

1794-013

SOUTHAMPTON COUNTY
CHANCERY PAPERS

TAYLOR vs TAYLOR'S ADMINISTRATOR 3/1794

other SURNames: Fisher

Robt. Taylor
Mrs. Taylor
J. Taylor wmt. J

Bill to Edw. C. Taylor
~~J~~
~~E~~

March 1794 abates part
dead

2 3 2 1/2 Stephen

To the worshipful the court of Southampton county in
chancery sitting, I humbly complaining sheweth unto your
worships your orator Robert Taylor that sometime or
or about the nineteenth day of August in the year of our
Lord 1772 your orator's father William Taylor departed this
life, having first made & published his last will &
testament, & therein left a certain ^{Henry} ~~William~~ Taylor
of this county his executor, who took upon himself the
burthen & execution of the same, till sometime or
or about the sixth day of May in the year of our
Lord 1780 he the s^r ~~Henry~~ departed this life, leaving
a will, & certain Etheldred Taylor & Daniel Fisher
his executors.

Your orator further sheweth, that although the s^r Daniel
Fisher was left executor to the will of the s^r Henry, together
with the aforesaid Etheldred Taylor, yet the sole burthen
of the executorship was given to the s^r Etheldred, as he
was the only acting executor. Your orator further begs
leave to suggest unto your worships, that after the s^r
Eth. Taylor took upon himself the executorship
of William Taylor, (your orator's father,) he fell indebted
to the estate the sum of thirty nine pounds seven shillings
and six pence as appeared upon the books
in a settlement ^{or review} between your orator & the s^r
executor. But as it is may it please your worships
that the s^r Eth. Taylor, the executor, having some
months since departed this life, & administration
of all his goods & chattels, &c, being granted to John
Taylor of this county, he the s^r administrator combining
& confederating with divers other persons, (whose names
when discovered your orator prays may be made parties

to this his bill of complaint, with apt words to charge
them, to injure & oppress your orator both altogether
refused to settle with your orator for the balance
which was due from the s^r. Etheldred as ex^r to the
s^r. William, pretending & giving out in speeches
that there was no such balance, & there was that
he was not bound to settle the same, in
preference to other accounts. All which actions
& doings of the s^r. J^r. the adm^r of the s^r. Eth^r. who was ex^r
of the s^r. William whose heir & legal representa-
tive is your orator, are contrary to equity & good
conscience, & tend to the manifest injury of your
orator. In tender consideration whereof,
if you as much as your orator is properly
relievable in a court of equity, where matters
of this sort are properly cognizable. To the
end therefore that the s^r. J^r. Taylor, the adm^r
of Etheldred Taylor, who was ex^r of Henry Taylor,
who was ex^r of William Taylor dec^d. may
on his corporal oath, full, true, & perfect
answer make, to all & singular the allegations
of this bill, as fully as if they were again set
forth & repeated, but more particularly,
whether he is not the administrator of the s^r. Etheldred
Taylor, whether he the s^r. Eth^r. was not ex^r of Henry
Taylor, & he the s^r. Henry the ex^r of William Taylor
the father of your orator? Is not these the

sum of thirty nine pounds seven shillings & six pence
due your orator? hath he not wholly denied to discharge
the same, & hath he not still refuse? And that
this worshipful court may order & decree the s^r. J^r.
Taylor the adm^r to desist from paying away any
monies belonging to the estate of the s^r. Eth^r. till this bill
can be fairly heard, & then order & decree the afore-
said sum of thirty nine pounds seven shillings & six pence
or so much thereof as may appear just & reasonable to
be paid your orator in the prayer of your orator
& your orator shall ever pray &c -
May it please your worship to grant unto your
orator the commonwealths most gracious writ
or writs of subpoena &c -

J^r. D^r New ¹⁷17

④

Taylor and }
ads. }
Taylor } Aug 18 1844

The answer of John Taylor administrator of
Catherine Taylor deceased to the bill of
complaint exhibited against him in the
worshipful Court of Southampton
County by Robert Taylor: This respon-
-dent, now & at all times hereafter, reser-
ving to himself all advantages of exceptions
to the many errors & insufficiencies in the
said bill contained, for answer thereto,
or for so much as this respondent is ad-
vised is material for him to answer, he
answers & says; That it may be true that
William Taylor father of the complain-
ant departed this life in the year 1772,
having first made & published his last will
& testament, & therein left Henry Taylor
of this County his ex'or. It may be also
true that the said Henry Taylor took upon
himself the execution of the said will till
he departed this life in the year of our Lord
1700. It is also true that the said Henry
Taylor left a will constituting Catherine

Taylor & Daniel Fisher his ex'ors. This respondent also confesses that the said E. Melbred Taylor, some time since, departed this life; & that administration of all his goods, chattels &c. hath been granted to this respondent - But this respondent can, by no means, agree that E. Melbred Taylor dec'd. took upon himself the sole execution of the will of aforesaid Henry Taylor dec'd.; for this respondent well knows that the above named Daniel Fisher qualified as ex'or of the will of the said Henry Taylor, & was upon many occasions active in the executorship. This respondent knows of no settlement or review of books made by the complainant & his intestate; nor can he agree that the sum of thirty nine pounds seven shillings & six pence or any sum whatever is due from the estate of his intestate to the complainant. ~~But~~ he supposes that if any settlement had

been made, & balance found due, that some bond or note in writing of his intestate might be produced to ascertain such balance.

This respondent further answering ~~observes~~ ^{proves} that, altho the complainant should ^{prove} the above mentioned sum to be due (which however he utterly denies) yet, the complainant having failed to give him legal notice of the debt, all the assets of his intestates estate have been before consumed in discharging other debts, & this respondent had ~~already~~ ^{previously} fully administered the estate of his sd. intestate, of which full & true administration his respondent is now ready to render an account to the Court.

This respondent denies all combination & confederation with any; & prays to be hence dignified with his reasonable part of costs &c. &c.

C. Taylor. p. d.

Taylor

vs

Taylor vs

} Spa
in
City

D

Oct to Nov 1791

The Commonwealth of Virginia to the sheriff of
Southampton County greeting You are hereby Com-
manded to summon John Taylor J. adm^r with
the writ annexed of Est. Taylor dead to appear before
the justices of our S^d Court at the Chouse on the 2^d
Thursday in November next to answer a bill in
Chancery then there exhibited against him by
Rob^t Taylor & that he shall not omit under the
penalty of £100 wth exp^{ts} Wells clerk of our S^d Court
at the Chouse the 24th of October 1791 in the 16th
Year of the Commonwealth

Shewell D^s

For not appearing to answer a bill in chancery
exhibited against him by Robert Taylor

By Rule of court

In: D. Kaufmann Dk
②

Taylor

vs

Taylor's ad

Atta

for
cont

Novbr. 1792

Executed

Joseph D. ...

The commonwealth of Virginia to the sheriff of Southampton county greeting
We command you that you attach John Taylor jr administrator with the
will annex'd of Etheldred Taylor deed. so that you have his body before the
justices of our said court at the courthouse on the second Thursday in March
next to answer us as well of a certain contempt by the said John Taylor to
us offer'd as it is said as upon those things which to him then and there
shall be objected and further to do and receive what our said court shall
in this part consider. And have then there this writ. Witness Sam: Tello
clerk of our said court at the courthouse the 13th day of November 1792 in
the 17th year of the commonwealth.

In: D. Kaufmann D.C.

Taylor
vs
Taylor } Subpoena
 } in Can.

Nov 7th Mar 1792

Executed
Jno. Gurley D.

The commonwealth of Virginia to the sheriff of Southampton
county greeting: You are hereby commanded, ^{as before you were commanded} to summon John
Taylor adm. se. of Etheldred Taylor decd. to appear before the
Justices of our said court of Southampton at the courthouse on the
second Thursday in March next to answer a bill in chancery ex-
hibited against him by ~~William Davis~~ ^{Robert Taylor}, and this he shall not
omit under the penalty of £100. And have then there this writ.
Witness Samuel Kello clerk of our said court at the courthouse
the 18th day of November 1791. in the 18th year of the commonwealth

Jno: D. Kaufmann Clk