

1909-84

Southampton County Chancery-

Porter, John F. (Gdn.) et al vs

Bunn's Infants

divide a stated amt. of money
left by father to those legally
entitled -

Bunn, Bessie

" , Maud

" , Eugene

" , William

" , Marie

Bunn, Bessie

" , Maud

" , Eugene

" , Wm.

" , Marie

" , Grace

" , Blunt C

} minors

Prince, J. B. (G. A. D.)

In the Circuit Court of Southampton County, Virginia:

To the Hon., Robert R. Prentiss Judge of said Court:

Abund Bunn Your orator Jno. R. Porter guardian ^f Bessie Bunn, Eugene Bunn, William Bunn and Marile Bunn orphans of Benj. C. Bunn deceased, humbly complaining shows to the Court that at the February 1898 term of the County Court of Southampton County he was appointed by, and allowed to qualify as guardian for the said orphans of Benj. C. Bunn deceased as will more fully appear by reference to a copy of the order of said Court herewith filed marked "A" and prayed to be taken and read as a part of this bill of complaint.

Your orator says that said Benj. C. Bunn died on or about the 30th day of June 1897 intestate leaving a widow, Eveline Bunn, a second wife, and the following children, said orphans, your orator's wards, and one other, namely Gracie M. Bunn, and that within a few days after his death another child of his, Blunt C. Bunn, was born. Your orator says that said husband and father before his death was well aware of the pregnant condition of his said wife, that he and his wife had lived happily together, and that said father loved all his children.

Your orator says that a short time before the death of the said Benj. C. Bunn he gave to his brother, R. E. Bunn, the sum of eight hundred dollars in cash to be held by him, and, at the death of the said Benj. C. Bunn to be paid to the children of said Benj. C. Bunn; and that soon afterwards to wit, on the 28th day of July 1897, the said R. E. Bunn, trustee and custodian of the eight hundred dollars, committed a most shocking suicide by blowing out his brains with a shot gun, and there was found among the papers of the said R. E. Bunn, a ~~memorandum~~ memorandum in writing signed by the said R. E. Bunn, a copy of which is herewith filed as an exhibit marked "B" and is prayed to be taken and read as a part of this bill, by which it appears that the said eight hundred dollars was to be paid to five of the children of the said Benj. C. Bunn, entirely omitting the the two children of the said last wife and widow, namely the said Gracie M. Bunn and Blunt C. Bunn.

TO THE HON. JUDGE OF THE COURT OF COMMONS: IN THE COURT OF COMMONS: ATTORNEY:

Now your orator says it is earnestly claimed by the said widow and acting guardian of the said orphans, Gracie M. Bunn and Blunt C. Bunn, that said husband and father, Benj. C. Bunn, directed and requested the said R. E. Bunn to equally divide and pay the said eight hundred ^{dollars} so delivered to him to all the children of him the said Benj. C. Bunn, that said widow and her friends claim that it can be clearly proved that said money was to be equally divided amongst all the said children, instead of among five, and that witnesses who heard the said Benj. C. Bunn express his wishes in regards to said division and distribution have been named and pointed out to your orator, and your orator believes that said contention can be sustained by evidence. Your orator says that he never heard one word from the said Benj. C. Bunn in regard to the said eight hundred dollars, but he has for a long time lived in the neighborhood, and knows all the parties and much of the circumstances attending this matter, and that the said circumstances, as well as the justice of the case, strongly point to the conclusion that the said eight hundred dollars was intended to be, and, should be equally divided between all the said children.

Your orator says that a law suit has been threatened, and he has been informed would soon be instituted by the said Gracie M. Bunn and Blunt C. Bunn against himself and others by their said mother and next friend who is now acting as their guardian, the said widow and acting guardian has applied to your orator for a compromise of the matter by allowing each child to share and share alike in the said eight hundred dollars, and thinking that such a course would be best for all concerned, and that such a compromise would not be in violation of any principle of good conscience or equity, your orator therefore, applies to this Court for its sanction and authority for a compromise as aforesaid. Your orator has not yet collected the said sum of eight hundred dollars but he is informed and believes it can be had an application at any time.

For as much as your orator is remediless in the premises save
in this honorable Court where such matters are alone and properly cognizable
he prays that said Bessie Bunn, ~~Mary Bunn~~, Eugene Bunn, William Bunn ~~and~~
Gracie M. Bunn, & Blanche C. Bunn
Manie Bunn, all of ~~whom~~ are infants under 21 years of age be made parties
defendants to this bill and required to answer the same, and answer on oath
is hereby expressly waived as provided by statute, that a proper guardian
ad litem be appointed at Rule to defend the interest of said infant defend-
ants, that your orator be required to collect the said eight hundred dollars
if he has not already done so, and to pay thereout the costs and expenses
of this suit, including a reasonable fee to counsel conducting the same,
and divide the residue in seven equal parts and retain or pay the same to
the duly qualified guardian of each of said seven children of the said Benj.
O. Bunn deceased, that all such orders and decrees be entered, all such enqui-
ries and accounts may be taken, stated and reported to Court as the nature
of this cause may require, that your orator may be afforded all such other,
farther and general relief as to equity and good conscience may seem meet.
And he will ever pray.

Geo. A. Schell Jr. /
W. S. Hallant / by

Porter, 4th ed.

vs. { Copy of Porter's general-
ification as 4th ed. &c.
Ex. "A."

Burns' Infants,

1848. 2nd ed. Rules filed

L. A. Gay b.b.

Southampton County Court,
February Term, 1898.

The Court doth appoint John A. Porter Guardian of Bessie Dunn, Maud Dunn, Eugene Dunn, William Dunn and Maria Dunn, orphans of T. B. Dunn, decd., whereupon the said John A. Porter made oath according to law, and together with H. D. Porter as his security, who justified on oath as to his sufficiency, entered into and acknowledged a bond in the penalty of Fifty Hundred Dollars, conditioned as the law directs, which bond is ordered to be recorded.

A copy

W. F. McLeirid, C. C.

Or. Clerk D. C.

Postor. Guardian,
vs { Copy Memorandum
Bennis L. Jants Esq. "B."

1898. 2. Mich. Rules filed

L. A. Gay L. L.

Handsom - Va.

July 28 - 1897.

To whom this may concern.

I have in my possession funds to the amount of eight hundred Dollars, and the said eight hundred Dollars is to be kept separate and apart from my estate - and be used for the benefit of Benjamin L. Benns Five children by his first marriage - as follows:

Bessie Benn	\$ 100.00
Maud Benn	125.00
Engene Benn	150.00
William Benn	175.00
and Marie Benn	250.00
	\$ 800.00

The above amount was placed in my hands and directions given as to what disposition to make of it. I have done as my brother directed. He cautioned me particularly not to pay over a cent of this money to any one except as mentioned above. Given under my hand this 28 - day of July 1897.

R. E. Benns

A Copy.

Teste: L. A. Gay D.C.

PURE LINEN STOCK

Porter, G. M.

W. { Answer of G. M. addition

Brown's Infants

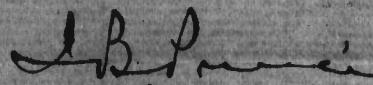
1898. 3rd Mch. Rules Filed

L. A. Gay to L.

To Honorable Robert R. Prentiss Judge of the Circuit Court of
Southampton County, Virginia.

The answer of Bessie Bunn, Maud Bunn, Eugene Bunn, William
Bunn, Manie Bunn, Gracie M. Bunn and Blunt C. Bunn, by J. B. Prince
their guardian ad litem, to a bill in equity exhibited against
them in the circuit court of Southampton County, by John R.
Porter, guardian &c.

These respondents saving and reserving &c. for answer to
the said bill or so much thereof as they are advised it is ma-
terial that they should answer and say, that being in-
fants of tender years they know nothing of the facts contained
in the said bill, and they therefore commend their interest to
the protection of the Court. And now having answered they pray
hence to be dismissed &c.



Guardian-ad-litem.

Porter, H. J.

vs. } Statement of costs

Brown's Ind. ants

Porter, Hon.

vs. } Statement of Costs

1898

Bennis Indants

March 17th Surr. 25. receipt 18. atty. 10. Docket 18= 71

Rules 1.00. return 35. fil. bill 15= 1.50

D. exhibits 15. D. Am. of Hon. addition 15= 50

Copy exhibits 50. 1 Decree 36= 86

1900. May 28th Tax costs 4.00= 40

Porter Guardian
vs } Statement of Rules.
Bessie's Infants.

John R. Porter, Guardian
of Bessie Bunn, Mary Bunn,
Eugene Bunn, William Bunn,
and Marie Bunn } Plaintiff
vs. }

Bessie Bunn, Mary Bunn,
Eugene Bunn, William Bunn,
Marie Bunn, Grace M. Bunn,
and Bland G. Bunn, all infants
under 21 years } Defendants
In
Chancery }

1898. 17th. March. Process Sph. to 2nd March Rules.

1898. 2nd March Rules. Bill and exhibits filed
J. B. Prince appointed Guardian
ad-litem to infant defendants.

1898. 3rd. March Rules. Answer of Guardian ad-litem
filed. Gent. Replication and Cause
set for hearing.

PURE LINEN STOCKS

Porter, Gordon - 1909 -
No. 3 Diaries
Bureau's Infants

Enter this Apr. 17/898
Robert Mantis

We consent to this.
J. B. L. M. } by
W. S. M. }
J. B. L. M. }
son ad literam
Child - 210

Porter Guardian

Vs

Bunn's Infants

By consent of parties in term entered of record, ~~for~~ ~~for~~
it is ordered that this cause be submitted to the Judge of this
Court for such decision and decree therein in vacation as might
be made in term