

1843-001

SOUTHAMPTON COUNTY
CHANCERY PAPERS

BENDALL

VS

PETTAWAY'S ADM'R. Jal

10/1843

other surnames: Pettway,
Newsom, Petteway

Col's Costs \$ 9.35
 Staff " 2.70
 Com. 14.00
 Mr Bryant 6.00
 \$ 32.05
 L. Gu 10.66
 W. Tax 75
 \$ 49.46
 Add: Col's Costs 1.19
 \$ 50.65

Sp. Williams 74
 Mr Pettway 74 1.48
 \$ 32.13

~~15~~ ~~16~~ ~~17~~ ~~18~~ ~~19~~ ~~20~~ ~~21~~ ~~22~~ ~~23~~ ~~24~~ ~~25~~ ~~26~~ ~~27~~ ~~28~~ ~~29~~ ~~30~~ ~~31~~ ~~32~~ ~~33~~ ~~34~~ ~~35~~ ~~36~~ ~~37~~ ~~38~~ ~~39~~ ~~40~~ ~~41~~ ~~42~~ ~~43~~ ~~44~~ ~~45~~ ~~46~~ ~~47~~ ~~48~~ ~~49~~ ~~50~~ ~~51~~ ~~52~~ ~~53~~ ~~54~~ ~~55~~ ~~56~~ ~~57~~ ~~58~~ ~~59~~ ~~60~~ ~~61~~ ~~62~~ ~~63~~ ~~64~~ ~~65~~ ~~66~~ ~~67~~ ~~68~~ ~~69~~ ~~70~~ ~~71~~ ~~72~~ ~~73~~ ~~74~~ ~~75~~ ~~76~~ ~~77~~ ~~78~~ ~~79~~ ~~80~~ ~~81~~ ~~82~~ ~~83~~ ~~84~~ ~~85~~ ~~86~~ ~~87~~ ~~88~~ ~~89~~ ~~90~~ ~~91~~ ~~92~~ ~~93~~ ~~94~~ ~~95~~ ~~96~~ ~~97~~ ~~98~~ ~~99~~ ~~100~~

Bendall

as Papers

Pettway adm

1837 Apr. 1st Sp. a. i. p.
 " May- p. p. Executed
 " Aug. Bill filed to
 " Dec. set for hearing
 1838 Sept. Hon. ad. item app. 26
 infants
 " May- Ans. of infants GR Y.
 " Oct. set for hearing 4.
 " Dec. Diene for accounts
 1839 Mar. 28. Report.
 " Oct. 28. Report
 1840 ad. Diene for sale
 " Oct 29. Report
 " Report Confm.
 1843 Oct. Diene for Dood

Burdall
in 3
Pittman & others

Bell & Schults —

1837 July 24th.

Cap. B

(2100 allords)

Parker p. 4.

To the honorable Richard H. Baker Judge of the circuit
superior court of law and chancery for the County of
Southampton -

Humbly representing sheweth unto your honor your
complainant Isaac A. Bondall, that at a court held
for the County of Super, on the 5th day of May 1836, he
recovered a judgment against Henry Pittaway a minor
of Edmund Pittaway dec'd^{de} the sum of \$ 50 $\frac{82}{100}$ with
interest from the 7 of April 1836 till paid, and his
costs amounting to \$ 4 $\frac{56}{100}$, upon which execution issued
~~and was returned no assets~~, all of which will
more fully appear by copies of the judgment &
execution filed herewith and prayed to be taken as
a part of this bill -

Your complainant further states that the said
Edmund Pittaway departed this life in the year
1834, and that Henry Pittaway was adopted
as an heir, that he left some personal estate, which
has been partly consumed in the payment of debts
which he owed the said father and real estate, to a
larger amount, that your complainant demands
that it appears by report of commissioners held, returned
to the County Court of Southampton, a copy of which
is filed herewith, and prayed to be taken as a part of
this bill, that on the day of January 1836

that the said widow was indebted to the estate of her intestate
in the sum of \$ 29 ⁸³/₁₀₀, which will be first subject
to her complainant's demand, and he prays that
the said widow may be made defendant thereto,
& that if deemed necessary, that a commission
of this court settle and adjust an account of his
transactions upon the estate of the said Pettway
showing distinctly what debts have been paid by
the said widow which bind the heirs -

Your complainants further state that the said
Edwin Pettway, left a considerable real estate
situate in the county of Southampton, a widow
Minney, and the following children, all of whom
are ~~infants~~ under the age of nearly one year, Polly
& Martha William, ~~the~~ ^{the} ~~three last being infants~~ ^{under the age of one year} ~~and~~ ^{George, Peter and}
~~Edward~~ ^{the three last being infants} ~~and~~ ^{under the age of one year} ~~and~~ ^{and}
Mandell G. Pettway, ^{to whom a guardian}
and whom is prayed to be appointed, ^{of your complainants}
~~and~~ ^{and} ~~whom~~ ^{whom} are prayed to be made defendants thereto
with apt and proper records to charge them, &
that they may be compelled to answer the
premises, fully & unreservedly: that the said
widow may be ^{directed} ~~compelled~~ to pay your com-
plainant the amount of ^{specie} ~~specie~~ ^{amounting in}
his bonds and if they should prove insufficient that
upon the election of substitution, so much of the

real estate may be sold as shall be sufficient to
satisfy your complainant's demand, provided it
shall appear, that, ^{that} ~~amount~~ has been paid out of
the personal assets, in discharge of debts binding
the heirs, and that your honor would be pleased
to grant such other and further general relief law-
ful by the premises as may appear consonant to the
rules of equity, & that the Commonwealth's writ of
habeas corpus may upon command be & your com-
plaint will ever pray.

Per her f. g.

Bendall
no
Pittway's letters } Ann
of the
letter.

4

Collected

Bendall
vs
Pettway's ad & others } In Chancery.

The Separate Answer of Henry Pettway ad & H. E. Pettway.

This Respondent for answer to the Compt's bill or so much as he is advised it is at all material for him to answer, & answers, says, that the allegations in the Compt's bill contained are true so far as he knows & believes, but that since the settlement of his administration account referred to by the bill, another account has been stated, which shows that the estate is only entitled to five dollars & forty three cents —

a true copy of which is herewith filed & prayed to be taken as a part of this answer. Your respondent, also alleges that there are other judgment debts binding the estate, upon which executions issued, which were recovered prior to the Compt's, that he has since the last reports herein referred to disbursed in a legal course of administration more than \$5.00 whereupon he prays to be hence discharged with his costs by him in this behalf expended — and he will ever pray —

This H. E. Pettway made oath to the truth of the above answer, according to the best of his knowledge & belief
Given under my hand the 21st day of May 1838.

M. M. Sebrell M

Bendall

is } An. of Infants

Petherway &

Capit

1838 May 7th

To the Honorable Richard H Baker Judge of the Circuit Superior Court of Law
and Chancery for the County of Southampton in Chancery Sitting.

The joint and several answer of George Pettway, Peter Ann Pettway and
Amanda Pettway, infants under the age of Twenty one years, by Littleton R
Edwards guardian ad litem appointed to defend them, to the bill of Complaint
of Isaac Kendall.

The said defendants saving and reserving to themselves, and each of
them, all and all manner of advantages of exception to the many untruths,
errors, uncertainties, and other imperfections in the said bill contained, for answer
thereunto, or unto some of thereof as these defendants are advised it is mate-
rial for them or either of them, to make answer to, they answering by their said
guardian severally say - That they are Strangers to all and singular the
matters and things in the said bill of Complaint contained and they call
for proof of the several allegations contained in the said bill of Complaint
so far as their rights are concerned. And these defendants being infants of
tender years submit themselves to the judgment of this Honorable Court &
humbly hope that whatever may be their rights, title & interest in this suit,
shall be protected and saved to them - Without that, that &c.

L R Edwards for &c.

Southampton County Court

This day Littleton R Edwards guardian ad
litem to the aforementioned infant defendants, personally appeared before me a
Justice of the Peace for the County aforesaid and made oath to the truth of the
foregoing answer Signed by him - Given under my hand & Seal this 7th
day of May 1838.

John P Nicholas (Seal)

Wendell

to 3 Ans:

Let us say so

2

Copy

To The Honorable Rich^d H Baker
Judge of the current Superior
court of Iowa & Chy. sitting

The answer of Winny Pettway
widow of Edwin Pettway to the bill
of complaint of Isaac Beardsall.

Answering says she knows
nothing of the facts set forth
in the plff's bill but admits Edwin
Pettway left some real estate at
the time of his death which is in
my possession & having answered
sway to be dismissed with her
cost—

Winny Pettway

Southampton Chy to wit.

This day Winny Pettway personally
appeared before me a justice
of the peace for the county of me
said and made oath to the truth
contained in the foregoing an-
swer—

Sol. D. Parker (Jp)

Bendall
to J. Aul.
Pettway

Cooper

To the honorable Rich^d H Baker Judge of the
circuit Superior court of Law & Eqy. for the
County of Southampton setting

The joint & several answer of Polly Pett
way Martha Pettway to the bill of complaint
of Isaac Bendall

The S^d depts saving to them
selves each of them all manner of exception
to the many untruths errors & other imper-
fections in the S^d bill contained for answer
say they are wholly ignorant of the
situation of their said Father's estate
as they have never seen and are of
the adv. on the said estate and know
nothing of the plff's demand

They humbly hope that whatever may
be their rights in this suit shall be protect-
ed to them and having answered they
pray to be dismissed with their cost

Married S Pettway

Martha H Pettway

Southampton County to wit.

This day Polly & Martha Pettway personally
appeared before me a justice of the peace
for the county aforesaid & made oath
to the truth of the foregoing answer
signed by them

Jos. D. Parker (Jp)

Burdall

24

Pellmar

once for an
account —

Bendall

vs

Pittaway & others

This cause came on this day to be heard on the bill of the plaintiff and the exhibits ^{filed} therewith the executors of the infant defendants George Pittaway Peter Kemp Pittaway and Alexander ^{Amey} Pittaway by their guardian ad litem appointed to defend them in this cause & the answers of Mary & Pittaway & Martha H Pittaway filed by consent of parties the answers of Winney Pittaway the widow & Henry Pittaway the son of Edwin Pittaway dec'd and appearing to the satisfaction of the court that the defence in this cause has been served upon the defendants William Pittaway ^{& Lucy Pittaway} more than four months the bill as to ~~them~~ in relation for confessed, and was argued by counsel on consideration whereof the court doth adjudge order and decree that Henry Pittaway, with before circumstances of this case an account of his transactions as owner of the said E Pittaway, ^{dec'd} which circumstances are hereby directed to be stated the same, stating distinctly what debts of the intestate paid by his widow bound

the heirs, and that the said commissioner
shoules an account of the value and
annual profits of the real estates
of the said ~~William~~ which descended
to his heirs, ~~with~~ ^{with} such matters deemed
pertinent by himself or which may
be required by the parties to be so
stated.

Bendall

to { copy done
Pellways am of

Notice to 20th Feb 1839

At a Circuit Superior Court of Law and Chancery held for the County of South
ampton on the 19th day of December 1885

Isaac Randall.

Pff.

against

In Chancery

Henry Pettway admor. of Edwin Pettway dec. Henry Pettway
Polly S Pettway, Martha Pettway, William Pettway, Lucy Pettway
and George Pettway, Peter Pettway and Amanda B Pettway
infants by Pettleton R Edwards their guardian ad litem.

Dfts.

This cause (in which the Subpoena appears to have been executed on the Defendants
William and Lucy Pettway, and four months having elapsed since the filing
of the bill and the service of the Subpoena and they still failing to appear and
answer, the bill is taken for confessed as to them) came on this day to be heard upon
the bill the answer of the infant defendants and replication thereto, together with
the answers of Mary B Pettway, Henry Pettway the widow and Henry Pettway
the administrator of Edwin Pettway dec. this day filed by consent upon condi-
tion that no delay of the trial of the case should take place, and replications
thereto and exhibits filed, and was argued by Counsel. On consideration where-
of the Court doth adjudge, order and decree that the Defendant Henry Pettway
do render before a Commissioner of this Court an account of his transactions
as administrator of Edwin Pettway dec. which the Commissioner is hereby
directed to settle, state and audit, stating distinctly what debts of the intest-
ate paid by the administrator bound the heirs - and that the Commissioner also
render an account of the value and annual profits of the real estate of the
said Edwin Pettway which descended to his heirs, with such matters
specially stated deemed pertinent by himself or which may be required
by the parties to be so stated - And liberty is hereby reserved to all the
other creditors of the said Edwin Pettway to exhibit and prove their respective
demands before the Commissioner.

Attest

Teste L R Edwards lcl

At a Circuit Superior Court of Law and Chancery held for the County of
Southampton on the 19th day of Decr 1838

v Isaac Bindall

Plaintiff

against

Henry Pettway admr. of Edwin Pettway dec^d Winny Pettway

Polly S. Pettway, Martha Pettway, William Pettway Lucy

Pettway, and George Pettway, Peter Pettway and Amanda

G. Pettway, infants by Littleton R. Edwards their Guardian

ad litem.

Defendants

In Chancery

This Cause (in which the subpoena appears to have been executed on
the defendants William & Lucy Pettway, and four months having elapsed
since the filing of the bill and the service of the subpoena
and their ^{still} failing to appear and answer the bill is
taken for confessed as to them) came on this day to be
heard upon the bill the answer of the infant defendants
and replication thereto together with the answers of
Mary S. Pettway, Winny Pettway the widow and Henry
Pettway the administrator of Edwin Pettway dec^d. This day
filed by consent upon condition that no delay of the
trial of the case, should take place, and replication
thereto and exhibits filed, and was argued by coun-
sel. On consideration whereof the Court doth ad-
judge order and decree that the defendant Henry
Pettway do render before a commissioner of this Court
an account of his transactions as administrator
of Edwin Pettway dec^d. which the commissioner is
hereby directed to settle, state and audit, stating dis-
tinctly what debts of the intestate paid by the admin-
istrator bound the heirs - and that the commissioner
also render an account of the value annual profits
of the real estate of the said Edwin Pettway which
descended to his heirs, with such matters specially sta-
ted deemed pertinent by himself or which may be
required by the parties to be so stated. and liberty is
hereby reserved to all the other creditors of the
said Edwin Pettway to exhibit and prove their

respective demands before the commissioner.

Hoppy

Teste L R Edwards lcl.

Commr Office January 14th 1839

The parties interested in the settlement of the Account directed by the above order of the Court are required to attend at my Office on Wednesday the 30th day of February next with their evidence & vouchers for examination & settlement

See Lott Commr

July 20th 1839 the parties, not all having been notified to attend to day, the Case continued from day to day till March 1st 1839 on which day the Plaintiff & Defendant Henry Pittway admr. attended. The parties present stated they wish a final decree at the next term, without regard, when the report was handed in

See Lott

Randall dr
vs
Pittway

Cont to the 1st day
of March 1839
See Lott Commr

Henry J Pittway
March 14th Pittway
Henry Pittway

Isaac Randall

William R Pittway
Henry Pittway

July 28th me acknowledged due service of the within notice and return thereof

March 1st 1839 me acknowledged due service of the within notice and return thereof.

Southampton County March 15th 1839 the day named I appeared before the Court in person & put in a plea for so doing and made Certificate on July 27th last of Mr Edwards said acknowledgment due to said Court on July 28th 1839 Henry Pittway, William R Pittway, Isaac Randall all acknowledged due service of the within and its continuances, and on May 1st last Henry J Pittway, William R Pittway & Henry Pittway all acknowledged due service of the same, and all the same made the said a true copy of the within notice at the house of Mrs Henry Pittway per Henry Pittway of my order may stand the above date of M. Wallace 1839

Dear

April 4. '40

Bendall
Mr. }
Patterson &c.

This cause came on again to be heard
on the papers formerly read together with the
reports of ^{the} ~~the~~ committee made pursuant to the resolution
passed of the 19.th of Decr. 1838 and
to which reports no exceptions have been filed and was
argued by Counsel: On consideration taking of the
events concerning said reports ~~the court~~ ~~advised~~
that unless the heirs the heirs of Edwin Patterson
~~do~~ or some person on their behalf within forty
days from the return of this writ shall pay to
the plaintiffs the sum of \$63.55 with interest on
\$50.89 paid Henry from April 7. 1830 and on \$8. another
part Henry from this date all paid; to Henry Patterson
the sum of \$40.00 with interest thereon from Sep. 9
1837 all paid, and to Spratley Williams the sum of
\$84.54 with interest on \$68.37 from 10.th Feb. 1828

Bendall

2 } Copy Dues

Pottungs acc 8^d

1840 October 29th Repor
returned

Pursuant to the within decree to me directed, I have made sale of the land within mentioned, according to all the directions therein contained, & James E. Peters became the purchaser, being the highest bidder, for the sum of One hundred and fifty six dollars, on the 16th day of July 1840. I have taken the said James E. Peters bond with John W. Tillar security for the sum of One hundred and forty eight dollars & twenty cents, being the balance of the sale after deducting my commissions of 5% Cent. to wit. -

Edwin Pittways land subject to the within decree \$156.
 Comd. off 7.80

Bal. due creditors \$148.20
 and I have with return the bond. - all
 of which is respectfully submitted to the
 Court.

Edw. D. Rutts Clerk

[Signature]

Pendall

✓ } Keeping Dues

Pittways acc'd

1840 October 29th Repor
 returned

Received May 31 1841 of the Clerk of the Court of Hampshire Co. Vt. the sum of
 One hundred and forty eight dollars & twenty cents, being the balance of
 the sale of the land within mentioned on the 16th day of July 1840 by endorsement the 16th day of January 1841 which is the land
 referred to & filed with the above account.

Edw. D. Rutts

Southampton Circuit Superior Court April 2nd 1838.

Isaac Bendall -

Henry Pettway administrator of Edwin Pettway dec'd
against

Defts

Henry Pettway administrator of Edwin Pettway dec'd
Martha Pettway Polly Pettway Martha Pettway William
Pettway Lucy Pettway and George Pettway Peter Pettway
and Amanda B Pettway infants by Littleton R Edwards
their guardian ad litem

Defts

This cause came on again to be heard on the papers formerly read together with the report of the commissioner made pursuant to the decretal order of the 14th of December 1838. and to which report no exceptions have been filed and was argued by counsel on consideration whereof the Court confirming said report doth adjudge order and decree that unless the defendants the heirs of Edwin Pettway dec'd or some person on their behalf within sixty day from the rising of this Court shall pay to the plaintiff the sum of \$63.55. with interest on \$58.89 part thereof from April 7th 1836. and on \$6. another part thereof from this date till paid. To Henry Pettway the sum of \$40.06 with interest thereon from September 9th 1837 till paid. and to Sprattly Williams the sum of \$82.54 with interest on \$68.37. from 16th February 1828 till paid and the costs of this suit that Edwards Butts who is hereby appointed a commissioner for this purpose after giving thirty days notice of the time and place of sale by advertisement posted at the front door of the Court house of this County and also at some public place near the land in the proceedings mentioned sell at public auction the said Land subject to the dower of the widow of Edwin Pettway or so much as may be necessary to satisfy the sums above mentioned respectively due to the plaintiff to Henry Pettway and Sprattly Williams and interest thereon as aforesaid the costs of this suit and the expenses of sale upon the following Terms. the purchaser to pay in cash the expenses of the sale and to execute his bond with good security for the residue payable to the said commissioner six months after date. and the said commissioner is ordered to make report of his proceedings to this Court in order that a final decree may be had herein.

Attest Teste JREdwards ckl

1843 Oct Term

Bondell

vs

Pettaway & Co

Deceit

This day this cause came on again to be heard on the papers formerly read and the report of Commissioners made Oct 29, 1840. which report has been confirmed, and it appearing to the Court that no deed has been made to the purchaser of the Land of Edwin Pettaway, directed to be sold, ^{by consent of Pettaway} it is order, adjudged and decreed, That Edward Butts Commissioner be directed to execute to James E. Peters, the purchaser, a deed, with special warranty, for sd Land.

Bondall

13

P. M. M. y' s d m o r e t a l

decree -

To be entered

R H B

Bendall

^{my}
Pellaway's widow & others -

This cause came on this day to be further heard upon the papers formerly read together with the special report of Commissioner Lott and the report of Edwards Butts who were appointed for commissioner to sell the tract of land of which Edwin Pellaway died seized and possessed mentioned in the proceedings to neither of which reports inclosures have been filed, and was argued by counsel, upon consideration whereof the court confirming both ^{reports} decrees, with a scribe order and decree, that Edwards Butts, shall proceed to collect the bond taken by him, for the sale of the tract of land belonging to Edwin Pellaway which bond has been returned to this Court & is filed with the papers in this cause and was due and payable on the 1st day of last January & which said bond is directed to be delivered to the said Butts for the purpose of being collected, and the said Butts is directed to take all proper measures to collect the same as speedily as possible and when collected, forthwith pay of the amount, all proper charges and commissions for collecting the same, next the costs and expenses of this suit, ~~and then~~ ^{the said} pay over pro rata to the creditors, ~~the~~ ^{the said} Isaac A. Bendall & Spatley Williams & Henry Pettway, who appear Creditors of Edwin Pellaway what ever balance may remain in his hands ~~and make report to this court in order to a final decree~~

X and it appearing to the court by the decree entered herein on the day of in the year 1840 that the estate of Edwin Pettway is indebted to the following Persons as follows to wit to the said Isaac Bendall the sum of \$63.55 with interest on \$50.89 part thereof from Apr. 7. 1836 & on \$8 another part thereof

from the date of the said interlocutory decree till paid
to Henry Pelkey the sum of \$40.06 with interest
thereon from Sep^r 9. 1837 till paid, and to Spratt
Williams the sum of \$84.54 with interest ~~thereon~~
in \$68.37 from 16.th July 1828 until paid, it is further
ordered that the said Edward Beatty

Bondall

is

Pelkey's owner &c

doore

To be returned

R 4413

Bendall

v. } Copy Done
Jettways for 20

At a Circuit Superior Court of Law and Chancery held for the County of Southampton on Wednesday the 7th of April 1831

Isaac Bendall

against

Henry Pettway and Edwin Pettway dec. Murrey Pettway Poly I Pettway

Murtha Pettway William Pettway Lucy Pettway George Pettway and Amanda

I Pettway infants by Littleton R Edwards their Guardian ad litem Deft.

This cause came on this day to be further heard upon the papers formerly read together with the special report of Commissioner Cobb and the report of Edmund Butts who was appointed a Commissioner to sell the tract of land of which Edwin Pettway died seized and possessed mentioned in the proceedings to neither of which reports exceptions have been filed and was argued by counsel upon consideration whereof the Court confirming both reports doth enjoin order and decree that Edmund Butts shall proceed to collect the bond taken by him for the sale of the tract of land belonging to Edwin Pettway which bond has been returned to this Court and is filed with the papers in this cause and was due and payable on the 16th day of last January and which bond is directed to be delivered to the said Butts for the purpose of being collected and the said Butts is directed to take all proper means to collect the same as speedily as possible and when collected first pay out of the amount all proper charges and commissions for collecting the same, next the costs and expenses of this suit. And it appearing to the Court by the decree entered herein on the 11th day of April in the year 1828 that the estate of Edwin Pettway is indebted to the following persons as follows to wit to the plaintiff Isaac Bendall the sum of sixty three dollars and fifty five cents with interest on fifty dollars and eighty nine cents part thereof from April 7th 1836 and on eight dollars another part thereof from the date of the said interlocutory decree till paid to Henry Pettway the sum of forty dollars and six cents with interest thereon from Sept 9th 1837 till paid and to Spratly Williams the sum of eighty four dollars and fifty four cents with interest on sixty eight dollars and thirty seven cents from 16th February 1828 until paid it is further ordered that the said Edmund Butts pay over pro rata to the said Isaac Bendall Spratly Williams and Henry Pettway creditors of Edwin Pettway whatever balance may remain in his hands and make report to this Court in order to a final decree—

Copy.

Teste. L R Edwards Clk

Isaac Bendalls debts to wit

elks. . . \$10.54

shffs. . . 2.70

coms. . . 14.00

JD Bryant . . . 6.00

Law fee . . . 16.66

Writ tax . . . 75 \$ 50.65 Cents.

Spratly Williams debts.

elks. . . 74

Henry Pettways debts

elks. . . 74

Costs \$ 52.13

L R Edwards Clk.

Bendall

" { Sp. in Chy

Peltways adv

1837 May Rules

Executed by delivering
a true copy to each

April 26/1837

Harrison W Pope adf

Bunja Griffin Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Henry Pettway* a son of *Edwin Pettway* dec^d. *Minney Pettway* relict and *Polly J Pettway*, *Martha Pettway*, *William Pettway*, *Lucy Pettway*, *George Pettway*, *Peter Pettway* and *Annandeth Pettway* heirs of *Edwin Pettway* dec^d

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *May* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Isaac Bendall

And unless *they* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *1st* day of *April* 1837, in the *6th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Rendall
vs }
Pittway, admr de

Special report

Bendall
 vs
 Pettway adm^r & others. } In Chancery

The Comr. is directed by the Court now sitting to make a Special Statement of the Claims of Spratt Williams which were handed in the Session of the Court which as follows to wit

One Bond due Aug^t 1st 1822 \$137.91

Interest to Dec^r 29th 1822 11.27

149.18

By credit on bond 100.00

49.18

Interest on out to Feb^y 16th 1828 16.19

This bond binds the Heirs &c. \$65.35

To one other bond due February 15th 1828 19.19

This last bond does not bind Heirs B \$84.54

By balance due Spratt Williams \$84.54 with
 Interest on \$68.37 part thereof from this 16th
 day of February 1828 till paid

Per Com^r Bm

Bendall } Comrs
vs } Report
Fittway adm

1839 Mar 28th

march 5th 1839

Isaac Wendall

Plff

against

Henry Pettway admr & others defts

In Chancery

The Comr. is first directed to state an account of the defendant Henry Pettway admr. on the estate of Edwin Pettway decd, stating distinctly what debts of the intestate paid by the admr bind the Heirs - The comr. must here remark that upon examination of the former reports: he discovers considerable errors in some of the Calculations and he therefore makes up an account of the whole transactions of the defendant Henry Pettway as admr on the Estate of his intestate Edwin Pettway decd

1833				
March 20		To paid James Peters Clerk at Sale	\$	2 00
2"		" J. W. Tiller appraiser		1 00
3"		" T. D. Parker buyer		3 00
"		" S. J. Conde exor.		202 63
4"		" J. W. Myricks appraiser		1 00
May 20	4	" Al ⁿ Davis buyer		50
"		" J. W. Myricks Cons ^r Lundry Exors		40 95
June 17	"	" L. Harris Exor.		75 30
5"		" Taxes and tickets		10 34
Nov 5	" A "	" W. L. Rochelle bond		76 38
Dec 26	" B "	" G. M. Parham do		26 87
		By amt Sales due this day	" "	368 04
		" G. St. Johnson bond	" "	6 50
		" J. W. Tiller do	" "	5 50
		" J. A. Darden do	" "	8 62
		" T. Meade do	" "	21 40
		Sales to Geo Lewis \$322.25. Pally \$45.50	" "	367 75
		" Nancy \$ 64 & Doty \$62.00	" "	62 04
		To Comr. on \$839.88		41 99
		By amounts Car ^d forward	\$	481.96 83 98 7

1833

Dec 26	Amounts brought forward	481 96 839 87	
	To paid for Coffin	15 00	
	7" " Brandy at the Sale	2 50 499 46	
	31 By balance due the estate	" " 340 41	
1834	To paid J. F. Myrick Comr Exon	" " 6 79	
Dec 31	By balance due the estate	" " 333 62	
1835	" Interest on the balance of 1833	" " 20 42	
Jan 1	To paid F. Jenkins bond & int	49 60	
	" " " do	8 91	
	By balance of H. Jilks on settlement	" " 3 82	
	To paid Ed Peters bond	62 50	
	By Cash of P. Applewhite	" " 3 30	
	To Comr on \$7.12	35	
		340 74	
		121 36	
Dec 31	By balance due the estate	219 38 20 42	
1835	disbursements &c continued		
June 16	To paid Comr. Cobb	3 50	
July 30	" " P. Williamson & W. A. Jones Exon	55 27	
Aug 17	" " A. Ridley atto	10 00	
10	" " J. Wendall on acct	2 99	
11	" " Laundry Clerk's tickets	16 20	
	" " D. J. Williamson exon for Varnum	54 90	
	" " G. A. Barham atto	104 00	
	" " E. M. P. Goodwyn exon atto	45 87	
	By Exon against W. Pittway	" " 87 38	
	To Comr on atto	4 36	
		306 76	
		297 19	
Dec 31	By balance due the Estate	" " 957 20 42	
	" Int on the balance of 1834	" " 13 16	
1836	12 To paid Sundry Clerk's tickets	3 11	
	13 " " Comr Cobb	1 00	
	14 " " J. W. Pitts acct	1 06	
	amt brought forward	\$ 5 17	957 33 58

1836

Dec 31	Amounts brought forward	5 17	957 33 58
	Balance due the estate	4 40	
		9 57	957
	By balance brought down	" "	440 33 58
1837	To paid Polkshorn bond	6 32	
	" " Jos G. Mason atto	5 00	
Sept 9	" " Henry Mason Augt	10 00	21 32
		16 92	16 92
	By balance of interest due the estate		16 64
	The admr. had credit in the former reports for his private accts which are not included in this statement, but which he contends should be allowed him amt to which allow there will still be due him		40 50
	The admr has lately paid tickets	3 80	24 14
	" paid Lise (Dressy) acct	2 12	
	& to Rob. Ridley atto in this acct	10 00	15 92
	amt total due the admr with interest thereon from this date till paid		\$ 40 06

The plff Wendalls claim on his Judgt & exon. of exhibit
 Costs on atto
 3 50.89
 4.66
 \$ 55.55 with on

This sum from April 7th 1836 till paid
 The said plaintiff exhibits an open account as the law directs for a balance due thereon of \$ 8.00
 nett amount due \$ 63.55 -
 The above exon was recovered in Super County Court, and the Comr. has not been furnished with a copy of the bond, & therefore cant say whether it binds the heirs

continued forward

Notes The items from 1. to 14. were for the necessary expenses incurred in the course of the admⁿ transactions, as also the three last items which interest at the bottom of the Account-Current - and the following being the heirs

1833	A	Mr L. Rochells bond	\$76.38	
	B	G. & O. Parham do	26.87	
			<u>103.25</u>	103.25
1835	C	R. Williamson & Esau	55.27	
	D	J. Williamson & do	54.90	
	E	W. P. Goodwyn do	45.87	156.04
				<u>259.29</u>
		the from 1 to 14 referred to above amt to	89.13	
			<u>\$348.42</u>	

There were security bonds and executions for considerable amounts which do not bind the heirs -

The evidence of James J. Newsum marked A. filed in this report states that the tract of land alluded in the order, of which Edwin Pittway died seized, he once owned, and thinks it contains something less than 200 acres, and the real value worth about \$200.00 and Annual Value about \$20. or \$25.00 - this deposition was taken at the request of the plff. and Henry Pittway admⁿ of one of the defendants. on the day it purports - that being ^{the} earliest day the parties attended on acct of the failure of the officers, not-executing the notices, and ^{they} requested the Com^r to state that they were anxious the Court ^{should} take up the report at his next term & act finally on it

Com^r fee \$14.00 for the hours charged to the plff
James O. Bryant for entry 6 notices at \$1.00 — \$6.00

Respectfully Submitted
L. J. G. Co.

Recd June 21/1841 of Edw and Butts commissioners the
 sum of Eighty dollars and fifty one cents in full of
 the proportion of Isaac Bendalls debt & interest ~~in the~~
 and the costs in the decem mentioned in the case
 of Isaac Bendall esq. ^{John B. Bendall}

J. B. Bendall
 to Messrs
 Edw and Butts
 Commissioners
 Sheriff of
 Southampton City

W. Sir

you will please to pay John
- H. W. Bendall the amount of Money
that is due to me, from the decree of the
Superior Court of Southampton In the case
of J. Bendall against Pettewy; if you have
not the Money; you will please to send
me an Order on James & Peters for the amt.
of my Claim; and take J^r. H. W. Bendalls
Receipt in my name for the same &
you will respectfully;

th
June 9. 1841

Obliged Sir
your Most Obed^t.
Isaac Bendall Sen^r.

Rec Oct. 18/1841 of E Butts Comdr. Lin. coll. and request
of my debts James D. Bryant

Ben d all
us } Repair
Pettway and Mr. H.C.

Filed October 30/1841

Pursuant to a decree of the Circuit Superior Court of Law and Chancery for the County of Southampton bearing date April 7/1841. in the case of Isaac Wendall Pliff agt. Henry Pittway admr. of Edwin Pittway decd. and others defendants, and to me directed, have collected the bond in the decree mentioned to wit.

James E. Peters bond & interest up to June 21/1841.	\$152.03
Commissions off	\$7.60
Costs	52.13
	<u>\$59.73</u>
Balance due the creditors	\$92.30

Isaac Wendalls proportion of \$92.30 is \$29.86

Henry Pittway proportion of \$92.30 is 16.23

Sprattly Williams proportion of \$92.30 is 46.21 \$92.30

The above statement shows the balance due the creditors after taking from the amount of the bond & interest. The commissions and costs to be \$59.73 which I have proportioned between the creditors namely Isaac Wendall, Henry Pittway and Sprattly Williams, and have also paid them their respective proportions together with their costs, which will more fully appear by reference to their several receipts below. all which is respectfully submitted to the Court."

Edw. D. Butts Comr.

\$29.86 Received 1/1841 of Edw. D. Butts Comr. in the sum of twenty nine dollars and eighty six cents, and the sum \$50.63 of fifty dollars and sixty three cents in full of my proportion of my debt & costs mentioned in the decree and report.

16.23 Received June 21/1841. of Edw. D. Butts Comr. in the sum of sixteen dollars, ninety eight cents, and twenty five cents in full of my proportion of my debt & costs mentioned in the decree & report.

46.21 Received June 21/1841 of Edw. D. Butts Comr. in the sum of forty six dollars ninety six cents, in full of my proportion of my debt and the costs mentioned in the decree and report.

Sprattly Williams

Bendall

to Stat. of seats

Pittman's

Bondall
in
Pettenay

Stat. of costs: to wit

Bondall's costs.	Relks	10.52	
	Shiff	2.70	
	Leons	14.00	
	J. D. Bryant	6.00	
	L. fa.	16.66	
	W. Tax	75.	
			\$ 50.65

Spradley Williams. costs.	Relks	74	
Henry Pettenay	Relks	74	1.18
			\$ 52.13

At a Court held for the County of Southampton the 16th day of May 1836
This Account current and Commissioners Report of Henry Pettway's administra-
tion on the Estate of Edwin Pettway decd. was returned and continued for
exceptions. And at a Court held for the County aforesaid the 18th day of July
1836, the same was confirmed and ordered to be recorded.

Teste L.R. Edwards C.L.

Attest
Teste L.R. Edwards C.L.

Henry Pettway admn. on the
Est of Edwin Pettway

Attest

For Mr. Isaac Wendall

Wendall

2 3 Est. with bill

Pettway's

Pro

Copied

The Estate of Edwin Pettway decd.

In account with Henry Pettway administrator.

1833.			Dr.	Cr.	Int.
March 30	To paid James C. Peters clerk for		2 00		
	" " J. N. Tiller appraiser		1 00		
	" " S. D. Parker lawyer		3 00		
x heirs not bound P heirs bound	" " I. J. Coats & W. H. McPecksons (heirs not bound)		202 62		
	" " J. M. Myrick appraiser		1 00		
May 20	" " W. Davis lawyer		50		
	" " J. F. Myrick sundry exons		40 95		
June 17	" " L. Harris bond (heirs not bound)		75 36		
	" " James & tickets		10 34		
Nov. 5	" " M. L. Rochelle bond		76 38		
Dec 26	" " E. A. C. Barkham bond		26 87		
	By amount sales due this day			368 04	
	" E. N. Johnson bal. bond			6 50	
	" J. N. Tiller do			5 00	
	" J. A. Darden do			8 62	
	" J. Meade do			21 41	
	Sales Negro Lewis	\$ 322.25			
	" " " Patty	45.50			
	" " " Sidney	6 1/4			
	" " " Betty	62.00			
				429 81	
	To commissions on \$ 839.88		41 99		
	" My acct retained		97 01		
	" Paid for coffee		16 00		
	" " Brandy at the sale		2 50		
				889 88	
				596 47	
Dec. 31	By balance due the estate			\$ 243 41	
1834	To paid J. F. Myrick const exon.			6 79	
Dec 31	By balance due the estate			236 62	
1835	" Interest on ditto one year				14.19
Jan 1	To paid Tanny Jenkins bond		49 60		
	" " Reichen felks ditto		98 82		
	" " ditto acct		19 62		
	" " forebott note &c		8 91	176 95	
				59 67	14.19
	By Interest acct brot down			14 19	
" "	By balance due the Estate			\$ 73 86	with
Interest on \$ 59.67 part thereof from this date till paid. Respectfully Submitted					
Comr's fee \$ 350 charged to the admr					
Report continued forward forebott Comr.					

1835

Jan. 1st By balance brought forward \$73.86
 To Mr Peters bond endorsed to the adm Decr 1st 1830 retained 62.50
 By cash of B. Applewhite 3.50 59.20
 By bond of balance due the estate 14.66
 instead of the above balance

AcB. The admr omitted to exhibit this last Voucher until after the account was made up; is the reason why it was enclosed in the first instance

John Cobb Comr.

At a Court held for the County of Southampton the 16th day March 1835.
 This Account current and Master Commissioners Report of Henry Pettway's administration on the estate of Edwin Pettway decd this day returned and continued for exceptions. and at a Court held for the County aforesaid the 18th day of May 1835 the said Report was confirmed and ordered to be recorded

Teste James Rochelle Clk.

A copy Teste J.R. Edwards Clk.

At a Court held for the County of Southampton June 1835. Henry Pettway's administration account on the estate of Edwin Pettway decd it was ordered that a resettlement of the said account should be made by Comr which is done in the following form

1835					
Decr	31	By balance due this day see Report		243 41	
		To paid J. M. Const exon		6 79	
1834					
Decr.	31	By balance due the estate		336 62	
1835					
Jan	1	Int on ditto one year			11.19
		To paid Janny Jenkins bond	49 60		
		" " Jere Cobb do	8 91		
		By balance on settlement of of acts with N. Jells		3 82	
		To bond on do	19		
		" pa. Mr Peters bond	62 50		
		By cash B. Applewhite		3 30	
		To bond on do	16		
				243 74	
				121 56	
				122 38	

To my retained in 1833 see Report
 Int one year

By Int brought down
 By Balance due the Estate

Interest on \$333.21 from this 1st day of January 1835 till paid.

Respectfully submitted

John Cobb Comr.

At a Court held for the County of Southampton the 20th day of July 1835.
 This account current and Commissioners Report of Henry Pettway's administration on the estate of Edwin Pettway's decd was this day returned and continued for exceptions. and at a Court held for the County aforesaid the 18th day of November 1835 the said Report was confirmed and ordered to be recorded

Teste J.R. Edwards Clk.

A copy Teste J.R. Edwards Clk.

The Estate of Edwin Pettway decd
 In account with Henry Pettway admr.

1835				Dr	Cr
Jan.	1	By this amount due for last Report			239 40
June	16	To paid Comr. Cobb		3 50	
July	30	" " B. Williamson & Mrs. A. Jones exons		55 37	
Augt	17	" " R. Ridley atty		10 00	
		" " Rendall witness as Pettway		2 99	
		" " Sundry Clerk's tickets		16 20	
		" " J. Williamson exons. exon for Varnum & Co's bonds		54 90	
		" " G. A. C. Parkham ditto		104 00	
		" " M. B. Goodwyn admr &c		45 87	
		By exon against Mrs. Pettway			87 38
		To bond on ditto		4 36	
					326 78
					397 15
1836					
Jan.	1	By balance due the estate			\$ 29 63
		with Interest thereon from this 1st day of January 1835 till paid. Respectfully submitted			
		Comr. fee \$100 charged to the admr.			

Bendall

or. } Copy J. J. J.
Pettway's adm^d

Ex^t. with bill

Copy

Virginia.

At a Court held for Sussex County
the 5th day of May 1836.

Isaac Wendall
against

Henry Pettway adm^r of Edwin Pettway dec^d.

Plff } On a motion for money
paid by the plaintiff as
security for the debts
intestate.
Def^t }

This day came the plaintiff by his attorney and it appearing by the oath of a witness that the defendant hath had legal notice of this motion he was solemnly called but came not. Therefore it is considered by the Court that the plaintiff recover against the defendant fifty dollars and eighty nine cents, the sum paid by the plaintiff to Solomon D Parker by virtue of an execution issued by him against the plaintiff out of this Court upon a judgement founded on a bond in which the plaintiff was the security of the defendants intestate, with interest thereon to be computed after the rate of six per centum per annum from the 7th day of April 1836 till payment, and also that the plaintiff recover against the defendant his costs by him in this behalf expended And the said defendant in mercy &c. To be levied of the goods and chattels of the intestate in the hands of the defendant to be administered.

Attest -

Teste

J. J. Mason D.C.

Burdall

or. { Copy Exam of Return

Pethway's adm.

Ext with bill

copied

The Commonwealth of Virginia :

To the Sheriff of

Southampton

County--Greeting :

WE COMMAND YOU, That of the Goods and Chattels of *Edwin Pettway* deceased
in the hands of *Henry Pettway* administrator of the said
Edwin to be administered

in your bailiwick, you cause to be made the sum of *fifty dollars (and eighty nine*
Cents with interest thereon to be computed after the rate
of *Six per centum per annum* from the *1st day of April*
1836 till payment which *Isaac Wendall*

late in our County Court of Sussex, hath recovered against *him* for the sum paid by the said
Isaac Wendall in consequence of a judgement recovered against *him* in
our said Court as security of said *Edwin* also *four* . . . Dollars, and *66* Cents,

which to the said *Isaac Wendall* in our said County Court, were adjudged for
his costs, in this behalf expended, whereof the said *Pettway* administrator
as aforesaid is convict, as appears to us of record :—And that you have the

same before the Justices of our said County Court of Sussex, at the Courthouse, on the first Thursday in *August*
next, to render unto the said *Isaac Wendall* the debt, interest,
and costs aforesaid.

And have then there this Writ : Witness, LITTLETON LANIER, Clerk of our said Court this *18th*
day of *May* 1836, in the *60th* year of the Commonwealth.

L Lanier

Sheriff's Return. " No effects. *John Drevny* dep. of *Benjamin Shoff*
Copy Execution & Return. *Teste L Lanier* (R)

Rendall

vs

Pittway and Co

J. J. Stinson
deposition

(A)

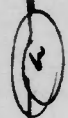
Isaac Rendall }
 against } In chancery
 Henry Pittway }

The depositions of James J. Newsum, who is of lawful age, and being sworn to give evidence in the suit of Isaac Rendall plff. against ~~Henry~~ Henry Pittway, administrator of Edwin Pittway dec'd and others defendants in the Circuit Superior Court of Law and Chancery in the County of Southampton, deposes & saith, that he is well acquainted with the land and plantation of which Edwin Pittway died seized and possessed. that he believes there are something less than Two hundred acres in the said tract, and that he thinks the value really worth about Seven hundred dollars. & the Annual Value ^{is} Worth, about Twenty or Twenty five dollars ~~per annum~~. and further this deponent saith not.

Sworn to before me this } James J. Newsum
 4th day of March 1849 }
 before me }
 Geo. Cobb Comm

1823 December 29th New York One hundred dollars
in part of the Carthage Note

Sperry Williams & Co



Edwin Botheray
To 3 Note
S. Williams & Co
\$137.91 due 1 Aug. 1822

A.

With our	due	Augt 1/1822	\$137.91
Ans'd to	Order	29/1822	—
			11.27
			149.18
			100.00
			49.18
			11.27
			11.27
			49.18

Dolls. ^{137.91}
137.91.
275.82

On demand, we *Ervin Pottray* &
promise to pay, or cause to be paid unto **SPRATLEY**

WILLIAMS, & Co. their heirs or assigns, the sum of *One hundred*
& thirty seven dollars ^{91/100} for value received, and for the payment
thereof, we bind ourselves, our Heirs, Executors and Administrators, in
the penal sum of *two hundred & seventy five dollars.*

Eighty Two Cents

As witness our hands and seals,

this *first* day of *August* 18*92*.

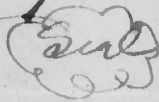
Beats
Albert Draving

E. Pottray [SEAL.]

[SEAL.]

Edwin Pattison
Dr Note
S. Williams

23

\$19.19 1/2 On demand the 22^d day of the present
month I promise to pay Sparatly William, his
heirs or assigns the sum of nineteen dollars &
nineteen cents for value received As Witness
my hand & seal this 16th day of February 1828
W. W. W. 

Parker

vs & Copy bond
Dendall

for Capt Isaac Dendall

Dendall

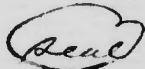
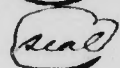
v

Pettway & Co

Filed by Plff: Aug. 17. 1842.

\$45.

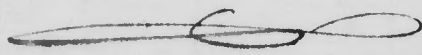
On demand the 23rd day of December 1826. We Edwin
Pettway and Isaac Wendall do hereby and promise to pay or caused
to be paid unto Sol D Parker the just and full sum of forty five
dollars for value rec^d. As Witness my hand and seal this 30th
day of December 1825.

E Pettway 
Isaac Wendall 

1828 Aug 18th Rec^d of Edwin Pettway the sum of twenty one
dollars in part of the within

Sol. D. Parker.

A Copy Teste

L. Lanier CSC


A list of the names of the Heirs and Legatees of Edwin
Pettewey Dec.

Winnay, Pettewey the widow

Polley S. Pettewey,

Martha Pettewey

William Pettewey

Lucy Pettewey

George Pettewey

Peter Dr. Pettewey

Amandith S Pettewey -

A List of the
Names
of Pelleways
Legatees;

A List of the Names and Ages of the Legatees of
Edwin Petteway Dec^r March 10th 1838 —

Winney Petteway the widow —

Polley Petteway Legatee - 21 years old

Martha Petteway D^r - 21 - D^r

Lucy - Petteway D^r - 21 - D^r

} 1838

William Petteway D^r will be 21 years old 27 March

George Petteway D^r About 17 years old

Peter Ann. Petteway D^r about 11 or 12 D^r

Amandy S. Petteway D^r about 8 or 9. D^r

These are the legatees named in the will
now depending in the Superior court in Southth
in favour of Isaac Wendall Jun^r