1844-047 SOUTHAMPTON COUNTY CHANCERY PAPERS

TAYLOR'S ADMINISTRATOR VS. TAYLOR'S EXTOR val

s/1844

other SURNAMES: Barham, Bryant, Joyner, Claud, Cobb, Everitt

~~27~~ 28.

Taylors adm^r

v. } Papers

Taylor &c

1824 May 7 Dismissed

Taylors acct

vs Statement

Taylor & others

1843.

Feby. R. Bill filed - Sps. awarded.

Mar: " Sps. ret.d Executed on Saylor. Basham & Bryant - Joyner & Eland not found - Alias Sps. to Joyner & Eland -

Apl. R - Alias Sps. ret.d Executed

Oct. T. Continued.

Wm L. Everett. Aff-
Committee &c.
vs
Bill in Chancery.
Barton Taylor Late
Executor, & others

1843 February Rules.

John Mordaunt Esq.
for Compl't.

To the Honorable Richard H. Baker, Judge of the Superior Court of Law and Chancery of the County of Southampton in the Commonwealth of Virginia, on the Chancery side of said Court.

Your complainant William L. Everett, Sheriff of said County, and administrator de bonis non with the will annexed of the estate of one James Taylor deceased, sheweth:

That some time in the year 1839 the said James Taylor died, leaving a will and proved of certain real and personal estate: That afterwards, (the said will being duly proved and admitted to record) at the December term 1839 of the County Court of said County, one Barton Taylor duly qualified as the executor of said James Taylor deceased, and, accordingly, together with John Barham, Nathan B. Bryant, Henry Joyner and James W. Cland as his securities thereto, executed an executorial bond, whereof a duly certified copy is herewith filed, and marked Exhibit A, and prayed to be referred to and taken as part of this Bill of Complaint: That by an order of said County Court made, on motion of said Barton Taylor, at the December Term, 1841, thereof, the said Barton was required to state and render before a Commissioner thereof an account of his matters and proceedings as executor as aforesaid: That afterwards an account as aforesaid was stated and rendered by said Barton before Master Commissioner Jeremiah Ebb, duly returned and reported to said County Court at the July Term 1842 thereof, at said July Term, 1842, ordered to lie one term for exceptions, and at a subsequent term thereof held in August 1842, confirmed and ordered to be recorded; of which account a duly certified copy is herewith filed, marked Exhibit B, and prayed to be referred to and taken as part of this Bill of Complaint: That by an order of said County Court made, on motion of said Nathan B. Bryant, at the May Term, 1842, thereof, the said Barton Taylor, executor as aforesaid, was summoned to appear at the June Term, 1842, thereof, and give counter security in the matter of the above mentioned executorial bond, marked Exhibit A as aforesaid: That by reason and in consequence of the failure of said Barton Taylor, executor as aforesaid, to appear and give such counter security, as it is before mentioned he was summoned to do, the said County Court, by an order made at the said July Term, 1842, thereof, committed administration to your complainant administration, with the will of said James Taylor thereunto annexed, of all the estate of the said James Taylor deceased not administered by the said Barton Taylor executor as aforesaid: That by said account marked Exhibit B, it is shewn that there was, on the 31st day of December, 1841, in the hands of said Barton Taylor, unadministered by him, and due from him as executor as aforesaid to the estate of said James Taylor deceased, a balance of ($2731 51/100) twenty seven hundred and

thirty one dollars and fifty one cents, and, also, that lawful interest on a part thereof, namely, the sum of ($ 2570 53/100) twenty five hundred and seventy dollars and fifty five cents, accrues to the estate of the said James Taylor deceased from the said 31st day of December 1841, until the said last mentioned sum of money shall be paid: That, notwithstanding your complainant has been duly appointed, and now is, administrator de bonis non, with the will annexed, of the estate of said James Taylor deceased, as aforesaid, yet the said Burton Taylor, lately executor as aforesaid, and the said Barham, Bryant, Joyner and Claud, securities as aforesaid, have not, nor hath either of them, since the appointment of your complainant as administrator de bonis non &c, as aforesaid, as yet paid or delivered to your complainant any part or portion whatsoever of the above mentioned money, or other estate of the said James Taylor deceased, but so to do have altogether refused and still refuse; by reason whereof your complainant is unable to perform fully and properly the duties appertaining to the administration which has been committed to him as aforesaid, such as payment of debts due from decedent James Taylor aforesaid, legacies &c, making distribution &c &c.

All which premises, your complainant avers, and is confident, is contrary to equity and good conscience, and tends manifestly to the injury of your complainant, for which he hath none or an insufficient remedy elsewhere than, or at least hath his proper remedy, in this Honorable Court.

To the end, therefore, that justice may be done in the premises, your complainant prays that the said Burton Taylor lately executor as aforesaid, and the said John Barham, Nathan B. Bryant, Henry Joyner, and James W. Claud securities as aforesaid, (all of whom reside in the said County of Southampton) may be made parties defendant to this Bill of Complaint; that they may appear and on oath full and proper answer to the allegations herein before set forth, as though the same were here repeated and they the said parties defendant thereunto specifically interrogated; that they may discover truly to your Honor any further and other money or estate within their knowledge or belief belonging or accruing to the said James Taylor deceased and yet remaining to be administered; that your Honor will decree to your complainant full payment and satisfaction of the above mentioned balance of money and interest accruing on part thereof as aforesaid, and also full payment and delivery of such further money or estate as may be discovered as aforesaid, by said and against said defendants; and that your Honor will grant unto your complainant such other and further general relief in the premises as the nature of the case may demand or permit, and to your Honor shall seem just and proper. Finally, your complainant prays for the commonwealth's writ of Subpoena, directed &c, commanding &c. to appear &c. And, as in duty bound, your complainant will ever pray &c.

John Murdaugh. Ctr

Counsel for Complainant.

Executed on Barton Taylor John Barham and Nathan B Bryant by delivering a copy of the within to each on the 3th day of March 1843, Henry Joyner and James Bland not found

Jas Whitmell Deputy
Nele Pitt Coroner

Taylors admrs.
v.
Dfts in Chy.

Dft Plea
1843 March Rules

Ord. C.

THE COMMONWEALTH OF VIRGINIA,

To the ~~Sheriff~~ Coroner of Southampton County, Greeting:

We command you that you summon Burton Taylor. John Barham. Nathan B Bryant. Henry Joyner & James W Claud

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 March. next, to answer a Bill in Chancery exhibited against them in the said Court by William A Everett Sheriff of Southampton County and admor: de bonis non with the will annexed of James Taylor dec'd

And unless they shall answer the said Bill within ~~four~~ Two months thereafter, the Court will take the same for confessed, and decree accordingly. And this 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 6th day of February 1843, in the 67th year of the Commonwealth.

L R Edwards Clk

[*One Copy to be delivered each Defendant.*]

Executed by delivering a copy of the within to Henry Joyner on the 20th of March and a copy to James McLeland the 3rd of April 1843

Jas H Tebrle Dep'y
Nich Tebrle Coroner

Taylors adm'rs
v.
Hyatt & al

Taylor & al
v.
Hyatt & al
1843 ~~February~~ Rules.

Col. 16

THE COMMONWEALTH OF VIRGINIA,

To the ~~Sheriff~~ former of Southampton County, Greeting:

We command you that you summon Henry Joyner and James W Eland

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 April — next, to answer a Bill in Chancery exhibited against & others them in the said Court by William L Everett Sheriff of Southampton County & admor. de bonis now with the will annexed of James Taylor dec'd.

And unless they shall answer the said Bill within ~~four~~ two months thereafter, the Court will take the same for confessed, and decree accordingly. And this 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 6th day of March 1843, in the 67th year of the Commonwealth.

L R Edwards Clk

[*One Copy to be delivered each Defendant.*]

Exhibit A
Taylors Exrs:

To } Bond

Justices

A Copy

Know All Men by these presents that we Barton Taylor John Barham. Henry Joyner Nathan B Bryant & James W Cloud are held and firmly bound unto James Clayton Alexander Myrick James Maget & Henning J Smith Gentlemen justices of the peace for the County of Southampton now sitting in the sum of fifteen thousand dollars; to the payment whereof well and truly to be made unto the said justices and their successors 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 16th day of December 1839.

The Condition of the above obligation is such. that if the said Barton Taylor executor of James Taylor deceased do make a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased together with an inventory of the real estate which by the will may be subject to the authority of the executor and which have or shall come into the hands, possession or knowledge of Barton Taylor the said administrator or into the hands, possession of any other person or persons for them and the same so made do exhibit to the County Court of Southampton at such time as he shall be thereto required by the said Court and the same goods chattels and credits and real estate do well and truly administer according to Law, and make a just and true account of his actings and doings therein, when thereto required by the said Court and further do well and truly pay and deliver all the legacies contained and specified in the said Will, as far as the said goods, chattels and credits and real estate will extend, according to the value thereof, and as the Law shall charge — then this obligation to be void, or else to remain in full force.

Signed, sealed and delivered
in open Court

Barton Taylor (Seal)
John Barham (Seal)
N B Bryant (Seal)
Henry Joyner (Seal)
James W Cloud (Seal)

A Copy

Teste L R Edwards Clk

Exhibit B.

Barton Taylors Ecor.
of James Taylor dec.d
Comrs. Report

A Copy

The Estate of James Taylor dec'd

In account with Burton Taylor Executor

			Dr		Cr	
1840						
January	10	To my proved account retained	200	00		
		" paid S. Wallis acct	6	67		
		" " B E Pope "	14	44		
		" " H Kinard "	15	97		
		" " B E Pope Clerk at Sale	4	00		
		" " J A Williamson Cryer	3	00		
		" " J Powell acct.	6	00		
		" " R Porter "	1	25		
		" " B E Popes bond & acct	41	07		
		" " W J Cocke Note	10	60		
		" " Dock Barham acct	97	50		
		" " Taxes & Tickets	4	27		
		" " J Drury Note	16	00		
		By John Barhams bond & Int in house	"	"	560	00
		By Cash of H Pope	"	"	126	00
		By poor rate claim	"	"	24	00
		By Excov: against A Pope	"	"	66	50
		By hire of Will	"	"	40	00
Oct	10	By amt Sales due this day	"	"	2450	39
					3266	89
		To Commissions on $3266.89	163	34	584	11
Dcer	31	By balance due the estate	$		2682	78
1841		To paid G Williams acct	18	00		
		" " B. Edmunds bond	5	20		
		" " J Popes Excov:	155	79		
		By hire of Will	"	"	40	00
		By ½ Sales Will. due E B Williams acct with the Testator			30	16
		To Commissions on $70.16	3	50		
					2752	94
					182	49
Dcer	31	By balance carried forward	$	"	"	2570 55
1841		By balance brought forward	$	"	"	2570, 55
Dec		Interest on the balance of 1840				160 96
		By balance due the estate with interest on $2570. 55 part thereof from this date till paid	$	"	"	2731 51
		Comr's fee. $60 charged to the Executor				

Respectfully Submitted

Jere Cobb Comr

At a Court held for the County of Southampton on the 18th day of July 1842

This account current of Barton Taylor Executioner proceedings on James Taylors estate was returned and ordered to lie one Term for exceptions. And at a Court held for the said County on the 15th day of August 1842. the said account having lain one Term and no exceptions being filed the same is confirmed and ordered to be Recorded

Test L.R. Edwards CC

A Copy Test L.R. Edwards CC