

1858-012

Chancery Causes

John W. Parton vs Edwin Bunkley, Trustee + John Bunkley's heirs

Isle of Wight County

other SURNAMES: Nevil,
Neuelle, Neville,
Bunkly

9 Whitfield p.

Parton wife

vs. $\frac{2}{3}$ Chy. paps.

Bunkley's Exors.

1858.

March rules. Bill f.
filed & decree nisi.

Apr. rules 8th. ad litem
aff. to inst. and. filed
ref. Me and of adults. ref.

May rules - Bill taken
for confessed & set for
hearing.

May term 1858. final
decree, p. 189.

<u>Plff. costs.</u>	
Cells. fees	\$6.04
Atto. May	16.50
Plff.	2.00
	<u>Total \$24.54</u>

<u>Def. costs</u>	
Cells.	\$1.51
Atto.	15.00
	<u>Total \$16.51</u>

Parton & wife
Niles way

Buckley & Co.

March 1st 1838
filed.

To His Hon. Richard H. Baker Judge of the Circuit Court
of Alle of Myht County, in Chy sitting.

The Joint and separate answer of Edwin Bankley as trustee
as Executor, & of Mrs. J. Bankley and Augustus Bankley, Executors
of John Bankley and, to a Bill filed against them by Mrs. H. Weston
And Ann E. her wife.

These respondents saving & excepting to, for their answer to
so much of said Bill as they are advised it is material
for them to answer, answering, say, that the facts as set
forth in Complainant's Bill they believe are true - that the
legacy of \$300. was given by their testator to his grand daughter, one
of the Complainants as is alleged - That they still have the same, it
not having been ^{paid} over to Edwin Bankley as trustee, and would have
paid the same a few days ago, indeed they were about to pay
the same, but as was suggested to them by Counsel, that as
there was some doubt as to the construction of the will, it would
be safer ^{for} them to submit the question to the Court - They have
no wish to retain the legacy, they believe their niece had been
it, and are perfectly willing to make just such disposition
thereof as the honorable shall signify to be right: and having
answered pray hence to be dismissed with their costs in this
behalf expended -

Edwin Bankley, (P)

Willis J. Bankley (P)

Augustus Bankley (P)

John S. Bankley (P)

Mrs. W. Parker wife.

3 Sum.
3 In Clg.

Beverly's Exch. &
als.

To March 1858.
1858. Cir. Ct.

Whitfield p.p.

We acknowledge service of the writ in
last term - entry on hand -

Edwin. Beverly
William J. B. Whitfield
Jesse W. B. Whitfield
John J. B. Whitfield

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Edwin Bunkley, John F. Bunkley, & Augustus Bunkley - Miller Bunkley Executor of John Bunkley decd., and Sarah F. Neville (the last being a minor under 21 year)* to appear before the Circuit

~~to appear before the~~

A Court of Isle of Wight county, at the Court-House of said County, on

the first Monday in March next (being rule day) to answer the Bill in Chancery of John W. Parton & Anna E. C. his wife, formerly Neville, who also sues by John W. Parton her next friend.)

: and have then and there this

Summons. Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this *23^d* day of *February*, 185*8*, in the *82nd* year of the Commonwealth.

N. P. Young cl.

4
Dartmouth

H. } Deane

Bumpley. Exon

May. 2nd 1858

To be entered

R. H. Bates

Parton & Hise

ff.

Secree

Bunkley's Exon

This cause came on to be heard, on the
Bill, answers of the defendants, replications thereto, and
Exhibits, and was argued by counsel. On Consideration
whereof, the Court doth adjudge, order and decree that
the plaintiffs, do recover of Edwin Bunkley, John T. Bunkley,
Augustus Bunkley and Miles Bunkley executors of John
Bunkley dec'd the sum of three hundred dollars
with interest from the third of December 1856, each party
paying his own costs. The effect of this decree ^{is to} ~~shall~~ be suspended
until the plaintiff or some one for them execute ~~a~~ ^a ~~repossessing~~
bond in the penalty of six dollars, conditioned ^{to} ~~repose~~
their proportion of any debts which may hereafter appear
against the estate of the John Bunkley dec'd -

lice of her right of dower in my real estate - and of all
and any other claims upon - or right in my estate - what-
soever. Signed & acknowledged
in the presence of } John Brinkley Esq
Joseph Goodwin }
Nathl. W. Answerthy.

In the County Court of Isle of Wight County
December 3^d. 1855. the last will and testament of John Brinkley
decd. and the Codicil thereto - were proved by the oath of
Joseph Goodwin and Nathaniel W. Answerthy - the subscribing
witnesses thereto - and ordered to be recorded, and on the
motion of Edwin Brinkley, John T. Brinkley, Willis J. Brinkley
and Augustus Brinkley the Executors therein named / who
made oath - and without security as the will directs, entered
into - and acknowledged their bond in the penalty of \$14,000.00
conditioned according to law. Certificate is granted them
for obtaining a probat of said Will in due form.

Teste

N. P. Younger

Copy

Teste

J. C. Latimer D.C.

John Brinkley's

Will

Copy

Carbon copy

m. J. B.

Answerthy's copy.

This is what I have

In the name of God Amen, I John Bunkley of the County of Isle of Wight and State of Virginia, being of sound mind and disposing memory - do make this my last will and testament - revoking all other wills & testaments heretofore made by me, in manner and form following to wit,

My will and desire is - that my wife Nancy Bunkley shall be paid Annually - three hundred dollars - during her natural life - Also the household furniture during the same, also my desire is, that my two Grand Children Ann & Avril and Sarah H. Avril be paid the sum of three hundred dollars Each, which money I leave in the hands of my son Edwin Bunkley - for the benefit of my above named Grand children to be paid to them when in the discretion of my son Edwin - they may be in need of it; In case one of the above named Children should die before she attains to lawful age - or marries - I give her portion to the surviving child. In case both of them should die before they attain to lawful age - or marries, I give the above mentioned legacy to be equally divided between my six Children - to wit; Edwin Bunkley, John T. Bunkley, Willis J. Bunkley, Martha E. Grunkow, Mary A. Patton and Augustus Bunkley - to them and their heirs forever. The balance of my estate real and personal - I leave to be divided equally between my six Children as named above. I constitute and Appoint my four Sons - Edwin Bunkley, John T. Bunkley, Willis J. Bunkley and Augustus Bunkley Executors to this my last will and testament, and request the Court to allow them to administer without any security. In witness my hand and seal this 21st day of October 1855. The within named sum of three hundred Dollars given to my wife Nancy - Annually - is to be paid by my six children Equally - out of my testatey.

Signed & acknowledged
in the presence of
Joseph Goodwin

Nathl. W. Answorthy

John Bunkley *Teste*

I John Bunkley do make this codicil to the above will - the annuity and household furniture given in the foregoing will to my wife, are intended to be in

Mr. W. Parlin, married Anna E. C. Stearns
(not of age) entitled to three hundred dollars by the
will of Mr. Bunker and - Mr. Whipple is authorized
to proceed to collect the same -
1857

John W. Parlin

Post Office - Petersburg -

Parten
mens
v.
Bruck

The amt. of the legacy to Daniel C. Barton.
 by Geo. B. Smith and — — — — \$300
 Paid to J. L. 1958 — — — — 29.28
 arduous work — — — — 10.57
 amt. paid to me of \$345.76
 credited to Barton's wife - 17.24 - 1858

N. H. Hildreth

Refunding Bond

Know all men by these presents, that we, John
W. Parton and ^{Robt. Cousins} held and firmly bound unto Edwin
Bunkley, John S. Bunkley, Augustus Bunkley & Willis Bunkley
Executors of the Last Will and Testament of John Bunkley ~~and~~
in the sum of Six Hundred dollars; for the true payment
of which we bind ourselves and heirs, jointly and severally, firmly
by these presents - with our signatures and seals, this the 5th day
of June 1858. The condition of the above Obligation is this. That
Whereas, the said John W. Parton & Ann B. his wife, did recover
the sum of three hundred dollars, with interest from the 3^d of
December 1855, from the said Bunkleys executors, as aforesaid, as
will appear by a decree entered on the 19th of May 1858, in a suit pend-
ing in the Circuit Court of Isle of Wight County, in which the said Parton &
wife were plaintiffs, and the said Bunkleys were defendants, upon the
bond of the said plaintiffs executing a defending bond to the said
defendants - The said sum of \$300.00, being a legacy bequeathed to the
said Ann B. Parton formerly Neville, by the said John Bunkley ~~and~~,
Now if the said John W. Parton, shall refund his due proportion
of the said sum of \$300. to pay any debts or demands which may here-
after ^{appear,} against the estate of the said John Bunkley dec'd or of the
costs attending the recovery of the same, then this Obligation to be
Void, else to remain in full force and effect. With our
signatures and seals the day & year first above mentioned.

John W. Parton 
Robt. Cousins 