

1872 - 10

Southampton County - Chancery

Davis, Edgar, ^{nee}

U.S. Davis, Ediza & itals Admmt

"2nd will property etc estate
ingate part of Estate"

Edgar Davis, wife
hus by arrie Moore
his next friend

Ediza D. Davis, Compt &
Widow of Madison J Davis

Clinton L Davis

~~187~~ 97 97 71
Davis }
in } Bills
Davis & }

1868 May 5

To the Hon. Richard H Baker, Judge of the
Circuit Court of Southampton County in
Craney sitting -

Humbly complaining your
Orator Edgar W Davis an infant who comes
by Ours through his next friend, Sherrill and
your Honor, that some time in the year 1862
Madison J Davis his father died intestate
leaving considerable estate, mostly real,
and his widow Eliza W Davis, Clinton L
Davis and your Orator infant children, his
heirs and distributees at law. Your Orator
further sheweth unto your Honor, that the
widow who is childless has paid off all the
debts against the estate, and rendered her
account before one of the Commissioners
of the County Court, leaving but a very little
if any of the personal estate in her hands. Your
Orator further sheweth that his father left
two tracts of land lying in this County, the one
on which he died, consisting of about 500 acres,
and another mostly wooded containing
about 140 acres, adjoining the land of Eli W Davis
&c, and now of no value whatever to the estate
and not likely to be during the minority of
your Orator and Clinton L Davis his brother,
which said land however he thinks, would be
valuable to the estate if sold now, as it seems
now to be somewhat in demand, and would

knowing a good price. Your Honor desires partition
of said land if practicable, but if not, that it be sold
may be sold and proceeds of sale equally divided
amongst the parties entitled. Your Honor
charges that it would be manifestly to the
intent of all parties concerned, that the said
land should be sold. In tender consideration
of the premises, and in as much as your Honor is
witnessed to be in a court of Equity, where
such matters are pending for justice and
relief, so it is that it is judged that Eliza W.
Davis widow, and Clinton F. Bailett infants
be made parties defendants to this bill, and assigned
in answer to allegations thereof, that George F. and
proper person be appointed guardian ad litem
for the infant defendants to protect their interests
in this suit, that your Honor will decree
a sale of the tract of land containing 140 acres,
of which Madison J. Davis died seized and joined
adjoining the land of Eli W. Davis, and the proceeds
of sale to be divided amongst the parties
entitled, and grant such other and general
relief as Equity may direct, on the nature of
this case may require & your Honor
will ever pray

Peterson J. G.

Davis
m
Davis } Answer of
Eliza v Davis

The answer of Eliza W Davis one of the Defendants
to a bill filed by Edgar W Davis who sues by his
next friend Owen Moore against herself and child
the said Davis in the Circuit Court of Southampton
County ~~the~~ in the year 1868

This defendant having
and receiving a for answer to said bill, or to
sustain thereof as she is advised it is material
for her to answer, answering, says that the
facts and statements made in the Plaintiff's
bill are true, that it would be decidedly
to the interest both of herself and the infant
children that the land mentioned in it will
should be sold, and the proceeds of sale divided
amongst them entitled, as the said land is
now sitting dead capital, and likely to
remain so during the minority of the two
infant children, who are now young.
That the estate of her husband owes no debts
that partition of said land would be injurious
if not impossible. This defendant therefore
joins the Plaintiff in his prayer for sale of said
land, and will take such part of the proceedings
in line of power as the Court may direct. And
now having answered says there is no dissent

Read by counsel

Wm Hutton Counsel
for Plaintiff

Read by Judge

The answer of Clinton L Davis an infant
under twenty one years of age, by I R Edwards his
guardian ad litem, to the bill exhibited against
him and Eliza V Davis, by Edgar W Davis, who sues
by Davis Moore his next friend, in the Circuit Court
of Southampton County May term 1868

This defendant
having answered as for answer to said bill or to account
thereof as he is advised it is material for him to
answer, answering, says, that he knows nothing
of the facts contained in ^{the Hammett} bill, but that being
an infant under twenty one years of age, he
submits his interests in this suit to the protection
of this Honorable Court, and having answered
says hence &c &c

I R Edwards of Gt. W. Va.

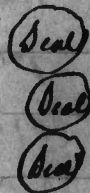
Know all men by these presents that we Orris Moore &
George Moore

are held and firmly bound unto the Commonwealth of Virginia in the just
and full sum of Six hundred 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
6th day of July A.D. 1868

The condition of the above obligation is such that whereas At a Circuit
Court held for the County of Southampton on the day of May 1868
in a certain Suit in Chancery therein depending between Edgar W Davis an
infant who sues by Orris Moore his next friend Plaintiff and Eliza V
Davis Widow & Clinton L Davis Defendants the above bound Orris
Moore was appointed Special Commissioner to make sale of certain real
estate in the proceedings of said suit referred to. Now if the said Orris
Moore shall faithfully discharge the duties of his said office or trust
according to law under the said decree and under any other decree that may
hereafter interest in the said suit then the above obligation to be void or else
to remain in full force and virtue.

Orris Moore

Geo Moore



Southampton Circuit Clerk's Office the 6th day of July 1868

The above bond was acknowledged before me by the obligors thereto, and
George Moore

the securities thereto made oath before me that the estate after the
payment of all the just debts is worth the sum of six hundred dollars
the penalty of the said bond

L. R. Edwards Clk

deponent said not

William L. Williams

The foregoing depositions were taken before
me, the parties being first duly sworn - Given
under my hand this day of May 1868

Wm. L. Parker J. P.

Davis & } Depositions
" }
Davis & }

Depositions of ^{Benja F. Vick} Eli W Davis and ^{William S. Williams} Davis Moore
Taken 5th day of May 1868, by consent of Justice
in presence of J B Edwards Jd ad litem to the
infants defendants, to be read as evidence in a
certain suit in Chancery now pending in the
Circuit Court of Southampton County, by
Eli W Davis who was by Davis Moore his next friend
vs Eliza W Davis, & Clinton W Davis -

^{Benja F. Vick}
Eli W Davis being first duly sworn deposes
and says -

I am well acquainted with the tract of
land of 140 acres of which Madison J Davis died and
and would state that it is now worthless to the
estate, ~~and would be~~ and not likely to
yield any profit to the estate during the minority
of the two infant children, and that it would
be manifestly to the interests of the infants
that the same should be now sold, the said
land would probably bring at this time \$300 or
\$400.00 the ~~trust~~ ^{interest} of the older of the
two infants is not to be considered.

Benja F. Vick

^{William S. Williams} being first duly sworn says
I agree with ^{Benja F. Vick} Eli W Davis in the
statements made by him in the foregoing deposition, and
that it would be to the interests of all parties concerned
that the land should be sold - and for the above

Comm.

M. & Malone

1869 June 17. Received of the Clerk of the Circuit Court of South Carolina the bond referred to. Returned with the within report.

Davis

{ Rep.

Davis

1868 Nov. 7

In pursuance of a decree of the Circuit-Court of Southampton
County made at the May Term thereof 1868 in the case of
Edgar W. Davis who sues by
Orris Moore his next friend,

Plffs

Against

Eliza V. Davis, widow & Clinton S. Davis infant, Defs

Inblmng

I did as therein directed proceed to sell the tract of land
mentioned in said decree, at- Leese B. Vick's store, in the
neighbourhood of said land, on the 18th day of July 1868, which
was purchased by Eliza V. Davis for the sum of One hun-
dred and fifty Dollars (\$150.00) and for which after retaining
sufficient-sum to pay expenses of decree sale &c. which was
Thirty three Dollars and fifty cents (\$33.50) as pr. statement be-
low. I took the bond of Eliza V. Davis with Wm. S. Williams
surety thereto for the remainder of the purchase money, being
One hundred and sixteen Dollars & fifty cents, (\$116.50) on
demand six months after date of sale, with interest from
date as directed in said decree, All of which is respectfully
submitted

Am't of sale of land - - - - \$150.00
costs

Clerk's fee - - - - 5.00

Surveyor's fee - - - - 20.00

Tax - - - - 50

Comm. on \$150.00 at 5 per. ct. - - 7.50

Retained to pay for stamps on Decr - - 50 33.50

Amount of bond herewith returned - - \$116.50

Orris Moore Comr.

Davis
to } Report

Davis

1872 Nov. 5 19th

In pursuance of a further decree of the Circuit-Court
 of Southampton County at the November Term thereof
 1871 in case of Davis vs. Plaintiff
 against
 Davis vs. Defs. In Chancery.

Your Commissioner begs leave to report that he collected
 the bond for the balance due from the sale of said land on
 the 18th July 1871. the bond being executed July 18th. 1868
 with interest from date. The following will show the
 amount received, costs paid, and amount paid over
 to distributees as directed by said decree: —

Bond given July 18th. 1868 for		\$116.50
Int. to July 18th. 1871		20.97
		<u>137.47</u>
Lawyers fee Paid	\$10.00	
Clerk " Additional costs	3.98	
Writing deed "	2.50	
Stamp for deed "	.50	
		<u>16.98</u>
		120.49

Paid Eliza V. Davis (widow) as directed by decree \$30.00

" " " " Guardian for Edgar W. and Clinton

L. Davis

90.49-120.49

The receipts for the above are herewith returned
 and the deed to Eliza V. Davis has been executed.
 All of which is

Respectfully submitted
 Orris Moore Comr.

Received Decr 4. 1871 of Arri Moore,
Companion, Ten dollars, in full of
fee in Chancery Suit of Davis by & vs
Davis, Circuit Court of Southampton
County.

J. B. Paine
atty.

Davis, by next
friend of...
or 

Davis Jr.

Report of
Commissioner
Moore.
 "

To the Circuit Court of Southampton County.

In obedience to a decree of the Circuit
Court of Southampton County made at the November
Term thereof 1870 in case of
Edgar W. Davis an infant who sues by
Orris Moon his next friend Plaintiff
against
Eliza Y. Davis & others Defendants } In Obeyance

appointing your Commissioner to execute a former
decree made at the May Term of said Court 1869,
in which Wm. E. Holmes was appointed Commissioner
but refused to act your Commissioner begs
leave to report that he has collected the bond,
against Eliza Y. Davis and Wm. S. Williams the
principal of said bond being \$116.50 Dollars with
interest from the 18th day of July 1868 the date of
the bond to July 18th 1871 the time of payment
which interest added to the principal amounted
to 137 $\frac{47}{100}$ Dollars which your Commissioner now
holds subject to your further orders.

All of which is respectfully submitted.
Your Commissioner further reports that this money is in full for the
purchase of the land in the proceedings Orris Moon Commissioner
mentioned.

Davis by H^p

✓ { Copy Done

Davis

Southampton Circuit Court. November Term 1871

Davis by J^r
against

Plaintiff.

In Chancery

Davis J^r

Defendants

This day this cause came on again to be heard on the papers formerly read and the report of Commissioner Moore made in pursuance of an order entered at the November Term 1870, reporting the collection of the bond of Eliza V Davis, and was argued by Counsel. On consideration whereof and it appearing to the Court that the said Eliza V Davis is entitled to one third of the fund collected for life and is willing to receive the value of her life interest in fee, the Court doth adjudge, order and decree that Orris Moore, after paying any costs that may be due in this cause, pay to the said Eliza V Davis the sum of thirty dollars, the same being considered the value of her life interest in fee in the funds collected and reported; and then pay the balance of the fund collected to the legally appointed guardian of Edgar W and Clinton L Davis, take receipts therefor and file in this cause.

And it appearing further to the Court that the purchaser of the real estate in the bill and proceedings mentioned has paid the purchase money therefor in full, the Court doth further decree that the same Commissioner execute to the said Eliza V Davis a deed with special warranty -

And the said Commissioner is directed to make report to this Court of his proceedings under this decree -

clks cost. \$398. paid A Copy -
L.R.E

Teste, O. White C

Davis

to { Copy Davis

Davis

Dorchester Circuit Court, November Term 1870.

Edgar W. Davis, an Infant who lives by
Orris Moore, his next friend - Plaintiff -
Against
Eliza V. Davis and others - Defendants - In Chancery.

It appearing to the Court that William G. Holmes, who
was appointed a Commissioner Under a Decree of this
Court at May Term 1869, for purposes therein mentioned,
declines to execute said Decree, on Motion the Court doth
appoint Orris Moore, as Commissioner in the place
and stead of said Holmes, who will proceed to
execute the Decree of May Term 1869, and report
to Court.

A Copy
Filed.

James R. Taylor, C. C.

Paris 3
Paris 2 (R. J. J. J.)

1870 Nov 12.

To the

Hon. Judge of the Circuit Court of
Southampton County,

Your petitioner who was
appointed at the May term 1869 of the Circuit
Court of this County, as Commissioner to Collect
a certain bond due by Eliza Davis & others for
the purchase of a certain tract of land sold
by decree of this Court, in the case of Davis
vs. Davis, would respectfully request and pray
that Your Honor may permit him to return the
bond to the Clerk of this Court, and that some
other person be appointed ~~be appointed~~ Commissioner
in his place, the appointment of your petitioner
having been made through mistake of Counsel
in the case, and not being entirely in accordance
with the wishes of the parties interested

W. G. Holmes

Commissioner

Nov 8. 1870

Rec^d May 15. 1871 of W. G. Holmes one bond
against Eliza V. Davis & W. L. Williams in favor of
the Estate of Madison L. Davis dec^d. for one Hundred
& Sixteen ⁵⁰/₁₀₀ Dols due 18th Day of July 1868 - The said
being paid to me by Decree of Circuit Court of
Southampton at its ch^o Term 1870.

O. Moore
Clerk.

Received the 20 day of Jan. 1872 of Orris Moore
Commissioner thirty Dollars being the amount in full
ordered to be paid me in fee for my dower interest in
the Vasser tract of land, by a decree of the Circuit-
Court of Southampton County made at the Novem-
ber Term 1871.

Eliza W Davis

Received the 20 day of Jan. 1872 of Orrie Moon
Commissioner Ninety dollars $\frac{49}{100}$ Dollars being the
amount due Edgar W. Davis and Clinton L. Davis
my wards, in equal proportions, from the proceeds of
the sale of the Tesser tract of land, as ordered to
be paid under a decree of the Circuit Court of
Southampton County made at November Term 1871,
and as shown by report of said Commissioner.

Eliza W. Davis

Davis
Davis } Scina

To be Entered
E. J. Pitts

Davis

Davis

Dunn

This cause this day came on to be again
heard on the paper journals read and on the report
of Chris Moore Commissioner, and was argued
by counsel. On consideration whereof
the court confirming said report
doth adjudge order and decree that
Wm. L. Holmes who is hereby appointed a
special Commissioner for that purpose
sheweth to collect the bond (which the
Clerk of the Court is directed to hand to
him) of \$116.50. vs Eliza & Davis and
Wm. L. Williams, and report the same
to this Court.

Davis
as } Decree
Davis }

The ~~complaint~~ of parties this cause
this day was docketed and came on to be heard
on the Plaintiff's bill, answer of the defendant's
preliminary replication thereto, deposition filed,
and was argued by counsel - On consideration
whereof, the Court doth adjudge, order, and decree
that Orris Moore who is duly appointed special
commissioner for that purpose, shall after
having given at least twenty days notice of time
and place of sale, at the Court House door and at
two or more public places in an neighborhood, pro-
ceed to sell at public Auction, to the highest
bidder, the ^{tract of land} ~~land~~ in the bill mentioned whereof
Medison J Davis died seized & possessed, ^{lying on west side of Brodors road, 140 acres} on the fol-
lowing terms, to wit, sufficient in cash to defray
expenses of suit and sale, the balance on a credit
of six months, taking from the fund due. Bond
with sufficient security, carrying interest from
date, retaining the title until the fund due
is paid, which said bond he is directed to return to
this Court together with a report of his proceedings
under this decree - But it is said Orris Moore
is not to execute the provisions of this decree, until
he shall have given bond with good and sufficient
security, in the Clerk's office of this Court, in the
penalty of \$600.00 payable to the Commonwealth of

virginia conditioned for the faithful performance
of all duties herein assigned him, and of any other
duty that may be hereafter imposed - this even
touching the proceeds of the voluntary sale
directed to be sold

7087-83

Davis {
" {
Davis {

May 1868

to be sent

P. H. B. B. B.

Davis to
Mrs. Davis } Dear

Nov Dec 1870

To be entered

Geo. Blod.

Davis &
n } Deane
Davis }

It appearing to the Court that Wm. G. Holmes who was appointed a Commissioner under a decree of this Court at May term 1869 for purposes therein mentioned, declines to execute said decree, On motion the Court doth appoint Davis Moore as Comptroller in the place and stead of said Holmes, who will proceed to execute the decree of May term 1869 & report to Court

the bill & proceedings mentioned has
paid the purchase money therefor in
full, the Court doth further decree
that the same Commissioners execute
to the said Eliza V. Davis, a deed
with special warranty. And the
said Commisrs is directed to make
report to this Court of his proceedings
under this order.

39
Davis by dr.

vs 3 Decree

Davis & c.

Nov: Term 1841

To be entered.

Geo: B. Kent.

Davis by ss
vs $\frac{3}{8}$ Decree.

Davis ss

This day this cause came on to be further heard on the papers formerly read, and the report of Commissioner Moore, made in pursuance of an order entered at the November Term 1870; reporting the collection of the bond of Eliza V. Davis, and was signed by Council. On consideration whereof, and it appearing to the Court that the said Eliza V. Davis is entitled to one third of the fund collected for life, and is willing to receive the value of her life interest in fee, the Court doth adjudge order & decree, that Orris Moore, after paying any costs that may be due in this cause, pay to the said Eliza V. Davis the sum of thirty dollars, the same being considered the value of her life interest in fee in the funds collected aforesaid; and then pay the balance of the fund collected to the legally appointed Guardian of Edgar W. & Clinton L. Davis, take receipts thereof & file in this cause. And it appearing further to the Court, that the purchase of the real estate in

Davis

vs  Davis

Davis

Nov Term 1872

To be entered,

Geo. Brown.

Davis
vs
Davis

3 Dece

This day this cause came on
to be further heard on the papers formally
read and the report of Commr Moore
filed Nov: 5: 1872, reporting distribution of
funds under decree rendered Nov:
Term 1871, to which no exceptions have
been filed and was agreed by counsel.
On consideration whereof, the Court affirming
said report, doth adjudge order & decree
that this cause be removed from the
docket, nothing further appearing to be
done in the same.