

1859-009

SOUTHAMPTON COUNTY
CHANCERY PAPERS

NURNEY and Wife vs US. GARDNER'S EXTRS. etal

5/1859

other surnames: Briggs, Gillette,
Cobb, Vaughan, Lawrence, Holland,
Harcum, Wiggins, Rawls, Laurence,
Joyner, Murfee

Turney & wife to
 } Papers

Gardners Exor: &c

Murney & wife
 } Stat. Rules.

Gardners Exor^s &c

Colle.	117. 75
Shff.	2. 50
L. fee	16. 30
	30. 35

1839 May

Colle.	118. 08
Shff.	4. 50
Com.	5. 00
	127. 58

Southampton Circuit Court

Harrison Nummy & Nancy his wife & Matthew Joyner adm^r of Fatima Gardner
his deceased wife.

against

Jesse Cobb & John W Gardner Executors of Jesse Gardner dec^d William Murfee adm^r
de bonis non with the will annexed of Jesse Gardner dec^d & William W Briggs Sheriff &
administrator de bonis non of Henry Gardner dec^d.

1857 Nov. 19th Summons issued return to Dec^r Rules.
Dec^r Rules Sum^r retⁿ Executed.

1858 Jan^y " Bill filed & D. N. v. Deft^s.

" Feb^y " Bill taken for confessed

" March " Cause set for hearing &c

" May T. Decree by consent.

" Aug 18th Amended bill filed & process joined.

" Sep^r R. Sum^r retⁿ Ex^r D. N. v. Deft^s Murfee & Gillette.

" Oct " Bill taken for confessed & Cause set for trial v. Murfee & Gillette

" Nov. " Cause set for hearing as to deft^s Murfee & Gillette.

" " T. Decree for account. &c

1859 Mar 31 Retⁿ

" May Decree do^o

Murray was

as 3 Bill is exhibit

Murray is also
Bardens Exor. of

1858 January Rules.

(3783 now do.)

To The Honorable Richard H. Baker judge of the circuit
court of Southampton County in chancery sitting

Humbly complaining your orators Garrison Murray and
Nancy his wife and Matthew Joyner administrator of Fatina
gardner dec'd his wife. shew unto your Honor that in the
latter part of the year 1835 or in June 1836 Henry Gardner
departed this life intestate and leaving considerable estate
(personally,) and leaving Nancy his wife and Fatina
gardner his only child his distributed and heirs at law
That Nancy his widow has since intermarried (and one
of your orators) with Garrison Murray and That Fatina
his child has since married your orator Matthew Joyner
and died in 1857 and at the October court (county) of
Southampton Matthew Joyner qualified as her administrator
as will appear by a certificate from the clerks office of that
court herewith filed marked A and prayed to be taken
as a part of this bill, your orators state that on the
death of Henry Gardner this intestate, his father
Jesse Gardner qualified as his administrator in January 1836
as will appear by a certificate from the clerks office of
the county court of Southampton herewith filed marked
B and prayed to be taken as a part of this bill, your orators
charge that the said Jesse Gardner never settled any account
of this transactions as admin^r of Henry Gardner and only
returned an appraisement of some little chattel estate
amounting to some \$90 in March 1836, your orators
state and charge that Jesse Gardner the father of
this intestate Henry Gardner died some two years
before the death of his son Henry Gardner gave to him
a negro boy named Joba as his own in fee simple
that this boy remained in Henry Gardner's possession from
the time of the gift up to the day of his death, and
that he remained with the widow even six months after
her husbands death, but that since Jesse Gardner

★ as will appear by a copy of the said appraisement taken from
the clerks office of the county court of Southampton herewith filed
marked C and prayed to be taken as a part of this bill

the administrator took possession of the boy Suba and he or his executor held him all the time afterwards until he was transported from the Commonwealth, your orators cannot conceive by what authority Jeph Gardner took possession of Suba and held him except as the fiduciary and trustee of your orators. They have made a careful examination and can find that he has paid no debts for his intestate as far as they can ascertain. Henry Gardner owed nothing, and therefore they charge that Suba was always held by the administrator in trust for their benefit. Your orators state that Jeph Gardner died sometime in the year 1846 having first duly made his last will and testament and that Jeph Cobb and John W. Gardner ~~qualifies~~ ^{qualified} as executors of his estate as will appear by a copy of the said will and certificate of administration herewith filed (marked C) and prayed to be taken as a part of this bill. Jeph Gardner gave his negroes among other things to his wife for life and your complainants Negro Suba passed into her possession. In November 1854 there was an order of the county court of Southampton removing or displacing Jeph Cobb and John W. Gardner executors from the management of Jeph Gardner's estate as will appear by a copy of the same herewith filed (marked D) and prayed to be taken as a part of this bill and at the August term of the county court of Southampton Wm. Murfee qualified as administrator de bonis non with the will annexed of Jeph Gardner died ~~as~~ will appear by a certificate from the clerk's office of the said court herewith filed (marked E) and prayed to be taken as a part of this bill. Elizabeth Gardner the widow of Jeph Gardner died in 1855 and Wm. Murfee qualified as her administrator also. On the 30th of October 1855 Jeph Cobb and John W. Gardner settled accounts of their transactions as executors of Jeph Gardner died and there was a balance that day due John W. Gardner of principal and interest of \$102.57

and a balance due Jeph Cobb of \$228.17 of principal and interest, all of which will more fully appear by copies of the said accounts herewith filed (marked F) and G and prayed to be taken as parts of this bill. Your orators show further that the slave Suba which they charge was held in trust for them by Jeph Gardner's estate was at the August Court 1855 of the county court of Southampton condemned to be hanged and his sentence commuted to transportation and his value fixed at \$800 as will more fully appear by a transcript from the record herewith filed (marked H) and prayed to be taken as a part of this bill. That on Dec. 3rd 1855 William Murfee settled an account of his transactions as administrator of Jeph Gardner showing a balance due the estate of Jeph Gardner of \$440.53 as will more fully appear by a copy of the said account herewith filed (marked I) and prayed to be taken as a part of this bill. By that account it appears he has paid the former estate the balances due them, and further also that on the 1st of September 1855 he received from the state of Virginia the sum of \$800 for Suba who was transported.

It becomes perhaps unnecessary for your orators to show why they have stumbled up to this time before they have asserted their rights, it was because they were ignorant of them, at the time of the death of their intestate Henry Gardner, Selma his daughter was a very young infant, and your orator Matthew Joyner states that at the time of her death in September last she was only twenty one or two not more than twenty ^{years old} then at the utmost your orators Murrey and his wife Nancy an ignorant laboring people and it is but very recently that they have come to a knowledge of their rights, and they charge that Jeph Gardner having taken possession of their slave lawfully as administrator and trustee for their benefit, that now neither he or his representative can take advantage of their own wrong.

your orator further state that at the next term 1857 of the county court of Southampton, the estate of Henry Gardner Dec'd was committed to Wm W Briggs Sheriff of Southampton and as such administrator de bonis non of this intestate all of which will more fully appear by a certificate from the Clerk's office of the said court herewith filed marked B and prayed to be taken as a part of this bill.

In tender consideration whomever and inasmuch as your orator an without remedy at law and only entitled to relief in a court of equity when such matters are cognizable they therefore humbly pray that, Jesse Cobb and John W Gardner executors of Jesse Gardner dec'd William Morris administrator de bonis non with the will annexed of Jesse Gardner dec'd and William W Briggs Sheriff and administrator de bonis non of Henry Gardner dec'd may be made parties defendant to this bill and compel them as full and perfect answer make to the allegations therein contained as if they had been themselves more fully and especially interrogated, that the court would direct all accounts to be taken that may be necessary and that the court would deem that William Morris as administrator of Jesse Gardner dec'd pay to your orator the sum of \$800 with interest from the 1st of September 1857 which he received for the sale of this slave Suba and which Jesse Gardner and his estate had held in trust and also hire for him at a reasonable rate, and also whatever balance may be found in his hands as administrator of Henry Gardner dec'd and received by Jesse Gardner in his lifetime, and that the court would grant such other and general relief the premises considered as equity may dictate and the nature of this case may require and as in duty bound your complainant will ever pray we
Shandas W Kilby G. G.

Turney wife &

or { amended
Bill

Wm Murfee admr &

1858 August 18th

To the Hon. Richard H. Baker Judge of the Circuit Court
of Southampton County -

Complaining shew unto the Court your Com-
plainants Harrison Murney and Nancy his wife and
Matthew Joyner admr. of Estina Gardner^{dec'd} his wife -

Your Complainants respectfully represent and shew
to the Court that in the month of November 1857 they
filed their Bill in this Court against Jefe Cobb,
John W. Gardner Executors of Jefe Gardner dec'd, William
Murfee admr. de bonis non with the will annexed
of Jefe Gardner dec'd, Wm W. Briggs Sheriff & admr.
de bonis non of Henry Gardner dec'd, having for
its object the recovery of the value of negro man
Jule and his hires of Jefe Gardner estate, which
said Jefe Gardner was the admr. of Henry Gardner
dec'd. - That the said suit progressed to a
hearing and at the May Term of said Court
in 1858 a decree was granted to the plaintiffs &
duly entered, decreeing that Wm Murfee the
admr de bonis non with the will annexed of
Jefe Gardner dec'd, pay to the plaintiffs out
of the assets of his Testator in his hands the
sum of \$208.40, with interest on \$90. paid there-
of from the 5th day of May 1858, and the costs
of said suit - That there were and are
now a large amount of assets in the hands of
said Wm Murfee as admr. of said Jefe Gardner
dec'd. as appears by exhibit (I. & K) filed in
the record - That an execution duly issued
on said decree against the said Wm Murfee as
admr. of said Jefe Gardner dec'd. for the amo-
of said decree aforesaid, and ^{which} has been
returned by the Sheriff of Southampton County
"no effects" as appears by a copy of said Execution
& Sheriff's return, filed herewith as part of this
Bill & marked "M. 1" - That the said Wm Murfee
qualified as admr. de bonis non of Jefe Gardner
aforesaid in Southampton County Court on
the 1st day of Aug 1853 and executed a Bond as
such admr. in the penalty of \$1500. with
Jos. E. ~~Little~~ his security, a copy of
which Bond is filed herewith & marked No 2
Your Complainants are advised and charge
that the Execution aforesaid having been returned

unsatisfied, and there being in the hands of, and
owing to, said Wm Murree as admr. of
Lepe Gardner decd a much larger sum than
is required to pay the same, the said —

Mr. E. Gillette the securities of the said Wm
Murree as such admr. are now liable
to your Complainants for the amount
of said Decree and execution aforesaid.

That the said Wm Murree has conveyed
all his estate by a deed of Trust to E.
W. Mapenburg for the benefit of his Creditors
& that the said Wm Murree is insolvent —

Your Complainants therefore pray that
the said Mr. E. Gillette may be required
to pay their aforesaid demand —

In consideration whereof your
Complainants pray that Wm Murree
admr. de bonis non of Lepe Gardner decd
and Mr. E. Gillette may be made
Defendants hereto & be required to answer
the same on oath, and that a Decree
may be granted your Complainants for
their demand aforesaid as prayed
for — and that all further relief
may be granted &c.

Shand
Kilby } p. v.

Nashua 20
as  Brewer
Seasons Esie

1858 May 5 filed by leave.

The Answer of William Murfer administrator de bonis non
with the will annexed of Jesse Saron, died to the bill of
complaint filed against him and others of Harrison
Nutting and others

This Defendant saying and alleging
all benefiting exceptions he for as much to the said
bill or so much thereof as he is advised it is mate-
rial or necessary he should make answer unto
answering such that it is true Jesse Saron
qualified as the adm^r of Henry Saron, but that
he believes the entire assets which came to his
hands did not exceed about \$90, and that the
slaves Inba mentioned in the Plaintiffs bill never
belonged to the said Henry Saron, but was the
absolute property of Jesse Saron at the time of
his death and always had been, and that if the
said slave was ever in the possession of the said
Henry Saron, or by his wife it was only temporarily and
as a loan from the said Jesse Saron. That the said
Jesse Saron never died the slave Inba as admin-
istrator or trustee but as his own property and did
so buying and regarding him, and that he never
never considered the property of the Plaintiffs either
of themselves or any one else. That the Pliffs Henry
& wife were poor and could ill bear, appeared to rest
on their claims if in truth they had been entitled,
and that the said Fatima was raised by Mr. Saron at
his own expense as if she were entitled no prop-
erty whatever, and was regarded as dependent on
his bounty. That the said slave has been kept by the
widow of Jesse Saron and this Defendant ever since
the death of said Jesse Saron in 1846 by a bill adver-
se to the claims of the Pliffs and was so kept before
that time by the said Jesse Saron himself, and
that the claims of the said Pliffs is stale and barred

by the act of limitations it having been more than
twenty years since the death of Henry Parsons
and more than ten years since the death of the
said Left Parsons, and having answered this
defendant prays leave to be admitted with
his costs &c.

Chambliss & Messing
for Deft

Sou Hampton Court to wit;
This day Wm Messing appeared before me a justice
of the peace in and for the said County and made
oath that allegations of the above answer are
true to the best of his knowledge & belief. Given
under my hand this 3 day of May 1858

9th

Sturmy Lane

by

Mr. J. W. Adams, Secy.
To be entered.

May count 1858

R. H. Baker

Murree sal:

17.

Gardner adm sal:

This day ^{17th} Murree ~~adm~~ de bonis non with the will annexed of Jesse Gardner dec^d, by leave of the Court, filed his answer to the Complainants' bill, & the Complainants filed their replication to said answer, & this cause came onto be heard on the said Bill taken for confessed as to all the other Defendants, they having been served with a copy of the process in this cause, and they failing to plead, demur and answer, & on the exhibits filed with the said bill & on the said answer, replication thereto and on examination of witnesses, and was argued by counsel; on consideration whereof the Court is of opinion, that the plaintiffs' demand as set forth in their Bill for the slave Juba this heris is not sustained by the pleadings and proofs in the case, and thereupon the Court doth adjudge order and decree that the same be rejected and disallowed —

and the Court, with the consent of the parties, & this cause adopting statement & filed in the same, doth by like consent of parties, adjudge order & decree that ^{17th} Murree adm. de bonis non with the will annexed of Jesse Gardner dec^d, pay to the plaintiffs out of the assets of his Estate in his hands the sum of \$208.40, with Interest on \$90.

part thereof from the 5th day of Mar 1838,
(And the court ^{by ahi consent} doth adjudge, order
and decree that the said W^m Murbee as
ad^{mn} as aforesaid, out of the assets of his
Testator in his hands, pay to the said
Complainants, their costs by them
expended in prosecuting this
~~cause~~ suit —

Turney &
or

Murfee and

1858

M. C.

Heckree

To be entered

R. H. Ballou

Turney &
vs.

Murphy adm &

This cause came on to
be heard on the papers formerly read & on the
amended Bill taken for confessed at
the rules & exhibits filed with said amend-
ed bill & was argued by counsel. On
consideration whereof the Court doth adjudge
order & decree that a Com of this Court
take and settle the transactions of
Wm Murphy as adm de bonis non with
the will annexed of Sephardus ^{deceased} ^{filed as Exhibit}
in doing which the account ~~settled~~
JHK in ~~reads~~ the original bill in this cause
shall be taken as prima facie
correct, subject to be surcharged &
falsified - and also make a
statement shewing the sums due
the plaintiffs under the proceedings
had in this cause - And make
report to Court of his proceedings under
this decree, with any matter specially
stated, deemed pertinent by him
or that any of the parties may
require to be so stated.

X
Turney &c

or.

Gardner &c

1859
May boat.

To be entered.

A. H. Parker

Nurney &c.
vs.

Gardner's &c.

This cause came on this day to be again heard on the papers formerly read & on the report of Com^r. Howard, made pursuant to the decree of Nov^r 2nd 1858 to which there is no exception (and was argued by Counsel; on Consideration whereof the Court doth confirm the said report (and doth adjudge, order & decree that Joseph E. Gillette pay to the plaintiffs \$120.68 with interest ~~thereon~~ ~~from~~ on \$90. part thereof from the 1st July 1858 till paid, and the costs of this suit

1858 March 16th. Service
of this notice acknowledged
for dependants.

Chambers & Messrs. p

288
288/1858
James F. Hunt & Son 28. 1858

James F. Hunt & Son

288/1858
James F. Hunt & Son

To Depe Cobb & John W. Gardner Exor. of
Depe Gardner dec'd. William Munroe
admr. de bonis non with the wife annexed
of Depe Gardner dec'd. & William W. Briggs.
Sheriff & as such admr de bonis non
of Henry Gardner dec'd.

Take notice that on the 22^d
day of March 1838 at the house of
Godwin Parker, in the County of
~~Southampton~~ Southampton, between the hours
of 8 a. m. & 5 p. m. we shall take
the deposition of Obediah Gardner
& others to be read as evidence for
us in a suit in Chancery now
pending in the Circuit Court
of Southampton County, wherein
we are plaintiffs and you are
defendants if not then taken
or completed, the same will be
continued from day to day till
finished -

Harrison Turney
Stacey his wife &
Matthew Joyner admr
of Fatima Joyner dec'd
by Shands & Kelly
attys

Atorney &
} Sum. Chy.

Gardners Exor. &

1857 December Rules

Executed by delivering
Copies to all within Town
parties Geo W Vick by
for Wm. Briggs shff

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING :

We command you to summon *Jesse Cobb & John W Gardner Exrs Jesse Gardner dec: William
Murphy admors de bonis novis with the will annexed of Jesse Gardner dec: & William W Briggs
Sheriff & as such admors de bonis novis of Henry Gardner dec*

to appear at the Clerks office of our Circuit Court of Southampton county at the Rules, to be
holden for the said Court on the first Monday in *December* next, to answer a bill
in Chancery, exhibited against *them* in our said court by

*Harrison Nurney & Nancy his wife & Matthew Joyner admors of Fatima Joyner dec:
his wife*

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said
Court at the Courthouse, the *19* day of *November* 185*7* in the *82^d*
year of the Commonwealth.

L R Edwards

Murray is als
or 3 Notice
Murray is als

Expended Nov. 20th
1857.

by W. B. H. Deft
for W. W. Briggs & S. H. H.

To William Morris agent of Cape Gardiner Deed
Sir

Take notice that I shall on Saturday
the 19th of December next at the village of Franklin return
the honor of sunrise and sunset presence to take the depositions
of Hardy Rawls and others to be made as evidence in my
Wharf in a certain suit now pending in the circuit court of
Southampton on the chancery side in which I and others are
plaintiffs and you and others are defendants. ^{sitting to them} The depositions
to be continued from day to day until finished

Yours etc

Harriet Murrey

Dec 20th / 1857

Executed Jan'y 22nd
1838 by delivering them
a copy of the within
Notice

See W. G. Deady
for W. B. Briggs & Co.

To Harrison Murney & Nancy his wife and Mathew
Joyner adm^r of Fathina Joyner dec^d his wife

Take notice that on the 2^d day of February, next
between the hours of 9 AM and 6 PM at the office
of Chambliss & Maffettburg in the town of Lees-
den we shall proceed to take the deposition
of Meredith Holland Thos Harscan &c to be used as
evidence for us in a suit now pending in the
Circuit Court for the County of Loudnampton
wherein you are Plaintiffs and we are Defendants

Given under our hands this 18th day of Jan.
1858

Lepe Cobb & Geo W Saron, Executors
of Lepe Saron dec^d - Wm Munfee adm^r de bonis non
with the will annexed of Lepe Saron dec^d

Wm Briggs Shff^r & adm^r
de bonis non of Henry Saron dec^d

By Chambliss & Maffettburg their attorney

Gardners Exr &c

vs { Exors

Nunny &c

To 2 day February 1858

~~Exors~~

Excentive

by W Gist Dspty
for Wm W Bongo stt

THE COMMONWEALTH OF VIRGINIA :

To the Sheriff of Southampton County—GREETING :

We command you to summon *Meredith Holland, Matt. W. Vanyhan, Tho. Barent*
Niles W. Lawrence, John W. Gardner, & Jesse Cobb

to appear ^{at} ~~before the~~ *Jessamine* ~~in~~ of our ~~Court of~~ Southampton county
at the Courthouse, on the *2nd* day of *February* next ~~Term~~ to testify and
the truth to say on behalf of *Wm. Murfee adm. Jesse Gardner dec^d*
in a certain matter of controversy in our said Court, depending and undetermined between

Mary wife of _____ Plaintiff and
David Enloe _____ Defendant.

And have then there this writ. WITNESS, LITTLETON R. EDWARDS, Clerk of our said
Court at the Courthouse, this *19th* day of *January* 1858 in the *82nd*
year of the Commonwealth.

L R Edwards Clk

Turney & wife 1st

& { Sum. chr.

Gardners ad.

1858 September Rules

Entered August

28th 1888 by delivering
each a copy

Geo Wood Depy
for Wm Briggs shft

The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—GREETING:

WE COMMAND YOU TO SUMMON

Wm Murfee admor. de bonis non of Josee Gardner de? of Joseph C. Gillette

to appear at the Clerk's office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *September next* — *an original & amended*, to answer ~~a~~ bill in chancery exhibited against *them* in our said Court by

Harrison Nurney & Nancy his wife of Matthew Joyner admor. of Fretina Gardner de? his wife

and have then and there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court House, this *18* day of *August* 185*8*, in the *83* year of the Commonwealth.

L.R. Edwards Clk

Harvey & Co

to the Commission

General's Office

Executed Feb 20
1834 by delivering
each a copy

G W Vick Deputy
for Wm W B nigg
S W

I acknowledge service of the within notice for the plaintiff
John R. Kelly P. C.

Murray & wife

v { Dep:
Hardy Rawley

Gardners Exors &c

Came to hand sealed Decr.
19 1857-

The Deposition of Handy Rawls taken at The
Village of Franklin on the 19th of December
1857 between the hours of sunrise and sunset
according to notice duly given at the store of
Gillett & Pultow to be read as evidence in favor
of Harrison Murney and Matthew Joyner administrators
of Fatina Joyner ^{his wife} as a certain rent now pending
in the circuit court of Southampton County
in chancery in the case of Murney vs or
Murney vs

Handy Rawls having been first duly sworn
on the Holy Evangelist of Almighty God deposes
and says as follows, I Jose Gardner told me
that he had given the negro boy Suba to his son
Henry Gardner on his marriage to Nancy Gleason
Henry Gardner settled at the place now in the
possession of Little D Williams away from his
father Jose Gardner's residence where he remained
until he died, to my entire knowledge
Suba remained in Henry Gardner's possession
from the time of his marriage up to the
time of his death which was as near as I
remember some two years ^{after his marriage}, Henry Gardner
at his death left a widow Nancy, and one
child Fatina Gardner who was about twelve
months old then, his only child

he died to the best of my recollection soon after
Christmas in the year 1836, I do not recollect
when Garrison Munn married Henry Gardener
widow Nancy, I was one of the appraisers of
Henry Gardener's estate, I saw Gardener qualified as
his administrator and then took possession of
the boy Iuba, I suppose the boy was then some
eight or ten years old, ~~the boy Iuba~~ was worth
the year the administrator I saw Gardener took
possession of him his victuals and clothes, ~~the~~ ~~next~~
from the age of ten to fifteen years of age I should
have considered him worth twenty dollars a
year, from the age of fifteen to twenty years I
should consider he was worth twenty five dollars
a year, from the age of twenty up to the time
he was condemned by the county court of
Southampton and transported I should estimate
his value at a hundred dollars a year.

I know that the boy Iuba given to Henry
Gardener by I saw Gardener is the same boy Iuba
that was condemned by the county court of
Southampton and transported for beating
Richmond Edwards, and further this deponent
saith not

signed

at

John Rauls

Southampton County to wit

The above depositions was taken
before me a justice of the peace for Southampton

bonely at the time and place mentioned in the
caption given under my hand this 14th of
December in the year 1853

Joshua Beaton J. D.

Gardner's Ex^{ts} & als

as } Depositions

Navy & als.

Handed in by H. S. Howard Com.
July 4. 1858-

The Depositions of Jesse Cobb, John W. Gardner, Math-
-ew W. Vaughan, W. W. Lawrence, Meredith Holland, Thos. Harman
and John D. Wiggins.
Witnesses of lawful age, taken before me, Henry S. Howard
one of the Commissioners in Chancery of the Circuit Court of
Southampton County, on this 2nd day of February 1858, at
the Office of E. W. Massenburg, in the Town of Jerusalem,
Southampton County, in pursuance of notice, to be read as
evidence on behalf of the Defendants in a suit now pending
in the said Circuit Court of Southampton County of Remy
Jals against Gardner's Exors. & als.

The Deposition of Jesse Cobb being first duly sworn deposes
and says: I know the negro boy Juba who formerly belonged
to Mr. Jesse Gardner. And after the marriage of his son Henry
Gardner the negro boy Juba went frequently backwards and
forwards from Jesse Gardner's to Henry Gardner's. His mother
staid at Jesse Gardner's - I ^{think} I was one of the appraisers
of Henry Gardner's estate (and do not now recollect
whether the boy was there or not at the time the estate
was appraised. The impression of the neighbors was
that the boy's clothes were furnished and washed at Mr.
Jesse Gardner. I lived only about two miles & a quarter
or two miles and a half from Mr. Jesse Gardner (and I
married one of his daughters - and visited in his family
frequently.

1st Question by Defendants Counsel - Did you ever hear in the
family or elsewhere until recently that Jesse Gardner had
given Juba to his son Henry?

Answer. I never did. He might have said so, but
never did in my hearing.

2nd Question by Defendants Counsel - Is not Mr. Hardy
Rawls a man who pretends to know something of every
body's business?

Answer. It is said that he is, but I cannot swear
to that fact myself.

Question by Plaintiffs Counsel. Did not Henry Gardner live on a farm off from his father Jesse Gardner at the time of his death and for some time previous?

Answer. He did - he lived on a farm belonging to Mr. Jesse Parker.

And further this Dependent saith not -

Jesse Cobb

Sworn to and subscribed before me as Commissioner in Chancery of said Court this 2^d day of February 1858.
Henry S. Howard, Com.

The plaintiffs by their Counsel excepted to the deposition of Jesse Cobb alleging that he is a party interested in this suit and also to all of his testimony which is hearsay - February 2^d, 1858.

Henry S. Howard, Com.

The Dependent John W. Gardner being first duly sworn deposes and says: "The boy Julia never staid at Henry Gardner's until after his wife was down and then only went back and forth for a few days at the time to wait on her to carry her wood and water. That was the case up to my brother Henry Gardner's death. I am the son of Jesse Gardner and was living with him at that time and had always lived with him up to that time."

Question by Defendants Counsel. Did not your father always act with and towards Julia up to the time of his your father's death as if he belonged to him?

Answer. He did.

Question by Defendants Counsel. When you qualified as the executor of your father, did you not receive and ever since regard Julia as your father's property?

Answer. I did.

Question by Defendants Counsel. Did your father in the life time of his son Henry always 'block Julia'?

Answer. He did.

Question by Plaintiffs Counsel. How old are you Mr. Gardner?

Answer. I think I shall be thirty or thirty one years old next March.

Question by Plaintiffs Counsel. How long has your brother Henry been dead?

Answer. I think some twenty years.

Question by Plaintiffs Counsel. How old were you when your brother died?

Answer. I was some ten or twelve years old I reckon.

Question by Plaintiffs Counsel. When did your brother Henry die?

Answer. When Mr. Seth Williams now lives on Mr. Jesse Parker's farm.

Question by Plaintiffs Counsel. Is your recollection very clear about circumstances that then occurred?

Answer. What occurred about Henry Gardner's estate I do not know much about in the settlement of his estate.

Question by Plaintiffs Counsel. Who did your brother Henry Gardner marry?

Answer. Mary Howell.

Question by Plaintiffs Counsel. Were you not a legatee under your father's will?

Answer. I was.

Question by Plaintiffs Counsel. Was there not a balance due you on the settlement of your executorial account of your father?

Answer. There was, but it has been paid.

And further this Dependent saith not.

Question by Plaintiffs Counsel. What year did Henry Gardner die?

Answer. I do not know what date it was, I do not recollect.

Question by Plaintiff's Counsel. How long did Henry Gardner live at the place he died at?

Answer. Two years I think.

Question by Plaintiff's Counsel. Were you going to school at that time?

Answer. Yes Sir.

Question by Plaintiff's Counsel. Did you board out or did you live at your father's?

Answer. I staid at my father's.

And further this Dependent saith not.

John W. Gardner

Sworn to and Subscribed before me as Commissioner in Chancery of said Court, this 2^d day of February 1858.

Henry S. Howard, Com.

The Dependent Matthew W. Vaughan being first duly sworn deposes and says: I know nothing of the boy Juba ever having staid at Henry Gardner's and never heard until lately that Juba belonged to Henry Gardner, when I heard Mr. Pauls say he was at Henry's when he died and that he belonged to Henry - Mr. Jesse Gardner married my half sister and I was intimate in his family. I never went to Henry's after he was married. He and myself had fallen out. I always thought that Juba was the property of Mr. Jesse Gardner.

Question by Defendant's Counsel. Is not Mr. Hardy Pauls a man who pretends to know a good deal of Henry's business?

Answer. I do not know.

Question by Plaintiff's Counsel. Do you or do you not know of your own personal knowledge whether there

any gift of Juba by Mr. Jesse Gardner to his son Henry?

Answer. I do not. I never heard of any such thing or thought of it.

And further this Dependent saith not.

Matthew Vaughan

Sworn to and Subscribed before me as Commissioner in Chancery of said Court, this 2^d day of February 1858.

Henry S. Howard, Com.

The Dependent W. W. Lawrence being first duly sworn deposes and says: I have seen the boy Juba in the possession of Henry Gardner, but how long he was in his possession or upon what terms or conditions I cannot say.

Question by Defendant's Counsel. Did not Jesse Gardner after Henry's death act with Juba as if he belonged to him?

Answer. He did. I always considered that he belonged to Mr. Jesse Gardner.

And further this Dependent saith not.

Walter W. Lawrence

Sworn to and Subscribed before me as Commissioner in Chancery of said Court, this 2^d day of February 1858.

Henry S. Howard, Com.

The Dependent Maudith Holland being first duly sworn, deposes and says: "If I mistake not I have seen the boy Juba at Henry Gardner's. I do not think he staid there but a very short time. I do not know where he was at Henry Gardner's death. I have always considered him as Jesse Gardner's property. I live about a mile and a half from Jesse Gardner's."

Question by Plaintiff's Counsel. Do you know of your

own personal knowledge whether Mr. Jesse Gardner
ever gave Julia to Henry Gardner.
Answer. "I do not."

And further this deponent saith not.

Meredith Hollens

Sworn to and subscribed before me as Commissioner in Chancery
of said Court this 2^d day of February 1858.

Henry S. Howard (Clerk)

The Deponent Thomas Harcourt being first duly sworn, deposes
and says. I have always regarded Julia as the property
of Mr. Jesse Gardner. I lived about a mile from Mr.
Jesse Gardner and was intimate in his family.

Question by plaintiffs' Counsel. Do you or do you not of
your own personal knowledge know whether Mr. Jesse
Gardner ever gave Julia to Henry Gardner.

Answer. I do not.

And further this deponent saith not.

Thos. Harcourt

Sworn to and subscribed before me as Commissioner in Chancery
of said Court, this 2^d day of February 1858.

Henry S. Howard (Clerk)

The Deponent John B. Wiggins, being first duly sworn,
deposes and says: I went to school at the House where
Henry Gardner lived and whenever Henry Gardner's wife was
sick the boy Julia was sent over there to wait on
her and he usually staid only a few days at the time
Question by plaintiffs' Counsel. How old were you
when you went to school at Henry Gardner's.

Answer. Was between eight and ten years old.

Question by plaintiffs' Counsel. Do you or do you not
of your own personal knowledge know whether Jesse

Gardner ever gave Julia to Henry Gardner.
Answer. I do not.

And further this Deponent saith not.

John B. Wiggins

Sworn to and subscribed before me as Commissioner in Chancery
of said Court, this 2^d day of February 1858

Henry S. Howard (Clerk)

Jesse Cobb

John W. Gardner

Matthew W. Vaughan

W. W. Lawrence

Meredith Hollens

Thomas Harcourt

John B. Wiggins

each one days attendance for \$04

Henry S. Howard (Clerk)

The Deposition of Obediah Gardner taken on this 22^d day of March 1858, at the house of Edwin Parker in Southampton County between the hours of 8. a. m. & 5 p. m. to be read as evidence in a certain suit in chancery (on behalf of the plaintiffs) now pending in the Circuit Court of Southampton County between Harrison Turney wife & others plaintiffs and Lefe both & others Defts. Taken pursuant to the annexed notice the said Obediah Gardner being duly sworn answers and says as is set forth in the answers below -

Present, John R. Kelly Plts. atty &
E. W. Mapenburg Defts. atty.
Quer. 1st by Plts. atty.

How old are you - where do you reside & what relation are you to Lefe Gardner & Henry Gardner dec'd
Ans. over 40 years of age, in the County of Southampton, the son of Lefe Gardner and the Brother of Henry Gardner.
Quer 2^d by same

When was the said Henry Gardner married and when did he commence keeping house

Ans. he was married about the year 1834
and commenced keeping house soon afterwards.
Ques. 3^d by same

Did you know a negro Boy named
Luba, and if so, was he in the possession of
Henry Gardner, and when and how long

Ans. I did, he was in his possession -
he was married in the spring, and at the
end of the same year, the Boy Luba was
sent to him, he remained from that Christmas
untill the following Christmas, and my Brother
Henry died between the Oct. and Nov. Christmas
Ques. 4th by same

What became of the Negro Luba after the death
of your Brother Henry Gardner

Ans. he remained with the widow of my Bro.
Henry untill the middle of April, when
my Father Life Gardner took him home
to drop corn

Ques. 5th by same

From the time the said Negro Luba was
first placed in possession of Henry Gardner
till Henry's death was he not treated and
recognized as the property of Henry Gardner

Ans. - Yes sir

Ques. 6th by same

At what time did the sale of Henry Gard-
ner's chattel estate take place and by whom
was it made

Ans. I do not exactly recollect, but I think
it was about ten days after the death of my
Brother Henry, and the sale was made by
my Father
Ques. 7th by same

What was the possession of the Negro Luba
after the planting Corn time above alluded to
Ans. My Father,

Ques. 1st by the Defendants

How long after your Brother's marriage
before his death

Ans. he lived nearly three years

Ques. 2nd by same At the time you state Luba was in the
possession of your Brother, was that possession
entire, or did he go backwards and forwards from
your Brother to your father

Ans. he was in possession entire untill sent
on errand

Ques. 3rd by same During this time did Life Gardner
furnish Luba's clothing

Ans. No Sir, Brother Henry done it -

Ques. 4th by same

By what act did Life Gardner ever
recognize Luba as the property of Henry Gardner
Ans. he sent him to him and that is all
further this deponent saith not.

Obediah ^{Life} Gardner
marks

Southampton County to wit

I Joseph B. Gillette a Justice of Peace
for the County of Southampton do certify that
the within deposition was taken and subse-
-cuted to before me at the time and place
specified in the Caption, and between the parties
therein named

Joseph B. Gillette J.P.

Expenses

Justice fee \$3.00
Writing fee \$.50

Money 3^d
vs Commis Report.

Gardner's & Co -

1857 March 31st

The Estate of J^{es} Gardner dec'd.

In account with Wmth. Murfee (adms & Harris now with the will annexed)

1855		Dr		Cr		Interest
Sept.	1	By Cash from State of Virginia for negro Julia condemned and trans- ported -			800 00	
		To Commissioners on \$800 00 at 3 percent		40 00		
		" balance		760 00		
			800 00		800 00	
Dec	31	By balance due the estate			760 00	
1856		" Amount received from sales of chattel estate and land.			4300 63	
		To Commissioners on \$4300. 63		215 03		
		By interest on last year's balance				45.60
		To Amount paid John W. Gardner balance due on his executarial account		108 87		
		" paid expenses of trip to Richmond for estate		20 00		
		" " appraisers		3 00		
		" " auctioneer		10 00		
		" " George W. Holland account		1 00		
		" " Jesse Cobb "		3 00		
		" " Clerk's tickets		7 30		
		" " Sheriff's ticket		1 50		
		" " Clerk's tickets		5 00		
		" " Commissioners fee		5 00		
Dec	31	" Balance due estate		4680 73		
				5060 63	5060 63	45.60
"	"	By Balance due estate brought down			4680 73	
		To amount due Jesse Cobb on his ex- ecutarial account which has not been paid though credited in the Administration account of Thos. by the Commissioners in the County Court to be deducted				242 80
"	"	By balance due estate			4437 93	
"	"	" Interest brought in			45 60	
"	"	By balance due the estate with Interest on \$4437. 93 until paid.			4483 53	
		Respectfully Submitted Henry S. Howard Comr.				

A Statement showing the amount due the plaintiffs under the proceedings had in this cause.

Amount of Judgment or Decree 5 th May 1858.	\$208.40
Interest on \$90.00 part thereof from the 5 th day of May 1858 to 1 st July 1858	82
Costs of Decree &c.	30 38
Amount due 1 st July 1858.	\$239.57
Credit paid 1 st July 1858.	118 89
Leaves balance due the plaintiff 1 st July 1858 with interest on \$90.00 part thereof from that day	\$120.68

Respectfully Submitted
Henry S. Howard, Comr.

Commissioner's Office
Jerusalem, March 25th, 1859.

To the Circuit Court of Southampton County:

Pursuant to an order of the Circuit Court of Southampton County rendered on the 10th day of December 1858 in a suit in Chancery depending in the said Court between a Purney wife & plaintiff and Gardner & wife Defendants, the undersigned one of the Commissioners of the said Court to whom was referred for settlement by said Decree an account of the transactions of Wmth Musfee administrator with the will annexed of Jesse Gardner dec'd and also make a statement showing the amount due the plaintiffs under the proceedings had in the cause reports to the Court that on the 17th day of January 1859, he issued notices against the several parties aforesaid requiring them to attend the settlement of the said accounts before him at his said office on the 10th day of February 1859, which were returned to your Commissioner duly executed. That Wmth Musfee the administrator aforesaid appeared before your Commissioner in obedience to said notices and he thereupon examined the vouchers, stated and settled the foregoing accounts. The Commissioner further reports to the Court that after the completion of the said accounts he retained the same in his office ten days for the examination of the parties, which with the Decree and notices aforesaid are herewith returned.

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

Henry S. Howard, Comr.

Comr's fee \$5.00 charged
to Plaintiffs

Statement

X

*adopted by the
court by consent
of parties.*

amr. of Henry Gardner's
appraisement made by
Lepe Gardner his admor.

amr. of Appraisement	\$ 90.00
Int. from 1 st June 1836	
to 5 May 1858 (22 yrs. less 25 days)	118.40
Total amr.	<u>\$ 208.40</u>

Exhibits filed
with Bill

These exhibits to be copied and filed with this case

- # Matthew Joyner admr of his wife Talina 1857 A
- # Jesse Gardner admr of Henry Gardner 1836 B
- # Jesse Gardner's will and Jesse Cobbs & Sons & Gardner admr 1846 C
- # Order concerning Jesse Cobbs & Sons & Gardner 1854 D
- # Wm Mumfres qualification on Jesse Gardner's est ~~est~~ E
- # Jesse Cobbs and Sons & Gardner acct of Jesse Gardner's est ~~est~~ & C
- # Wm Mumfres admr acct of Jesse Gardner's est ~~est~~ II
- # Order committing Henry Gardner's est to Sheriff 1857 B
- # Order appointing Peter to be Henry Cobbs' 1855- III
- # appraisement of Henry Gardner's est 1836 March IV

Murray &
2 } Exhibits with Bill

Bardens Export &

A & B

(A)

Southampton County Court. October 19 1857.

On the motion of Matthew Joyner who made oath and entered into and acknowledged a bond in the penalty of one hundred ~~conditioned~~ according to law (but without security the Court requiring none of him) Certificate is granted him for obtaining letters of administration on the estate of his dec^d wife Fátima Joyner in due form.

Attest

Jesto L R Edwards Ck

(B)

Southampton County Court. January 18 1856.

On the motion of Jesse Gardner who made oath and together with Samuel R Gardner and Harrison Parker his securities entered into and acknowledged a bond in the penalty of two hundred dollars conditioned according to law. Certificate is granted him for obtaining letters of administration on the estate of Henry Gardner dec^d in due form.

Attest

Jesto L R Edwards Ck

Will

Murray N^o

} Exh^l. with Bill

Gardners Ex^o. N^o

(G.)

In the name of God, Amen: I Jesse Gardner of Southampton Co. Va.
being weak in body but sound in mind do make and ordain this my last will
and testament in manner and form following. Viz.
First I give unto my son John W Gardner the tract of land wherein I
now reside to him and his heirs forever -
Secondly I lend unto my beloved wife Elizabeth Gardner during her natural
life all my negroes, stock and chattel estate and in fact all my estate
of every kind and sort whatsoever for her own use and benefit -
Thirdly after the death of my wife Elizabeth I give out of the above property
lent to my wife One hundred dollars to my grand daughter Ann Eliza Cobb
to her and her heirs forever -
Fourthly I give out of the above mentioned property lent to my wife, after her
death three hundred dollars to each of my children, except Randolph R
Gardner, Viz. Obediah Gardner, Dimpsey Gardner, James Cobb & Jno. W. Gard-
ner to them and their heirs forever -
Fifthly I leave after the death of my beloved wife, out of the property lent her
One hundred dollars in the hands of my son Jno. W. Gardner to be applied as
he may think proper for the benefit of Federal Gardner -
Sixthly If there should be more property after the death of my wife Elizabeth
than will pay the above legacies I then leave the balance to be equally among
my children Randolph R Gardner, Obediah Gardner, Dimpsey Gardner,
Jane Cobb and John W Gardner. It is not my intention to give my son
Randolph R Gardner any of my estate unless there should be more than
will pay the before mentioned legacies he having already rec^d. more than
his portion of my chattel estate.
Seventhly - I lend unto my beloved wife during her natural life the Britain
Cobb tract of land and after her death I leave it to be sold and thrown
in with the chattel estate and divided as before mentioned.
Eighthly I hereby appoint my son Jno. W. Gardner and friend Jesse Cobb to settle
my business and execute this my last will and Testament. I do hereby make
and ordain this my last will and Testament. Given under my hand and seal
this 29th July A.D. 1845.

Signed, Sealed, acknowledged
and delivered in the presence of }

Jesse^{his} Gardner (Seal)
make

Willis W Lawrence

Hardy Rawls

Charles Holland

At a Court held for the County of Southampton on the 21st day of September 1846
This last Will and Testament of Jesse Edwards dec^d was proved by the oaths of
Willis W Lawrence, Hardy Rawls & Charles Holland the subscribing witnesses thereto
and ordered to be recorded And on the motion of Jesse Cobb and John W Gardner
the Executors therein named who made oath and together with John Moore Jr. and
A. M. Howell their Securities entered into and acknowledged a bond in the penalty of
three thousand dollars conditioned as the law directs. Certificate is granted them for
obtaining a probate of said Will in due form

Teste L. R. Edwards Cky

Attest

Teste L. R. Edwards Cky

Atorney }
s. } Exhibt: with bill

Gardners Exors. }
s. }

D. J. E.

D.

Southampton County Court. November the 20th 1854.

On the motion of John Moore & A. M. Howell who are bound in this Court as securities for Jesse Cobb & John Gardner Executors of Jesse Gardner dec^d for the faithful discharge of the duties of their office or trust as executors aforesaid. This day came the said John Moore & A. M. Howell by their attorneys and it appearing that the said Jesse Cobb & John Gardner executors have had reasonable notice of this motion and of the order made at August Term 1854 requiring them to give a new bond with good security conditioned for the faithful discharge of their duties as Executors aforesaid in the penalty of \$3,000 and they failing to give said bond as directed. It is ordered that their powers as Executors aforesaid be revoked and annulled.

Attest

Jesse L. R. Edwards Clk

E.

Southampton County Court August the 21st 1855.

On the motion of W^m Murfee who made oath and gave bond and security according to law Certificate is granted him for obtaining letters of administration de bonis non with the will annexed of the estate of Jesse Gardner dec^d in due form

Attest

Jesse L. R. Edwards Clk

Turney & Co

Exh'ts. with bill.

Gardners Ex'rs & Co

704

(3)

The Estate of Jesse Gardner dec^d.

In Account with John W Gardner one of his Executors.

		D ^r	Cr.	Interest
1846				
	By Cash found in the house		10 00	
	To paid Taxes	13 90		
	" paid for Coffin	7 00		
	By balance		10 90	
		20 90	20 90	
Dec 31	To balance due the Executor	10 90		
1847	" paid Dr. Maspenburg med. bill	15 25		
	" paid Clerks tickets	3 25		
	" paid Dr. Maspenburg med. bill	1 00		
	" paid Dr. B. Jenkins account	10 63		
	" paid Dr. G. Cooper do	13 71		
Dec 31	To balance due the Executor	57 74		
1848	" paid Thomas Harcum	7 00		
	" paid Thomas Harcum	1 50		
	" paid Thomas Harcum	6 39		
	" Interest on last years balance	3 46		
Dec 31	To balance due the Executor	69 79		
1849	" Interest on \$69.79 etc from 31 st of Dec 1848 to 30 th October 1855 brought in	32 80		
Oct 30 1855	To balance due the Executor with interest on \$69.79 part thereof from this day till paid	102 59		
	Respectfully Submitted by Commissioners for \$5. Chy. to the executor			

Wm B. Shands Commissioner

Southampton County. In the Clerks Office the 22^d day of November 1855
This account of John W Gardners executorial proceedings on the estate of Jesse
Gardner dec^d ^{was returned} filed for exceptions. And at a Court held for the said County the 21st
day of January 1856 the said account having lain on the table and upwards in
the Clerks Office and there being no exceptions thereto, was examined. Confirmed &
ordered to be recorded.

Teste

L R Edwards Cky

at Hoppy

Teste

L R Edwards Cky

Fi.
The Estate of Jesse Gardner dec.
In account with Jesse Cobb one of his executors

1846		Dr		Cr		Interest
		\$	cts	\$	cts	
	By Cash found in the house			10	00	
	To paid Chambliss & Chapmanburg account	10	00			
	" paid James Mills bond	47	29			
	By balance			47	29	
		57	29	57	29	
Dec 31	To balance due the executor	47	29			
1847	" paid bond due Jesse Cobb	12	24			
	" Interest due Executor on last years balance					2.84
Dec 31	To balance due the Executor	89	53	89	53	2.84
1848	" Interest due on last years balance					5.17
Dec 31	To balance due the Executor	89	53			8.01
1849	" Interest due on last years balance					5.17
Dec 31	To balance due the Executor	89	53			13.18
1850	" paid Henning J. Smith balance due him	73	12			
	" Interest due on last years balance					5.17
Dec 31	To balance due the Executor	162	65			18.35
1851	" Interest on last years balance					9.76
Dec 31	To balance due the executor	162	65			28.11
1852	" Interest due on last years balance					9.76
Dec 31	To balance due the Executor	162	65			37.87
1853	" Interest on last years balance					9.76
Dec 31	To balance due the Executor	162	65			47.63
1854	" Interest on last years balance					9.76
Dec 31	To balance due the Executor	162	65			57.39
1855	" Interest on last years balance 10 mo.					8.13
		162	65			65.52
	To interest brought in	65	52			
Oct 30	To balance due the executor with interest on \$162.65 part thereof from this day till paid	228	17			
	Commissioners fee \$5.					
	Chg ^d to the Executor					
	Respectfully Submitted by					
	William B Shands Com					

Southampton County In the Clerks Office the 22nd day of November 1855

This account of Jesse Cobbs exonerated proceedings in ^{the Estate of} Jesse Gardner dec^d was returned and filed for exceptions And at a Court held for the said County on the 21st day of January 1856 The said account having lain one month and upwards in the Clerks Office and there being no exceptions thereto, was examined. confirmed and ordered to be recorded

Teste

L R Edwards Cky

Attest

Teste

L R Edwards Cky

Turney Jr

2 } Exhibits with bill

Gardners Exors &c

24. y 2

60 f

A

At a Court held for the County of Southampton on the 20th day of August 1855.

Iuba a slave belonging to the estate of Jesse Gardner dec^d who stands charged with a felony by him committed in this County and within the jurisdiction of this Court in this that he did on the fourth day of July in the year 1855, maliciously cut and wound, and by other means cause bodily injury to Richmond Edwards (a white person) with ^{intent} to kill the said Richmond Edwards, was this day a gun set to the bar in custody of the Sheriff of this County and being arraigned pleaded not guilty: And the Court having heard the evidence are unanimously of opinion that the said Slave Iuba is guilty of the offence wherewith he stands charged And it being demanded of the said Slave Iuba if any thing for had or knew to say why the Court should ^{not} proceed to pronounce judgment on him and nothing being offered or alleged in arrest or delay of judgment. It is considered by the Court that the said Slave Iuba be sold and transported beyond the limits of the United States - And the Court proceeding to value the said Slave Iuba doth fix the same with a knowledge of his condemnation at eight hundred dollars.

A Copy

Jesse L R Edwards Esq

The Estate of Jesse Gardner dec^d.

In account with W^m Murfee, adms de bonis non with the will annexed

		Dr		Cr		Interest
		\$	cts	\$	cts	\$ cts
1855	Sept 1	By cash from State of Virginia for negro Juba condemned and transported		800 00		
		To Commissions on \$800 at 5 pr. Cent.		40 00		
		" balance		760 00		
		800 00		800 00		
Dec 31	1856	By balance due the Estate		760 00		
		" amount received from sales of chattle estate and land		4300 63		
		To Commissions on \$4300 63 ct at 5 pr. Cent.		215 03		
		By interest on last years balance				45 60
		To amount paid J ^{rs} W. Gardner balance due on his executorial account		108 87		
		" amount paid Jesse Cobb balance due on his executorial account		242 80		
		" paid expenses of trip to Richmond for estate		20 00		
		" paid appraisers		3 00		
		" paid auctioneer		3 00		
		" paid George W. Holland account		1 00		
		" paid Jesse Cobb		3 00		
		" paid Clerks tickets		7 50		
		" paid Sheriffs ticket		1 50		
		" Clerks tickets returned		5 00		
		" Commissioners fee returned		5 00		
		" Balance		4444 93		
		5060 63		5060 63		45 60
		By Balance		4444 93		
		" Interest brought in		45 60		

Dec 31. By balance due the estate with interest on \$4444.93 ct. paid thereof from this day.

Respectfully Submitted by
W^m B. Shands Commissioner

Southampton County In the Clerks Office the 4th day of August 1857
This account of William Mearns administration do benevolent on the estate of
Jesse Gardner dec^d was returned and filed for exceptions And at a Court held for
the said County, the 21st day of September 1857 the said account having lain
one month and upwards in the Clerks Office and there being no exceptions thereto
was examined, Confirmed and ordered to be recorded

Teste

L R Edwards Ck

Aloopy

Teste

L R Edwards Ck

K

Southampton County Court November 16th 1857.
Ordered that W^m Briggs Sheriff of this County take into his hands the
unadministered estate of Henry Gardner dec^d to be administered according to law.
Attest

Teste L R Edwards Ck

556

24th

Gardner by me

Henry
Gardner by me

5

Inventory and Appraisement of Henry Gardner dec^d Estate taken by
Jesse Gardner adm^r March 3 1836.

4 Cups & 5 Saucers. 2 Pitchers. 2 baskets. 1 coffee mill spot.	1	81 1/4
1 Set knives forks 5 spoons. 1 Bed + clothing spinning wheel + cards	12	50
1 Small flat. 1 fish net. 1 cot basket. salt pork + Lard 10 of Pond	2	00
Blade fodder for hundred at 75¢. 12 bls corn for 1360 3.50. 1 cow + 9 pigs which hog }	61	00
1 Empty cask 2 axes. 1 Wading hoe 2 pots 1 sculler	3	87 1/2
1 for tongs + shovel 1 pan + spider 1 for flat iron	2	12 1/2
8 Sitting chairs 2 tables. 1 chest 1 tub + three pails	4	50
1 Trunk. 4 2 jugs 8 plates + 1 Dish. 1 bread tray & 1 bowl	3	00
4 Bushels of peas @ 75¢ ov.	3	00
	93	81 1/4

Southampton January Court 1836

Ordered that Lemuel Gardner. Jesse Parker. Hardy Rawls. & Randolph
Gardner or any three of them being first duly sworn before a Justice of the Peace
for that purpose appraise all the personal estate of Henry Gardner dec^d and return
the appraisement under their hands to Court.

Teste. J. R. Edwards Clk

Southampton City. to wit.

Appeared in persons Lemuel Gardner. Hardy Rawls
& Randolph Gardner before me Jesse Parker a Justice of the Peace for and in the
S^d City. and was duly sworn. Given under my hand this 3 day of March
1836

Jesse Parker (JP)

At a Court held for the County of Southampton the 21st day of March 1836
This Inventory and appraisement of the estate of Henry Gardner dec^d was return-
ed and ordered to be recorded.

Teste. J. R. Edwards Clk

Attest

Teste. J. R. Edwards Clk

Stearney to

to { Exb. N. 2 with
am? bill.

Gardners ad. to

Know all men by these presents that we William Murfee Joseph E. Gillitts
are held and firmly bound unto the Commonwealth of Virginia in the sum of fifty
hundred dollars, to the payment whereof we bind ourselves our heirs Executors and administrators
jointly and severally firmly by these presents Sealed with our Seals and dated this 21st
day of August 1855.

The condition of the above obligation is such that if the above bound William Murfee
as administrator de bonis non with the will annexed of Jesse Gardner deceased shall
faithfully discharge the duties of said office or trust according to law, then the above obligation
to be void otherwise to remain in full force and virtue -

Signed Sealed and acknowledged
in the presence of the Court } 3

Wm Murfee (Seal)
J. E. Gillitts (Seal)

Attest

Jesse. L. R. Edwards lcy

memo for
clerk

Major Edwards will issue spa. to sep rule,
w. Wm. Murphy adv. de t. n. of Lape Gardner
deed & Jm C. Gillette
to answer original damaged bill.

copy ~~of~~ of ~~the~~

Exn. sh. return & file track A01
also copy Bond of Murphy's qual;
as adv. of Lape Gardner track
no 2

Shands.
J Kilby }