1855-011 Chancery Causes: Holly Whitley, widow of Joel Whitley & William D. Whitley's cont.

Isle of Wright County

Vs John Franklin Whitley, extor of Joel Whitley & al

other SURNAMES: Chapman, Edwards, TURNER

Holly & Whitley dal.

vs. Chy. papers

Whitley's Exor. & als.

Febry. rules 1853. Bill & exhibits & new Interr. &c. & other papers

Made Exhibits - Comm. retn. &c. & depos. rec'd & filed.

April Rules 1853. Ans. of Defts. Felix & Exhibits

May rules 1853. Bill taken for confd. as to adult defts. & set for hearing.

May Term 1853 - Decree.
A. 73. No. 2. p. 45.

Oct. 1855 final Decree
p. 55

may be required to disclose any other claims against the estate of his testator if any – that if any account may be taken of the same – that the sums aforesaid or such other sums as may be found to be due her in own right or as executor aforesaid may be decreed to be paid her by the said executor or his securities – that such other & further relief may be had as consists with equity & the nature of the case & your complainant will ever pray &c

Hayden pr

Kelly Whitley Dft.

vs.

3 Bills

Whitley's Exor. &c.

Filed Aug. 1857 pd. 10

enable amount, as will appear from an office copy of
the Inventory thereof, duly made recorded by the said
Exhibit executor, marked (C) & herewith filed as a part of this
C bill – that the amount of said personal property
was more than sufficient to discharge the testator's just
debts funeral expences & the few small specific legacies
mentioned in the 2nd clause of his will – that the
said executor rendered an account of his transactions
on the estate of his said testator before one of the commission-
ers of the county court aforesaid, who ascertained a bal-
ance of $960.08 due from the said executor to the estate
of his testator, on Sept 2nd, 1831, twelve months from his qual-
ification, with interest thereon from said date, which
report was duly confirmed by said court and ordered to be
Exhibit recorded as will appear from an office copy thereof
D marked (D) and herewith filed as a part of this bill –
your complainant is informed and so charges that
all the debts, funeral expenses, charges of administration
& specific legacies have been satisfied, and that the bal-
ance aforesaid is in the hands of said executor subject to
distribution among your complainant and the other re-
siduary legatees of his testator – that of the said bal-
ance of $960.08, your complainant is entitled in her
own right to one seventh thereof, amounting to $137.15 3/7
with interest from Sept 2nd 1831, till paid – that of
the said balance there is due to William D Whitley
one seventh share amounting to $137.15 3/7 & under the
latter part of the residuary clause of said will the said
William D Whitley is entitled to an additional sum of
$10.00 being 1/5th of the $50.00 therein deducted from
Eliza's share and equally distributed between the other
five children, of whom the said William D is one –
that the said sums aforesaid amounting to $147.15 3/7
is the amount due the said William D, with inter-
est thereon from Sept 2nd 1831 – that the said execu-

to although often requested so to do has not paid the sums
aforesaid or any part thereof, but refuses so to do, al-
leging other claims against the estate of his testator
that your complainant is in great need of the amount
aforesaid – that the said William D Whitley, is an
idiot of unsound mind – that your complainant
duly qualified as his curator & committee in the
County Court of Isle of Wight, at its March term
1832, in the place of his former curator Richard C
Edwards & entered into Bond according to law, as
will be seen from a certified copy of the order mak-
Exhibit ing said appointment & of said bond marked (E)
E herewith filed as a part of this bill – that the said chil-
dren mentioned in the residuary clause aforesaid
all survived the said testator and are now living –
that the aforesaid Catherine intermarried with
William Edwards, who has since died leaving the
said Catherine surviving – that the said Eliza in-
termarried with Zachariah Turner who has since
died leaving the said Eliza surviving – that the
said Mary intermarried with Richard C Edwards –
in tender consideration whereof and for as much as
your complainant is without remedy at law and
can only be relieved by the order of this honorable court
of chancery where matters of this sort are cognizable: to
this end your complainant prays that the said John
F Whitley in his own right and as executor of the said
Joel Whitley, Frances Whitley and James Chapman
sureties of the said executor as aforesaid, Catherine
Edwards late Whitley, Eliza Turner late Whitley
Richard C Edwards & Mary his wife who was Mary
Whitley and Joel F Whitley an infant by some one
appointed Guardian ad Litem to defend him in this
suit may be made parties to this bill & be required
to answer the same – that the said John F Whitley

To the Honorable Richard H Baker, Judge of the Circuit Court of Isle of Wight County, in Chancery sitting; humbly complaining, sheweth to the court, your complainant Holly Whitley widow of Joel Whitley deceased in her own right and as Curatrix & Committee of William H Whitley son of said deceased, who is of unsound mind that about the ___ day of Aug 1850, the said Joel Whitley departed this life, having previously made & published his last will and testament, which after the death of the said testator, was admitted to probat at the September term of the County Court of said county, when John F Whitley (the defendant hereinafter named) nominated executor therein qualified as such as will appear from an attested copy of said will with certificate of Probat & of said executorial qualification annexed, marked (A) and prayed to be taken as a part of this bill - That on the qualification of the said executor he with Frances Whitley and James Chapman as sureties entered into a bond in a penalty of $1600.00 conditioned according to law, as will appear from a certified copy of said bond marked (B) and herewith filed as a part of this Bill - That by the said will the said testator in the residuary 4th clause thereof directs the residue of his estate of every kind whatever to be sold and the proceeds equally divided between the said Holly and his six children William Daniel (the Plaintiff aforesaid) Catherine, John Franklin, Mary, Eliza, and Joel Whitley, the defendants hereinafter named, and by the latter part of said clause, that Fifty Dollars be deducted out of the share of said Eliza, and equally divided among the other five children aforesaid - That upon the qualification of the said John F Whitley as executor aforesaid, he possessed himself of the personal estate and effects of the said testator to a consid-

Exhibit A

Exhibit B

Whitley & al
v
Whitley & al
Answer of
Chapman
& Whitley

To the Hon. Richd. H. Baker Judge of the Circuit Court of Isle of Wight County.

The joint and separate answer of Francis Whitley and Chapman to a Bill filed against them & others by Holly Whitley &c.

These respondents saving & excepting &c. for their answer to so much of said Bill as they are advised it is material for them to answer, say, that it is true as is alleged in said Bill. That they united ~~in a bond~~ as securities with the said John H. Whitley in his executorial Bond executed by him as is set forth, but as to any other facts stated they have no knowledge and demand the strictest proof of all matters which affect the liability of these respondents. They had supposed, until this suit, that all the benificiary under the will of Joel Whitly had been fully paid off, and think it not a little suspicious that the complainants should have so long delayed calling for their Notes under the pretence of the securities which, as they intimate they lie under. & having answered pray hence &c.

Francis Whitley

James Chapman

G. R. H. Whitfield

Atty

Wheatley

vs 3 Injts. &c.

Wheatley

Apl 8. 1800 filed

To the Hon.ble Richard H. Baker Judge of the Circuit Court for the County of Isle of Wight, In Chy. sitting.

The Answer of Jos. T. Whitley an infant, by N. P. Conoy his guardian ad litem, to a Bill filed in this Court against him &c. by Holly Whitley in her own right and as Committee of William D. Whitley.

This respondent, by his guardian ad litem as aforesaid, appointed to defend him, saving & excepting &c. for answer to so much of said Bill as he is advised it is material for him to answer, says, that as he is an infant under the age of twenty one years, he neither admits or denies the allegations of said Bill, but begs leave, as he now does, to submit his interest in the premises to the protection of this Hon. Court. And having answered, prays hence to be dismissed &c.

N. P. Conoy G.d.a.l.

April 3.d, 1855.

Holly Whitley &c.

vs: 3 Issues. 3 in Chy.

John S.
Whitley &c.

To Feby. Mch Civ. Ct.
1803.

Hayden Sq.

Issued an Attachment
Willy Jones Sheriff
made & I. F.
Whitley and
Jesse Copley
Defendants

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON John F. Whitley Exr. of Jos. Whitley, and Francis Whitley and Jno. Chapman

to appear at the Clerk's Office, of our Circuit Court for Isle of Wight county, on the first Monday in February next, to answer a bill in Chancery to be exhibited against them by Kelly Whitley in her own right and as Committee of William Daniel ~~of a plea of~~ Whitley.

~~damages~~

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 22 day of January, 1855, in the 79 year of the Commonwealth.

N. P. Young c.c.

Holly Whitley v.
adv.
Jewell
in chy.

Whitley. Equity Docket.

To March rules 1835.
Cir. Ct.

Haywood for pff.

Execution by delivering
a true copy
to the within
named persons

Thos B Woody
D. for J. Hall Sh'ff

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County—GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON Catharine Edwards late Whitley, Eliza Turner late Whitley, Richard C. Edwards and Mary his wife, late Whitley, and Lucy L. Whitley an infant.

to appear at the Clerk's Office, of our Circuit Court for Isle of Wight county, on the first Monday in March next, to answer a bill in Chancery filed in said Court against them & others by Holly Whitley in her own right and as Committee or Curator of William D. Whitley

of a plea of

damages

and have then and there this Summons.

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 8th day of February, 1855, in the 79 year of the Commonwealth.

N. P. Young cc.

against the estate of his testator & the costs attending the recovery of the same Liberty is reserved the Plaintiffs to proceed against the securities & the executors bond of the said executor should this decree against prove unavailing — And the said Defendant Peter F. Whitby doth further say that they ~~Plaintiffs contribute~~ Defendants ought not to pay the costs of this suit —

Hall & Whitby
Sol. for Defts

Whitby &c
& als

Rec'd a Copy
this 7th June 1833
for the Defts

R. M. Barton

Holly Whitley &als
vs
Whitley's Exr &als.

This cause came on this day to be heard on the bill taken for confessed as to the defendants John T Whitley in his own right & as executor of Joel Whitley decd, Catherine Edwards, Eliza Turner, Richard C Edwards & May his wife, on whom process had been duly served, they still failing to appear & plead answer & demurr to the said bill; on the answer of the infant defendant Joel T Whitley with general replication thereto & the answer of Frances Whitley & James Chapman this day filed by the consent of the court, on the exhibits & was argued by counsel, On consideration whereof the Court doth adjudge order & decree that John T Whitley Executor of Joel Whitley decd pay to Holly Whitley Guardian of said Joel Whitley in his own right $137.15 3/7 with interest thereon from Sept 2nd 1851 till said 1/7th of $960.08, the balance shown by the executor of the said executor to be due by him to the estate of his said testator & to the said Holly Whitley as Committee of William J Whitley the sum of $147.15 3/7, with interest thereon from Sept 2nd 1851 till said 1/7th of said balance & the sum of $10.00 due the said William J Whitley under the clause of the testators will - but the Defts are not to have the benefit of this decree until they shall enter into bond with sufficient security in the clerks office of this court payable to the defendant John T Whitley Executor of Joel Whitley deceased, in a penalty equal to double the sums decreed to them respectively, conditioned to defend & save harmless the said John T Whitley Executor of Joel Whitley deceased, of & from any debts or demands which may afterwards appear

Holly Whitley
et als -
vs -
Whitley's Exr
et als

Rough draft
Oct - Term 1833

To be entered
R. H Baker

Endo.

5

Holly Whitley &c-

v

Whitley's Exec &c-

This cause came on this day to be heard on the papers
formerly read & the death of the defendant Jas Chapman, since the last term of the court, being suggested
by consent this cause is revived against John W. Chapman & James A Chapman Executors of said James
Chapman, & it appearing to the court by the return
on the executions issued under the decree herein
of May term 1835 against John T Whitley Executor
of Joel Whitley deceased, in favour of Holly Whitley
widow of Joel Whitley in her own right for the sum of
$137.15 3/4, & as committee of William G Whitley for the
sum of $147.15 3/4, with interest on said sums respectively
& for the costs of this suit, & office copies of which executions
& the returns thereon are filed in this cause, that said
executions have proved unavailing, whereupon on the motion of the plff
court doth (and) that Frances Whitley & the said
John W Chapman & James A Chapman Executors of the
said James Chapman out of the assets of their said
testator pay to the said Holly Whitley widow of Joel
Whitley in her own right the sum of $137.15 3/4 & to the
said Holly Whitley as Committee of William G Whitley
the sum of $147.15 3/4 with interest on said sums respectively from the 2nd day of Sept. 1837, till paid & the costs of
this suit.

Joel Whitley &c

Will

A Copy

Whitley 3/6/19.

Whitley &c

Exhibit A filed with
Complainants Bill

5th In case of the death of my son Joel Whitfield Whitley
before he attains the age of twenty one years, then and in that
case I give and bequeath the plantation herein before given
to him, to my son John Franklin subject however,
to the same one third to my wife Holly as is set forth
in the second clause of this will.
6th I appoint, Constitute and make my son John Franklin
and my friend Henry H. Womble My whole and sole
Executors to this my last will and testament. In witness
Whereof I have hereunto Set my hand and affixed my
Seal this 18th day of February 1846.
Signed, Sealed & delivered & acknowledged
by Joel Whitley in our presence
as & for his last will & testament

Witness
Henry Callcote
William Chapman
Charles Chapman

Joel Whitley (Seal)

In Isle of Wight County Court September 2nd 1850. The last
will and testament of Joel Whitley dec'd was proved by the
oaths of Henry Callcote and Charles Chapman two of the
subscribing witnesses thereto, and ordered to be recorded, and on
the motion of John F. Whitley one of the executors therein
named, (Henry H. Womble the other Ex'r. refusing to qualify)
who made oath - and with Francis Whitley and James Chapman
his securities, (who justified) entered into and acknowledged a
bond in the penalty of $1600.00, Conditioned according to
law, Certificate of probat is granted him on said will in
due form of law.

Teste

N. P. Young c.c.

A copy

Teste. S. C. Palmer D.C.

In the Name of God Amen. I Joel Whitley of the County of Isle of Wight do make, ordain and constitute this to be my last will and testament.

1st After the payment of all my just debts I Give and bequeath all the rest of my estate as followers-towit.

2nd I Give and bequeath to my dear wife Holly- the plantation on which I now live and owns intill my Son Joel Whitfield Whitley shall attain the age of twenty one years, And in case the said Child shoulds attain the age of Twenty one- and in case the said child should attain the age of Twenty one years before my wife should depart this life then and in that case my will and desire is, that my said wife, shall take one third of the said plantation according to quality and quantity to be held by her during her life, and then to revert to My Son Joel Whitley-. and further if my said wife Holly shoud marry before the said Joel Whitley shall attain the age of twenty one years, Then and in that case she is to take one third of the said Land to be held by her and to revert to my Sone as above, I also give to my dear wife to her and her heirs, one feather bed, bed stead & furniture.

3d. I Give to my Children, John Franklin, Mary, William Daniel and Joel Whitfield Whitley one feather Bed, bed stead & furniture to each of them and their heirs forever.

4th all the rest and residue of my estate of every kind whatever It is my will and desire shall be sold and equally divided between my wife Holly, and my children William Daniel, Catharine, John Franklin, Mary, Eliza and Joel Whitley to them and their heirs forever or to the survivor or survivors of them, It is my will and desire that out of my Daughter Elizzas proportion of her part of my estate, there shall be fifty Dollars deducted out of her proportion of said estate, and equally divided between my five Children, Namely, Catharine, John Franklin, Mary, William Daniel and Joel Whitfield Whitley to them and their heirs forever.

Bond of Jno. S. Whitley Ex.
of Joel Whitley dec'd.

A copy

Whitly
vs. Z Bly.
Whitly &c

Exhibit B filed
with complainants
Bill -

Know all men by these presents, That we John F. Whitley, Francis Whitley and James Chapman are held and firmly unto the Commonwealth of Virginia in the just and full sum of Sixteen hundred Dollars to the payment whereof well and truly to be made to the said Commonwealth of Virginia, we bind Ourselves and each of us, Our and each of our heirs, executors and administrators, jointly and severally firmly by these presents, Sealed with our Seals, and Dated the 2d day of Sept. One Thousand eight hundred and fifty. and in the 75th year of the Commonwealth. The condition of the above obligation is such, that whereas the said John F. Whitley who is appointed an executor in the last will of Joel Whitley dec'd has this day qualified in the County Court of Isle of Wight as such; Now if the said John F. Whitley shall truly and faithfully execute the office of Executor aforesaid according to law, Then this obligation to be void. or else to remain in full force.

Signed, Sealed, acknowledged and delivered in the presence of
N. P. Young &c.

John F. Whitley (Seal)
Francis Whitley (Seal)
Jas. Chapman (Seal)

In the County Court of Isle of Wight Sept. 2nd 1850.
This bond was ordered to be recorded.

Teste

N. P. Young &c

A Copy
Teste.

T. C. Palmer D.C.

Inventory & Appraisement
of the Estate of
Joel Whitley dec'd.

Whitley Adm.
vs. Ex. A. Copy
Whitley &c.

Exhibit - C - filed
with Complainants
Bill -

Books & looking glass $1. window curtains $1.	2 00
Bridle & Saddle $2. 50.	2 50
Carpet and floor mats $2.	2 00
4 Sows & pigs $25.	25 00
Lot ___ ac. $15	15 00
Lot Potatoes $15.	15 00
One Negro Girl $450.	450 00
	$1133 00.

John F. Whitley Exr.

In obedience to the order annexed, we the undersigned did meet at the late residence of Joel Whitley Decd. and Appraise the property of said Decd. to the best of our knowledge and ability, All of which is respectfully Submitted to the Court.

Chs. Chapman
Benj.a Chapman
Wm. Chapman

In the Clerks office of Isle of Wight County Court Nov.r 4.th 1850. The foregoing Inventory and appraisement was returned and Admitted to record.

Teste

N. P. Young cw

A Copy

Teste

F. C. Palmer DC

The Property belonging to the Estate of Joel Whitley Dec'd. Appraised this first day of Nov.r 1850 (Cont.)

Lot Spades, Shovels & Pitchforkes	2 50
Lot weeding & Grub hoes	1 50
Grind Stone $1. 6 plough hoes $1.50	2 50
Lot Ploughs & Swingletrees $1.50 ox yoke 50¢	2 00
Apple mill & Screws $8. Cider cask $2.50	10 50
Lot Pine timber $1.50. 2 Carts & 2 p.r wheels $18.00	19 50
1 Brandy Still $15. Lime Sieve & trough 25¢	15 25
Lot Cutting axes $1.50 Cart & Plough gear $2.	3 50
1 Crop Cut Saw $4, Lot Barrels $1.50.	5 50
Lot Carpenters tooles $3, Wedges & maul $1.25	4 25
Trowel & hachet 75¢.	75
Lot cotton $2.50. Still Jug &c. 50¢.	3 00
Lot Leather & Sheep Skins $2.	2 00
2 Rail Cars, flax brake & old apple mill 4/6	75
Tan trough, 2 Hand & hog troughs	1 00
Lot flax 3/ Contents in Kitchen $8.	8 50
Loom & Gear $6. Spining wheel & Chimney Mortor $2	8 00
Lot wood ware $2. Cooking implements $4.	5 00
Contents in Milk Dary $2.50.	2 50
4 Bbls. Brandy $35. Contents of Shed $5.	41 00
Contents of Smoke house $3.	3 00
Lot Bee hives 3/. 1 Gray mare $35.	35 50
Lot Coopers tooles $5. lot Bbl. Timber $2.50	7 50
Crop Corn $120, Crop fodder $20.	140 00
Top fodder & Shucks $5. Fat Hogs $72.	77 00
Lot Cattle $75. Garden Greens $2.	77 00
Lot Sheep $12. 12 Windsor Chairs $6.	18 00
Side board & Desk $12. 2 Tables $6.	18 00
2 Curtain Bed Stead & Slides $45.	45 00
3 Dr. & Tester Bd. $35. wash Stand Table & $2	37 00
2 Large Chest $2. 1 Liquor Case $1.	3 00
1 Gun $6. Contents in Side board $2.50.	8 50
1 Bofat & Contents $12. 1 Clock $2.	14 00

The Estate of

Joel Whitley

with Settlement

Jno. F. Whitley Exr.

A Copy

Whitley
vs.
Whitley's Exr.

Exhibit - A - filed with Complainants Bill -

Executor of Joel Whitley Decd: exhibites before your Commissioner a statement of all the money which he the said John S. Whitley had received or become chargeable with, & had distrused since the 2nd. day of September 1850— together with the vouchers for such distrusements, That you Comm.rs embrace the said executor in the list of fiduciaries whose accounts were before him for settlement, which was posted at the front door of the Courthouse of Said County on the first day of January Court last, And On the date of this report (ten days having elapsed since the said account was mentioned in said list) Made up and completed the foregoing account of the said John S. Whitley administrator of the estate of Joel Whitley decd: and finds a balance of $960, 08. due on the 2nd. day of September 1851. with interest till paid, from the Executor to the estate, The account is Supported by Satisfactory Vouchers And is herewith returned, Your Commissioner further reports. That he has examined whether said Executor has given such bond as the law requires— and whether it is in a penalty And with Securities Sufficient. & finds the same to be unobjectionable and fully sufficient. Given under my hand as Commissioner of said Court the day & year first aforesaid.

Geo. R. Atkinson

Time employed by Commissioner in examining Vouchers and in Stating and reporting the foregoing account 3 hours 20 minutes $2. 50. fee paid by Jno. S. Whitley.

Geo. R. Atkinson

In Isle of Wight County Court April 5th. 1852.
The foregoing account having been filed in the Clerks office of said Court— and no exceptions filed thereto was confirmed by said Court, and ordered to be recorded.

Test.

N. J. Young c.c.

A Copy.

Test.

T. C. Latimer D.C.

The Estate of Joel Whitley deceased
In account with John F. Whitley his Executor.

1850		To paid tax on probat	50
		" " R.C. Edwards a/c.	2 67
		" " W.F. Jordan taxes	2 57
Oct.	1.	" " J.N. & G.R. Atkinson a/c.	12
	4.	" " Willis Edwards for work on farm	1 12
		" " A. Layman for B.R. Smith work	88
Nov.	2.	" " Wm. Chapman, Appraiser	1 00
Dec.		" " Allen Edwards as auctioneer	2 50
	14	" " Mont J. Edwards a/c.	5 75
		" " Francis Whitley "	10 00
		" " C. B. Hayden atto. fee	5 00
1851.			
Janry.		" " R. F. Chapman as clerk at sale	2 00
	21.	" " J.B. Southall Med. a/c.	29 75
		" " Clerks tickets	2 57
		" " Thos. E. Adams a/c.	3 57
		" " Miles Edwards Bond	8 25
June		" " Joseph Parkerson for making Coffin	5 00
		" " E.N. Valentine a/c.	1 00
		" " Wm. Chapman as appraiser	1 00
		" " F.J. Vail Med. Services	8 50
		" " 5 P. Cent Comp. on $1114.94 Receipts	55 74
		" " paid Com. for Stating & reporting this a/c.	2 50
Septr	2.	" Balance due the estate p. Contra.	960 08
			$1114 94

1851.
June 10 By this Sum. proceeds of sale of chattle property
due this day. $1114 94

Commissioners Office, Smithfield.
February 13th. 1852.

To the County Court of Isle of Wight County
Your Commissioner reports to this Court, that on
the 5th. day of December 1851. John F. Whitley

Bond & qualifications
of Holley Whitley as
Curator for Wm D. Whitley

A Copy

Whitley
vs.
Whitley &c &c.

Exhibit E filed
with Complainants
Bill -

At a Court held for Isle of Wight County on the first day of March 1852.

On the motion of Holley Whitley (who made oath & with the Consent of Richard C. Edwards who was heretofore appointed Committee of William D. Whitley) She is appointed Committee of of the said William D. Whitley, and thereupon with John S. Whitley her security (who justified) they entered into bond in the penalty of $400, Conditioned according to law.

A Copy

Teste. S. C. Latimer DC

Know all men by these presents, that we Holley Whitley and John S. Whitley are held and firmly bound unto the Commonwealth of Virginia - in the Sum of four hundred Dollars. The payment whereof well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators Jointly and Severally - firmly by these presents, Sealed with our Seals. and dated this first day of March 1852. The Condition of the above Obligation is such, that if the said Holley Whitley who has been this day appointed by the County Court of Isle of wight County, Committee of William D. Whitley, a person of unsound mind, shall faithfully discharge the duties of her said office, Then this obligation is to be void, or else to remain in full force.

Holley her X Whitley mark (Seal)

John S. Whitley (Seal)

In the County Court of Isle of Wight. March first. 1852. This bond was executed & ordered to be recorded.

Teste

N. P. Young cc

A Copy.

Teste. S. C. Latimer DC

proportion of any debt or demands which may hereafter appear against the estate of said Jack Whitby, and the costs attending the recovery of the same according to the provisions and requisits of the laws aforesaid, then this obligation is to be void or else to remain in full force.

Signed, Sealed & Acknowledged in the presence of. } Polly (her mark) Whitby (Seal)
N. P. Young } Richard. C. Edwards (Seal)

Polly Whitby Adm.
to
Jno. F. Whitby Exor. &c.
Bill Whitby &c. Defts.

Recorded Feb. 27th. 1833.

$758.26

Know all men by these presents, that we Holly Whitby (in her own right and as Committee of William Daniel Whitby) and Richard C. Edwards are held and firmly bound unto John F. Whitby Executor of Joel Whitby dec'd. in the sum of Seven hundred and fifty eight dollars and twenty six cents. To the payment whereof well and truly to be made to the said John F. Whitby executor of Joel Whitby dec'd we bind ourselves and our heirs jointly and severally firmly by these presents. Sealed with our seals and dated this 27th. day of June 1835.

The Condition of this obligation is such, that whereas by decree of the Circuit Court of Isle of Wight County, pronounced on the 18th. day of May 1835, in the suit therein pending, wherein Holly Whitby in her own right and as Committee of William D. C. Whitby is plaintiff and John F. Whitby executor of Joel Whitby dec'd., Thomas Whitby and Isaac Chapman are defendants, it was decreed and ordered that said John F. Whitby executor of Joel Whitby dec'd. should pay to said Holly Whitby in her own right, the sum of $137.15 3/4 with interest from 2d. Sept. 1831, and to said Holly Whitby as Committee of William Daniel Whitby the sum of $147.15 3/4 with like interest, and also $10. and further decreed that the said parties should not know the benefit of said decree until they or some one for them, should enter into bond with security, in the penalty of double the amounts decreed to them respectively, conditioned to refund due proportion of debts or demands which should thereafter appear against the estate of said testator & the costs attending the recovery of the same.

Now therefore, if the said Holly Whitby in her own right and as ~~executor~~ Committee of said William Daniel Whitby shall well and truly pay them due

John Hancock
Button Gwinnett
Lyman Hall
Geo Walton
Wm Hooper
Joseph Hewes
John Penn
Edward Rutledge
Thos Lynch

Whitley v. Whitley Tdlr.

Bill of Costs to May Ct. 1833

Clerks fees	$ 8.35
Atto. Fees	15.75
Sheff.	4.00
Costs	$ 28.10
Add'l Costs of Atto. Term 33 3/4	3.60
total Costs	$ 31.70