }
charged to the plff }
H. H. Burwell, }
Comr.

J. E. Meryman

To }

B. & H. W. Parwell

Feb. 13

—

1/16/13 One day after date I promise to pay to
B. & M. M. Burwell or order sixty six 1/3/000 dollars
value received prior to January 1st 1849 and bearing
~~interest~~ from that time. Witness my hand & seal.
February 11th 1849

J. C. Merryman (Seal)

J. E. Merymann
To
B. & H. H. Purwell
F1-0

7

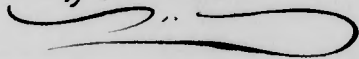
#50: One day after date I promised to pay to B.
2 W. W. Burwell or order fifty dollars, value received
prior to January 1st 1829 and bearing interest from
that time, Witness my hand & seal Feb: 11th 1829
J. E. Merryman Seal

J. E. Merryman

7/6 }

B. & M. W. Burwell

\$13.96



W

\$13.91 On day after date I promised to pay B. or
M. M. Purwell or order Sixty three 91/100 dollars
Value received. Witness my hand and seal this ap. 12th 1879

J. E. Merryman (Seal)

Koeff & Merryman
To
B. & H. H. Burwell

\$100

77

\$100. One day after date we promised to pay to B. &
H. H. Burwell or order. One hundred dollars. value received
prior to January 1st 1849 and bearing interest from
that time. this apl. 2nd 1849

Wolff & Merryman

Kolff & Meryman
To }

B. & H. H. Burwell

\$100

57

\$100: One day after date the promises to pay to
B. & H. H. Purcell or order One hundred dollars. Value
received prior to January 1st 1849 and bearing date
int: from that time this Apr. 2nd 1849
Hoelf & Merryman.

Wolff & Merryman
to }
B. & H. H. Barwell

\$100.

6

\$100: One day after date we promise to pay to
B. & W. W. Burwell or order one hundred dollars value.
received prior to January 1st 1849 and bearing interest
from that time this apl. 2nd 1849.

Collyf Merryman

Coleff & Merryman
To

B. & W. W. Burwell

Ans.

✓

\$100: One day after date we promise to pay to
B. & H. H. Brewster or order One hundred dollars, value
received prior to January 15th. 1849 and bearing interest
from that time this 2nd, 1849

Wolff & Merryman

Southampton County, To wit:

This 12th day of May 1899 I W. M. Mendenhall made
oath before me a justice of the peace in and for
the said County that James E. Mendenhall one
of the Defendants to a bill in chancery filed in
the Circuit Superior Court of Law & Chancery
for the County of Southampton by H. H. Burwell
surviving partner of B & H H Burwell, is not
a resident of the Commonwealth of Virginia
Given under my hand the day & year aforesaid
G. A. W. Newcomer J. P.

✓

Burnell

to } Sec. for.

Merrymann & Co

1857 May Term

Executed by delivery of the
City of Bathams Dally
for A. Myre & Co
Sherriff

The Commonwealth of Virginia To the Sheriff of Southampton County
Greeting Whereas in a certain suit in Chancery lately depending in our Circuit Court
of Southampton County between H. H. Burwell surviving partner of B & H. H. Burwell
late merchants & partners trading under the firm style of B & H. H. Burwell
plaintiff and Benjamin C. Waller, James E. Merryman & Sampson C. Reese Defendants
Sundry proceedings were had as appears from the records and files of the said Court but
before a final decree could be had in the said cause, the said Sampson C. Reese died
having first made his last Will and Testament and thereof appointed Mark T. Peete
and Edward P. Turner executors who have proved the same and taken upon themselves
the burden of the Execution thereof. And the plaintiff has applied for a writ of Reiv-
ficus against the said executors Therefore we command you that you make known
to the said Mark T. Peete & Edward P. Turner that they be before the Judge of our
Circuit Court of Southampton County at the Courthouse on the first day of the next
Term to show cause, if any they can why the suit aforesaid should not be proceeded in
to a final decree against them in their character aforesaid and be in all things
in the same plight and condition as it was at the death of the said Sampson C. Reese
And have there this Word Witness L. Edwards Clerk of our said Court
at the Courthouse the 31st day of March 1857 in the 75th year of the Commonwealth
L. R. Edwards Clk

The Commonwealth of Virginia To my Justice of the Peace for the County of Granville
State of North Carolina, who will certify himself as such. Greeting: -

Know ye that we trusting in your fidelity and provident circumspection
in diligently examining whatsoever witnesses on behalf of the Plaintiff
in a suit in Chancery depending in our Circuit Court for Southampton
County, between H. H. Burwell, surviving partner of B. & H. H. Burwell,
plaintiff and Benjamin C. Waller, James E. Mayman, & Sampson C.
Reese, defendants, command you that at such day and place as you
shall appoint, the witnesses aforesaid before you call and cause to
come and diligently examine on the Holy Evangelist of Almighty
God, and their examination into our said Court distinctly and plainly
without delay you send and certify enclosed, returning also this
writ. Witness, Littleton R. Edwards, clerk of our said Court, at
the Courthouse, this 23rd day of July 1857, in the 76th
year of the Commonwealth.

L. R. Edwards, C. C.