1855-042 SOUTHAMPTON COUNTY CHANCERY PAPERS

DUNN and Wife VS. DAVIS' ADMINISTRATORS et al
8/1855

other SURNAMES: Bittle, Turner, Beaton, Bryant, Jones

27.

Dunn Juice

v. } Papers

Davis' adm:

Bittles admor &c

1854 November

Dunn Lewis

v. } Stat: Rules

Davis' adrs. Dr

Clk	$ 8 24
Sheff	2 50
2 Jurs	15 75
	$ 26 49

William L Dunn & Emeline his wife formerly Emeline Davis

against

John I Brittle & Jacob Turner. admors de bonis non with the will annexed of Robert Davis decd. John I Brittle in his own right & Jacob Turner & Mary his wife formerly Mary Brittle. Edward Beaton & James D. Bryant & Robert L Jones Exors of N. B. Bryant decd

1854 July 18. Summons issued returnable to September Rules

" Sept. Rules. Sumt ret. Exr Bill filed. Ans of John I. Brittle & Jacob Turner as Admors &c of John I Brittle in his own right & of Jacob Turner & Mary his wife formerly Mary Brittle. Gen: Rep: thereto. Decree Nisi v Defts Beaton & Bryant & Jones Exors &c

" Oct: Rules (1st Monday). Bill taken for confessed as to Defts Beaton & Bryant & Jones Exors

" " " (last Monday. Cause set for hearing &c as to Defts Brittle & Turner Admrs Brittle in his own right & Turner the Defts on Bill. their ansr & Rep: and as to Defts Beaton & Bryant & Jones Exors on bill taken for confessed as to them

Demurrer
to 3 Bill
Bittle et al

1854 Sept Rules

To the Hon: Richard H. Baker judge of the Circuit Court of Southampton County.

In Chancery.

Humbly complaining your complainant Williams L. Dunn and Emeline his wife, formerly Emeline Davis, represent to the Court that Robert Davis late husband of your oratrix departed this life sometime in the year 1834, after having duly made and published his last will and testament which was duly admitted to probat in the County Court of Southampton at May term 1834, a copy of which is herewith filed and prayed to be taken and considered as a part of this bill - That some few months after her said husbands death, she gave birth to a son which was afterwards named Robert Davis, who departed this life in the year 1838, under age and unmarried - Your oratrix is advised that according to the will of her said husband Robert Davis herewith filed, at the death of her said son under age and unmarried, his whole estate belongs to her during her natural life, and at her death to John L. Bittle and Mary Bittle - That Mary Bittle has intermarried with one Jacob Turner. Your complainants further state that at the September term of the County Court of Southampton County 1852, John L. Bittle and Jacob Turner qualified according to law as the administrators de bonis non with the will annexed of the said Robert Davis dec.d her late husband aforesaid and entered into bond in the penalty of $1000. conditioned according to law with W.B. Bayard and Edward Beaton as their securities - a copy of which is herewith filed and prayed to be taken as a part of this bill.

That A. B. Bryant has departed this life, and James D. Bryant and Robert S. Jones have qualified as his executors according to law. That the said John I. Bittle and Jacob Turner have rendered before a Commissioner of the County Court of Southampton an account of their transactions on the estate of the said Robert Davis dec'd which account your Complainants have no reason to question, and are willing to admit is correct. A copy of which is herewith filed and prayed to be taken and considered as a part of this bill. That by the said account the said John I. Bittle and Jacob Turner are indebted to the estate of the said Robert Davis in the sum of $420.15 with interest thereon from Dec 31st 1852. That your complainants have applied to the said Bittle and Turner for payment of the said balance due the estate of the said Robert Davis dec'd and they have always refused and failed to comply with their just demands.

In tender consideration of the premises and inasmuch as your Complainants are without remedy save in this honorable court, it is prayed that the said John I. Bittle and Jacob Turner adm's de bonis non with the will annexed of Robert Davis dec'd, the said John I. Bittle in his own right and Jacob Turner and Mary his wife, formerly Mary Bittle, Edward Beaton, and James D. Bryant and Robert S. Jones executors of A. B. Bryant dec'd be made parties defendants to this bill - And that all of said defendants shall be compelled to answer on oath all and singular the matters herein stated as fully and particularly as if they were distinctly interrogated - That the said John I. Bittle and Jacob Turner adm's de bonis non with the will annexed of Robert Davis dec'd shall be compelled to pay to your complainants the sum of $420.15 with interest from Dec 31st 1852, the balance due from them to the estate of the said Robert Davis dec'd and in the event that they are not able to do so that relief may be given against their securities aforesaid. That if necessary an account may be taken of James D. Bryant and Robert S. Jones' transactions on the estate of A. B. Bryant dec'd and that your honor will decree such further and general relief as the nature of this case may require, and equity may dictate, and as in duty bound they will ever pray &c.

Cobb p.q.

Dunn & wife
vs } Answer of Defts
Bittle et als.

Filed by consent
W. W. Cobb.

1854 Sept. Rules

To the Hon. Richard H. Baker, judge of the Circuit Court of Southampton County. In Chancery.

The joint and seperate answer of John I. Bittle and Jacob Turner admrs. de bonis with the will annexed of Robert Davis dec'd. of John I. Bittle in his own right and Jacob Turner and Mary his wife, formerly Mary Bittle, to a bill of complaint exhibited against them & others, by William L. Dunn & wife.

These defendants having & reserving to them selves all benefit of just exception to said bill, for answer thereto, say that they believe the facts stated in Complainants' bill are true. That it is true as stated that Robert Davis son of Robert Davis dec'd. died in the year 1838, under age and unmarried. Respondents John I. Bittle and Jacob Turner admrs de bonis of Robert Davis dec'd. admit that the sum of $420.15 with interest from Dec 31st 1852. is now due from them, and that they are ready to pay it to complainants, but as they are entitled to the said amount after the death of Emeline Dunn, and as the said Complainants reside in Tennessee, they insist that before they shall be permitted to receive it, they shall execute bond to respondents conditioned that the said amount shall be forthcoming to them at the death of Emeline Dunn. And having answered pray to be hence dismissed &

By Wm. W. Cobb atty
for defts.

Dunn & wife

7·26 98 824 vs 3 Decree

Davis admx &

To be entered

R. H Baker

Ass Co. '54

Dunn & wife.

vs } Decree

Davis' adms. &c.

The bill of the complainants having been taken for confessed as to the defendants Edward Beaton and James W. Bryant and Robert S. Jones exor of A. B. Bryant dec'd. And they still failing to appear and answer, this cause this day came on to be heard on the bill of the complainants, answers of John I. Bittle and Jacob Turner adms. de bonis non with the will annexed of Robert Davis dec'd, and of John I. Bittle in his own right and Jacob Turner and Mary his wife, formerly Mary Bittle, replications thereto, and exhibits, and was argued by counsel, on consideration whereof the court doth adjudge, order and decree that John I. Bittle and Jacob Turner adms. de bonis non with the will annexed of Robert Davis dec'd, pay out of their own estate to William L. Dunn and Emeline his wife, formerly Emeline Davis, the sum of $420.15/100 with interest thereon from the 31st day of Dec 1852, and liberty is hereby reserved to the plaintiffs to apply to this court for further relief against the securities of the said John I. Bittle and Jacob Turner if it should become necessary. But the execution of this decree is to be suspended until the said William L. Dunn, or some other person for him, shall give bond with sufficient security in the clerk's office of this Court before the clerk of said court, in the penalty of $1000. And made payable to John I. Bittle and Jacob Turner and Mary his wife, conditioned that the amount of $420.15/100 shall be forthcoming to John I. Bittle and Jacob Turner and Mary his wife, at the death of his wife Emeline Dunn—

Dunn wife

vs

Bittle & others

Statement of W. W. Cobb

Dunn & wife
vs
Bittle & others 3

The condition of the bond executed by me in this case has been superseded by a decree of the County Court made at August term 1855. in the case of Bittle & others vs Dunn & wife & -

The whole amount has been paid out to Wm L. Dunn & wife, and to Edward Beaton who purchased the interest of John J. Bittle and Jacob Turner & Mary his wife, as will appear by receipts filed in my possession.

Augt. 1855.

Wm W Cobb

Dunn Griffs

vs } Dunn's Chy.

Davis admrs &c

1854 September Rules

The Commonwealth of Virginia:

To the Sheriff of Southampton County, Greeting:

We command you to summon John I. Bittle & Jacob Turner admors de bonis non with the will annexed of Robt Davis dec'd. Edward Beaton & James O Bryant & Robt S Jones Exors of Arthur O Bryant dec'd. John I Bittle in his own right & Jacob Turner & Mary his wife

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 to answer a bill in Chancery exhibited against them in our said Court by

William L Dunn & Emaline his wife

and have then there this Writ. *Witness*, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this 18 day of July 1854 in the 79 year of the Commonwealth.

L R Edwards Clk

Ef. on James D. Bryant by delivering to him a copy Aug.t 9/1854.

J. C Edwards Dept for Stello. Aff.

Ef on John S. Bittle Jacob Turner Edward Beaton Robert S Sorey Calvin S Bittle in his own right & Jacob Turner in right of his wife. Aug.t 10th. 1854.

Wm G Warren Dept. for S. Stello Aff.

Dunn for pl
vs
Edwards Dep.
Davis com.s Ex
1854 September Rules

(Copies)

Robert Davis's will

&

admors. bond

Dunn &wife

v } Exhbt with Bill

Davis's admo

38 & 30

In the name of God - Amen. I Robert Davis of the County of Southampton and State of Virginia being weak in body, but of sound and perfect mind and memory do make and ordain this my last Will and Testament in manner and form following to wit -

Imprimis. It is my will and desire that all my just debts should be paid.

Item. I loan to my beloved wife Emeline Davis all my estate both real and personal that I possess during her natural life or widowhood.

Item. In case my wife Emeline should have a lawful issue of my body, It is my will and desire that it should be raised and educated out of my estate -

Item. In case my wife Emeline should marry and my child should live, It is my will and desire that my wife should have one third part of my estate as a loan, and the other two thirds to my child for the benefit of raising and educating the same -

Item. It is my Will and desire in case my child should die under age and without lawful issue, I give to John S Coker my gun to him and his heirs forever. and at the death of - wife Emeline. I give all my Estate to John Battle and Mary Battle both real and personal to them and their heirs forever -

Lastly I do hereby nominate constitute and appoint my friend William Briggs Sr. Executor to this my last Will and Testament In Witness whereof I have hereunto set my hand and seal this fifteenth day of January eighteen hundred and thirty four.

Signed, Sealed, acknowledged, published and declared, in presence of

Robert Davis (Seal)

Benj[a] R Glover
Matthew Harris
William Bunt.

At a Court held for the County of Southampton the 21st day of April 1834.

This last Will and Testament of Robert Davis dec[d] was proved by the oath of Matthew Harris one of the witnesses thereto and continued for further proof. And at a Court held for the County aforesaid the 18th day of August 1834 the said Will was fully proved by the oath of William Bunt also a witness thereto and ordered to be recorded and William Briggs Sr. the Executor named in the said Will having appeared in Court and refused to take upon himself the burthen of the Execution thereof. On the motion of Eli Coker who made oath and together with John Denegre and Lewis N Branch

his securities entered into and acknowledged a bond in the penalty of fifteen hundred dollars conditioned as the law directs, certificate is granted him for obtaining letters of administration on the estate of the said Robert Davis with his will aforesaid annexed in due form.

Teste.

James Rochelle clk

A Copy

Teste L R Edwards clk

Know all men by these presents that we John Bittle & Jacob Turner, Edward Beaton & Nathan B. Bryant are held and firmly bound unto the Commonwealth of Virginia in the Sum of One thousand 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 20th day of September 1852.

The condition of the above obligation is such, that if the above bound John Bittle & Jacob Turner who have this day qualified as administrators de bonis non with the Will annexed of Robert Davis dec'd. in the County Court of Southampton 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

John J. Bittle (Seal)
Jacob his X Turner (Seal)
Edward mark Beaton (Seal)
N. B. Bryant (Seal)

At a Court held for the County of Southampton on the 20th day of September 1852.
This bond was acknowledged by the obligors therein named.

Teste

L R Edwards clk

A Copy

Teste. L R Edwards clk

Copy.

Account Current of
Robert Davis's Est:

Dunn & wife
v. } Exhbt. with bill
Davis's adm. &c

The Estate of Robert Davis dec^{d}

In account with John J. Bittle & Jacob Turner admrs.

			Dr.		Cr.	
1852						
Oct.		By amount rec^{d} from John S Coker admr. Martha Davis dec^{d}			173	66
		To Commissions Thereon	23	66		
		To paid Wm W. Cobb	25	00		
		" Clerks fee returned	1	00		
		" Commissioners fee returned	1	00		
Dec	31	By balance due the estate	423	00		
			173	66		
"	"	By Balance due brought down with interest thereon from this date till paid			423	00

Respectfully Submitted

Wm W. Cobb Com^{r}

The Com^{r}. reports that since the above acct. was made up the admrs paid a Clerks ticket of $2.\frac{85}{100}$ which being deducted will leave a balance due the estate of $420. 15 with interest from Dec^{r}. 31st. 1852

Wm W. Cobb Com^{r}

At a Court held for the County of Southampton the 18th day of April 1853.

This account of John J. Bittle & Jacob Turners administration on the estate of Robert Davis dec^{d} 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 Clk

A Copy

Teste.

L R. Edwards Clk

Dunn Yuise

& } Bond

Bible &c

Know all men by these presents that we Wm W Cobb & Wm H Nicholson are held and firmly bound unto John I Bittle and Jacob Turner and Mary his wife in the just and full sum of One 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 18th day of December 1854

The Condition of the above obligation is such that whereas in a suit in Chancery depending in the Circuit Court of Southampton County in which William A Dunn & Emeline his wife formerly Emeline Davis were plaintiffs and John I. Bittle & Jacob Turner admrs. de bonis non with the will annexed of Robert Davis decd. & others Defendants it was on the 8th day of November 1854 adjudged, ordered and decreed that John I Bittle and Jacob Turner admrs. de bonis non with the the will annexed of Robert Davis decd pay out of their own estate to William A Dunn and Emeline his wife formerly Emeline Davis the sum of $420. 15/100 with interest thereon from the 31st day of Decr. 1852. But the execution of the said decree was to be suspended until the said William A Dunn or some other person for him should give bond with Sufficient Security in the Clerks Office of the said Court, before the Clerk of the said Court in the penalty of $1.000 and made payable to Jacob I Bittle and Jacob Turner and Mary his wife conditioned that the amount of $420. 15/100 shall be forthcoming to John I Bittle and Jacob Turner and Mary his wife at the death of his wife Emeline Dunn. Now therefore if the said amount of four hundred and twenty dollars & fifteen cents shall be forthcoming to John I Bittle and Jacob Turner & Mary his wife at the death of the said Emeline Dunn, then the above obligation to be void or else to remain in full force and virtue.

Signed Sealed & acknowledged before me
in my Office as Clerk of the Circuit Court
of Southampton County the 18th day of
December 1854

Wm. W. Cobb (Seal)
Wm. H. Nicholson (Seal)
(Seal)

J R Edwards Clk