

1876-17

Southampton County - Chancery

Williams, W. W. et al vs Kindred, John J et al

"2. settle Guardians
Accounts"

W. W. Williams +
Sallie Lindsey

Henry B. Kindred

W. J. Selsoch +
Elijahus Lindsey

John J. Kindred

Eddridge C. Mayot

David H. Kindred

personal representatives

A. B. Kindred

74

Williams. Wife &c

5 } Papers

Hundred

1876 May Dismissed

To Hon. Geo. Blow, Judge of the
Circuit Court of Southampton
County.

Humbly Complaining
shew unto your honor, your
Wife, W. W. Williams and
Sallie V. his wife, H. B. Kindred
and W. J. DeLoatch and Eliz-
abeth S. ^{his} wife

That J. J. Kindred on the 17 day
of Nov. 1862 duly qualified in the
County Court of said County as
guardian of your complainants,
Sallie V. then Sallie V. Kindred,
Henry Kindred, and Elizabeth S.
then Elizabeth S. Kindred, and also
of their brother W. H. Kindred and as
such guardian executed before said
Court his bond with B. B. Kindred
and Eldridge C. Probst as his sureties
in the penalty of \$40000. Conditions
according to law for the faithful
discharge of his duties as guardian,
^{which of which is hereunto filed}
and the said J. J. Kindred as the guardian
of your complainants, the said Sallie V.,
Eliz. S., and the said Henry Kindred
received into his possession. The restriction

estates of your said Comptroller,
which was of great value, and
although often requested he has
never rendered any account of
his transactions as guardian,
nor has he made any settlement
with them, but is greatly indebted to them.

That the said estate of H. B. Kindred
has lately departed this life, and
David H. Kindred has qualified
as his personal representative.

In under consideration
of the foregoing, your Comptroller
has the John J. Kindred,
Eldridge C. Moyer, and David
H. Kindred personal representatives
of B. B. Kindred may be
made parties defendant to this
bill & be required to answer the
same - & that the said J. J. Kindred
may be required to render a
full & perfect account of his
transactions as guardian of your
Comptroller, Pullin V. Henry
Kindred & Elizabeth S. V.
That the said Court does in a
proper settlement of said account
may be deemed to be paid your

complaints - and that all
other & further ruling be
granted in complaints
that the value of their com-
munity requires or to equity
shall be met to the great
benefit of the

very

14
talked with Mrs
J. Kinsaid
answer

This writing is to say that Geo. J. Kindred our late guardian has settled in full with us his late words this day and we hereby release and acquit him ~~from~~ all liability and responsibility whatever in connection with our late father's estate, either as his Executor, Commissioner to sell his real estate, or in any other capacity whatever. This receipt being intended as an acquittance to him from all demands whatsoever of every kind, as well as guardian.

And we do further release and acquit the said Geo. J. Kindred and Benjamin B. Kindred from all liability to us as sureties to James Mafette as our former guardian in his life-time, in consideration of money and stocks this day paid and transferred to us, as well as heretofore.

Witness our hands this tenth day of March A.D. 1871.

Witnesses —
David A. Kindred
E. B. Bantle

G. J. Kindred.
B. J. Kindred.
H. B. Kindred

William H
v

Kindred H

1873.

Mr. C. - or - filed

Answer of
Mr. J. Kindred

The answer of John J. Kindred to a Bill in Chancery, exhibited against him & others, in the Circuit Court of Southampton County by W. W. Williams & wife & others.

This Respondent says, That it is true he qualified in Southampton County Court on the 17th day of November 1862, as the guardian of David N. Kindred, and of the plaintiffs Sallie V., and Elizabeth S. late Kindred & Henry B. Kindred

That in the month of January 1863 he received of James Majette, late guardian of said plaintiffs Sallie V., Elizabeth S. & Henry B. Kindred: ~~that the said Majette~~, the sum of \$ for each of them — That the amounts thus received were in the notes of the Late Confederate States, & some Bonds against individuals and a Bond or scrip of the City of Portsmouth for \$1500 — That out of the funds thus received by him he only collected about \$700 — in gold money & about \$150 — Interest on said Portsmouth City Bond. —

That the only currency then passing was Confederate States notes, & was generally received & of the individual Bonds paid over to him, he collected in Confederate States notes —

That your Respondent expended the whole amounts thus received & many thousands of dollars more, for the schooling, clothing & expenses of said Sallie V., Elizabeth S. and Henry B. Kindred, and in paying expenses of said

parties negroes, in conveying some of them to Georgia &
some to Pittsylvania County Virginia, in order to try
to save them during the war -

That he kept a Book with the payments
made for said parties, but which was lost during the
late war, and he has no exact account of his
transactions as guardian of said parties, & your
Respondent says that no account is necessary.

That on the 10th day of March 1871, after
the said Sallie V. Elizabeth J. (sometimes called
Betty S.) and Henry B. Kinder, had become
of free & lawful age, and after full explanation
& without any undue influence, but with
entire willingness on their part, & being fully
satisfied on their part, that your Respondent
had done them ample justice, they, in the presence
of their brother David H. Kinder, signed and
executed a full receipt & release to your Respondent
for all matters & demands, connected with his
transactions as ^{their} guardian, which receipt is filed
herewith as part of this answer & is marked "A".

Your Respondent therefore says that the
plaintiffs are not entitled to any relief in
the premises, but that he & his securities on his
guardian Bond & on all other accounts, are di-
charged from all liability and responsibility on
account of the ^{alleged} claims of said plaintiffs; and
that the plaintiffs here should be dismissed.

and your Respondent will ever pray &c.
Jno J. Kinder

Southampton Vicar's Court Clerk's Office Nov. 7 1873.

John I Kundred this day made oath before me Clerk of the said Court that the facts set forth in the foregoing answer are true to the best of his knowledge and belief -

L.R. Edwards Clerk

Pub. Apr 30 1873, J. H. Edmunds &
Rev Sir: We send you Bill in William
re v Kendal, which please file -
Mr J. J. Kendal promised us that he would
see that process be served & return a
Subpoena - If they have not been
already served & returned, be so kind as
to see that they are executed & returned
in time to mature the cause for
hearing at the next term of the Cir: Ct.
For any favor we now or which
we may at any time owe you,
draw on us at your pleasure.
Yrs &c

J. H. Edmunds

Know all men by these presents, that we John S. Kindred Benj.
 D. Kindred & E. C. Maget and held and firmly bound unto the
 Commonwealth of Virginia in the just and full sum of forty thousand
 Dollars to the payment whereof well and truly to be made we bind ourselves
 our heirs, executors and administrators, jointly and severally firmly by these
 presents. Sealed with our seals and dated this 17th day of November AD.
 1862. The condition of the above obligation is such that if the above
 bound John S. Kindred as guardian of David H. Pallio C. Elizabeth
 P. & Henry Kindred orphans of Henry Kindred decd. shall faithfully
 discharge the duties of his office or trust according to law then the
 above obligation to be void or else to remain in full force and virtue.
 Signed, Sealed, and delivered
 in the presence of the Court

John S. Kindred Seal

Benj. D. Kindred Seal

Edwidge C. Maget Seal

At a County Court held for the County of Southampton on the 17th
 Nov. 1862. The Court doth nominate and appoint John S. Kindred
 guardian of David H. Pallio C. Elizabeth P. & Henry Kindred or-
 phans of Henry Kindred decd. And thereupon he together with Benja.
 D. Kindred and E. C. Maget, his securities (who justified on oath
 as to their sufficiency) entered into and acknowledged a bond in the
 penalty of forty thousand Dollars conditioned according to Law.

Teste.

J. R. Edwards Clk

A Copy Teste, J. R. Edwards Clk

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon *John J. Kindred, Eldridge C. Mayet and David St. Kindred personal representatives of B. B. Kindred decd.*

if *they* be found within your bailiwick, to appear at the Clerk's Office of our *Superior* Court of Southampton county, at the Rules to be holden for the said Court on the first Monday in *September next to answer a bill in chancery exhibited against them in and said Court by W. W. Williams & Sallie J. his wife, Henry B. Kindred & W. J. Deloach & Elizabeth & his wife*

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this *10th* day of *August* A. D. 187*3*, in the *98th* year of the Commonwealth.

L. R. Edwards *clg*
"

Williams Vileys &

to } Sams Chy.

Kindred &

August
1873 ~~July~~ Rules

Coincided
by order of Peff.

Attorney.

W. W. Briggs

The Commonwealth of Virginia

To the Sheriff of Southampton County--Greeting:

WE COMMAND YOU to summon *John I Kindred, Eldridge C. Magel, David
H Kindred personal representatives of B. B Kindred dec'd*

if *they* be found within your bailiwick, 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

August
Subt to answer a bill in chancery exhibited against them in our said Court by
*W. W. Williams & Gallie & his wife, Henry B. Kindred J. W. J. DeLoach &
Elizabeth & his wife*

And have then there this writ. Witness LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, this *30th* day of *May June* A. D. 187³, in the *97th* year of the Commonwealth.

L. R. Edwards

162 - 133

Williams George Esq

~ } Stat. Rules

Hindred Esq

In Southampton Circuit Court.

W W Williams and Sally & his wife, Henry B Kindred & W. J. DeLoach
& Elizabeth & his wife

^{against}
John I Kindred, Eldridge D. Magot & David St Kindred personal
representatives of B. B. Kindred

1873 Aug. 30th Summons issued

Sept 12

Summons not Executed. Bill filed. D. Nisi & Deft.

Oct 1

Bill taken for confessed & Cause set for hearing &

1876 May-

Dismissed

William, wife &c.

3

Kindred & al..

1873

Nov. Cir. Ct.
order

To be entered.

Geo. B. G. W.

Williams wife & al.

n

Kindred &

On the motion of Mr. J. Kindred
by John R. Kelly his attorney, the said John J.
Kindred is allowed to file his answer in this
cause which is accordingly done, to which the plaintiffs
filed a general replication & the cause is continued

William, Jr
r

Killed

1876

May. 21.

Final Decree

~~Heated~~

So he entered

Geo. T. Brown

Williams wife others

or

Kindred or

This cause came on this day to be heard on the Complainants Bill & Exhibit filed with the said Bill, and on the answer of the Defendant to said Bill was argued by Counsel.

On consideration whereof the Court, with adjudge, now decree that the Bill of the Complainants be dismissed, each party paying their own costs.