

1830-009

Chancery Causes: Mary Daines, widow of Bailey Daines vs William Battin, Senior

Ile of Wight County

Other surnames: Battens

Davis

per. chg

M.
Battin

August 1828

Davis

vs. Bill
Battin

August 1828

Bill filed

December 1st 1828 Interd.
decree

April 6th 1829 report
returned & ~~containing~~

May 3^d 1830 report ex/c
& final decree entered

Adm or

3:96
100
26
100
100
114
40
40
97

6:97
10:00
3:00

\$19:97

Costs \$9:97 fees: 00

To the justices of the County Court of the of
Wight sitting in chancery - Humbly complaining
sheweth unto your worshipps your orators
Mary ~~Batter~~ Davis of the County of Isle of
Wight, widow of Bailey Davis, Decd. late of
the said County, that he late her husband
Bailey Davis on the day of
ad 182 by deed of bargain and sale
which is of record in the County Court of the
of Wight (an attested office of which hereto
annexed makes it is prayed to be considered
a part of this bill, conveyed to our William
Batter of the County aforesaid a tract of land
within the jurisdiction of this Court in the
said County, described in said deed
that she now has conveyed her right of
dower in that land to the said Batter &
is entitled now to demand the same, & also
one third part of the annual rent of
the same from the period of her husband's
death which was in May 1817 - but as she
she has frequently applied & demanded the
same she has been refused - In tender
consideration whereof she prays that the
said William Batter be made a defendant
to this bill she compels to answer the
same on his corporate oath - that he say
if she is not the widow of Bailey Davis,
how she conveyed her intent or dower in
the land aforesaid and what are the annual
profits of the said land &c. And that you
will decree an allotment of dower to her
& also decree that the said Batter do
pay to her one third part of the annual
profits of the land from the death of the
said Bailey Davis, & that the Court will
make any other or further decree in
the premises that may comport with equity
and as in equity bound she ever will pray &c.

A - Attorney for p. 5

Not entered for account of ~~the~~

Wm. H. Davis

Davis

vs.

Spa: in chg

Battin

Atkinson for 3
Att.

September 9th: 1878

all Spa: in chg.

The Commonwealth of Virginia to the Sheriff
of Isle of Wight County, greeting: We command
you that you summon William Ballin —

to appear before the Justices of our county court at
the courthouse on the first Monday in September
next, to answer a bill in Chancery exhibited against
him by ~~the~~ Mary Davis —

and unless he shall answer the bill
in four months the said bill will be taken for
confessed —

And this L. shall in no wise omit under the pe-
nalty of \$100 — And have there this writ:

Witness Nathaniel Young Clerk of our said
court at the courthouse the 5th day of August 1820
in the 53rd Year of the Commonwealth —

Nathl. Young

The Commonwealth of Virginia to the Sheriff of Stafford
County Greeting: We command you ^{as before you have been} ~~commanded~~ ^{to} that you summon
William Batten

to appear before the Justices of our county court at the
courthouse on the first Monday in October next, to answer
a bill in chancery exhibited against him by Mary
Davis and unless he shall answer the bill in four months
the bill will be taken for confessed —
and this he shall in no wise omit under the penalty of
of \$100. and have then there this writ: Witness Nathan-
iel Young, Clerk of our said court at the courthouse the
4th day of September 1828 in the 53^d year of the
Commonwealth

Nath^l Young
"C"

Davis

W Z Pierce
Batten

Aleppa

In West of Night County Court December term 1828.

Mary Davis

Complainant

against

William Batten Senr

Defendant

In Chancery

This cause in which the bill of the complainant is taken for
compelled the defendant who failed to answer the same, came on to be
heard on the bill of the complainant and exhibit filed and was argued
by counsel; on consideration whereof, the court doth adjudge ~~and decree~~
decree that Jonas Edwards, William Sudds, William Chapman
Edwards and Francis M. Boykin or any three of them with the aid
of the county surveyor if required, do proceed to set apart and allot
to Mary Davis widow of Bradley Davis, one full and equal third
part of the real estate conveyed by deed on the 1st day of November
1821 by Davis to William Batten Seniors having regard to quality
and quantity, and the court doth furthermore adjudge and decree
that a commissioner of this court do ascertain the annual value
of the said real estate commencing on the first day of May 1827 to the
time of making up the said account and report the same to this court
and that the said commissioners make report in order to a final decree
and fee. \$

Attest Teste Nathl Young &
"clerk"

In obedience to the annexed decree of the court of Isle of Wight County bearing date December Court 1828 and to us directed: we the undersigned have laid off and set apart unto the complainant in her right as dower ~~one~~ three parts of the land in the bill mentioned as near as practicable having regard to quality as well as quantity, and bounded as follows, to wit, beginning at a Sycamore & corner tree standing on the road leading to the courthouse, thence a north course down said road to a small black gum a corner tree standing in the branch on said road, thence a west course up said branch to a black gum a corner tree standing in said branch, thence a north course along Polly Battens line, to a white oak a corner tree thence a west course along said Polly Battens line to a sassafras post corner of said Polly Battens and Benjamin Westray land, thence a south course along a line of marked trees to a pine a corner tree standing in the branch, thence an east course along a line of marked trees and post to a corner post, thence a north course along a line of marked apple trees to a corner post standing near the barn, thence an east course along a line of marked popple trees to the first station, with the privilege of fire wood and fuel timber ~~off~~ ^{to} to support the said dower from any part of the wood land which she may think proper. — Given under our hands this 30th day of December 1828.

William C. Edwards
Francis M. Baptie
William Leeds

Dear

73 Acorn

Battin

for Jan. 1st

1st.

Mary Davis - - - - - coapt.

in 3 in ch. in

William Batten - Sept

This cause in which "the Bill of the couple" is taken for confessed in the ~~plaint~~ defendant who has failed to answer the same, came on to be heard on the Bill of the couple & exhibit filed and was argued by counsel; On consideration whereof the Ct. doth adj. ord. & decree that Jonas Edwards, William Davis, Mr. Chapman Edwards and Francis M. Baykin or any 3 of them with the aid of the County Surveyor if required be preserved to set apart and allot to Mary Davis widow of Bailey Davis one full & equal third part of the real estate conveyed by and on the 1st day of Nov. 1821 by Bailey Davis to Mr. Batten Senior having sworn to quality and surety. And the Ct. doth further adj. ord. and decree that a Com. of the Ct. do ascertain the actual value of the said real estate conveyed on the first day of May 1827 to the town of making up the said account & report the same to this Court. and that the said Com. doth sit in order to a final decree.