

1875-014 Chancery Causes, Thomas W. Bassett vs Temperance A Davis' admx of John W. Davis vs

Dale of Wight County

other surnames: Stubbs,
Oliver, Cofer, Winnington,
Thomas

Norfolk, May 8th 1868

Dear

I find enclosed the answers
of defendants in the case of
Baptist vs. Hades &c. My affairs will,
perhaps be as your case (on the
16th inst) - if not will you be so
kind as to request either one of
my friends - Whitefield or Heydon
to prepare a decree in said suit.
You will perceive that the widow
in her answer relinquishes all dower
to which she may be entitled in the
land - in the suit for a specific per-
formance - which obviates the difficulty
of tracing the same abated by a
conveyance. The answer for joint
children to the infant defendants under
which is enclosed in the bill when sent,
the condition of each over 14 years

as requires a separate answer as well
as per form is enclosed with those
of the adults

I am yours

Very Respectfully

Butler & Penn

per J. S. Stubbs

H. P. Young Esq
clerk

Oct 10. 1888

At a Quarterly Court of the Corporation of the City
of Norfolk continued and held at the Court House of
said City on Friday the 28th day of February in the
Year 1868-

On motion of Temperance A. Davis who made oath as
administratrix de bonis non and together with R. B. Coffey
and Charles T. Davis as her securities (who justified on oaths
as to their sufficiency) entered into and acknowledged a
bond in the penalty of Two thousand dollars conditioned
as the law directs, certificate is granted the said Temperance
A. Davis for obtaining letters of administration de bonis
non on the Estate of Jno. W. Davis deceased, in due form-

A Copy,

Teste: Thos W. Peirce, C. C.
J. H. Worthington, D. C.

Dear Sir - I send the above copied order -
Please attend to it for me (its object)
and at the proper time prepare a decree & enter
the case from the docket -

Yours, Truly
J. S. Stubbs

For 11576

11576

Virginia: At a Quarterly Court of the Corporation of the
City of Norfolk continued and held at the
Court House of said City on Friday the 28th
day of February in the year 1868.

On the motion of Temperance, A. Davis who made oath
as administrator de bonis non and ~~with~~ together
with R. G. Cofer and Charles T. Davis as her securities
{ who justified on oath as to their sufficiency } entered into
and acknowledged a Bond in the penalty of Two
thousand dollars conditioned as the law directs. Certif-
icate is granted the said Temperance, A. Davis for
obtaining letters of administration de bonis non on
the Estate of John W. Davis deceased in due form.

A Copy.

Teste

Henry M. Bowden City
" " "

Davis adm'r
of { copy order
Davis

No. 4

Rec^d. April 12th 1867, of Thomas W. Bapett three
hundred dollars on account of farm on Jones' Creek
in the County of Isle of Wight, sold him by John W.
Davis as per contract between said Bapett & Davis,
dated January 1st 1860, leaving a balance found
due from the said Thomas W. Bapett to the estate
of said John W. Davis, this day of seventy two $14/100$
dollars upon the said farm, and which when
paid will entitle the said Thomas W. Bapett
to a deed from the heirs of John W. Davis for the
said farm.

\$300



Simon I. Stubbs
admt of John W. Davis
deceased

18(3)

1948

88

1860

This Deed Made this 30th day of June 1859. between
John Casper and Mary M. his wife, of the County of
Isle of Wight, of the one part; and John W Davis of the
City of Norfolk of the other part. Witnesseth, that the
said John Casper and Mary M his wife - for and in
consideration of the sum of Eight hundred and fifty
dollars, do grant unto the said John W Davis, with
general Warranty - all that tract of land containing
by estimation Eighty five acres, lying in the County
of Isle of Wight, which was sold and Conveyed to the
said John Casper by Willis Stoveller by his deed dated
26th of December 1856. of record in the Clerks Office
of Isle of Wight County Court, and to which and the deed
from Robert H Whitfield. et. Al. Atkinson & Josiah Bassett
dated 30th December 1845. also of record in the Clerks
Office of said Court for the said tract of land, reference
is made.

Witness the following signatures and seals

John ^{his} Casper (Seal)

Mary M Casper (Seal)

City of Norfolk to wit

I Simon S. Stebbes a Notary Public in the City
aforesaid in the State aforesaid Certify that John Casper
whose name is signed to the writing hereto annexed bearing
date on the 30th day of June 1859. has acknowledged
the same before me in the City aforesaid.

Given and on my hand this 30th day of June 1859

Simon S. Stebbes

Notary Public

City of Norfolk to wit:

I Simon S Stubbs a Notary Public for the City of Norfolk and State of Virginia certify that Mary M Caroper - wife of John Caroper whose names are signed to the writing hereto annexed - bearing date on the 30th day of June 1859, personally appeared before me in the City aforesaid, and being examined by me privily and apart from her husband and having the writing aforesaid fully explained to her, she the said Mary M Caroper acknowledged the said writing to be act. and declared that she had willingly executed the same, and does not wish to retract it. Given under my hand this 30th day of June 1859.

Simon S Stubbs
Notary Public

In the Clerk's Office of Salfordwight County Court July 4th 1859
this and was received, with the Certificate annexed
of Simon S Stubbs a Notary Public for the City of Norfolk of
its acknowledgements before him of John Caroper and
Mary M. Caroper his wife & therefore admitted to record.

Teste N. P. Young Clerk.

A Copy Teste H. H. Worsley D.C.

(no 2)

Caroper & wife
to m Dec
John M. Davis

This is to certify, that I John W Davis
for and in consideration of the sum of
twelve hundred dollars, do agree to sell
my farm situated on Jones Creek in Lb
of Wright County, bought by me of Captain
John Cropper, unto Thomas W. Bassett
for which amount I agree to receive
the payments in the following manner
Viz. Cash at this date, One hundred &
seventy five dollars. January 1st 1860, Cash
Twenty five dollars. May 1st 1860. to be
paid One hundred dollars with interest
from January 1st 1860, the other nine hundred
dollars, to be paid as follows viz three
hundred dollars per Annum, with interest
from January 1st 1860. Eighteen Hundred
& Sixty until paid for, said interest
I agree to receive at the expiration of
four Years from date as above
specified, which amount being Fifty four
dollars per Year, making in the whole.

One hundred and sixty two dollars, to be
paid at the close of Year Eighteen Hundred
& Sixty Three, for the true & faithful
performance of all which the said Thomas
W. Bassett & Wife, does agree to give a deed
in trust, ~~to~~ upon said farm & appurtenances
for the payments thereof as above specified
The deed in trust to specify the particulars in relation
to payments.
John W Davis

This instrument of writing will be null
& void, upon the reception of deed in trust
which is to be given January 1st 1850
& to be presented by Wm Thomas to Wm Bassett
at that time

Detmpt James E. Kimington's home is W. Bassett
received through J. A. Cooper \$25.00
May 10th 1850 " " " " 400.00

(No 1)

In Suffolk Circuit Court April 19th
1872,

Thomas W. Bassett

Plff.

vs.

} In Chancery -

John W. Davis' admr. & als. Defts.

This Cause came on this day
to be again heard on the papers for-
merly read and on the report of
N. P. Young Special Commissioner
made under a decretal order ren-
dered herein on the 18th day of
May 1868, to which report no ex-
ceptions are filed, and was argued
by counsel; on consideration
whereof the Court confirming the
said Report, doth adjudge order
& decree that this Cause be removed
from the Docket.

L. W. Bassett

vs. }

Davis' admrs et als.

Rough Decree
April 19th 1872

To be entered,

Bapett

v

Davis et al

This cause came on this day to be again
heard on the papers formerly read and on
the report of payment of commission
a M. P. Young paid heretofore ^{July} 9th 1869
to which an exception was filed
and the receipt of Jno S. Stubbs attorney
for the administration of Jno W. Davis
and was argued by counsel. On
consideration whereof the court
confirming said report doth adjudge
and decree that this cause do
which nothing further remains to
be done be removed from the docket.

Bassett

v. Decm

Davis

To be entered

October Term 1875

Geo. B. Lord.

Entered 3.3

Final

Thomas W. Bassett }
vs }
Davis et al } 3

This cause came on to be heard on the bill, ~~and~~ exhibits filed, and was argued by counsel; On consideration whereof, it appearing that Thomas W. Bassett did, during the life time of John W. Davis, purchase from said Davis the farm mentioned in the bill, and exhibit (No 2) which was sold to Davis by John Cropper and wife, and it further appearing that no deed for the same was given said Bassett, by Davis, but that under their agreement the same was held by Davis as security for the deferred payments, and was to be given whenever Bassett should have paid ^{all} the purchase money and interest according to their agreement. And it further appearing that Bassett has paid all the purchase money except the sum of Twenty two ¹⁴⁴/₁₀₀ dollars with interest from April 15th 1867, and it further appearing that the widow is willing to give up her right of dower in the land mentioned, And it further appearing that the said John W. Davis is now deceased leaving a widow Tim, and A. Davis and heirs mentioned in the bill, some of whom are infants, all of whom, ^{together with the personal representatives} have answered the bill, the adults admitting all the facts alleged, and the infants by A. S. Young their guardian ad litem. And therefore on consideration of the said matters of the case, the Court doth adjudge and decree, that upon the payment of balance

due of Seventy two ^{14,100} dollars with interest from
April 12 - 1867, by said Thomas H. Bassett, a good
and sufficient deed be given him by N. T. Young
who is hereby appointed a special Commissioner
for that purpose, of the land mentioned in
i agreement in writing between the said Bassett
and Davis, ~~and~~ filed as an exhibit No 1 in the bill,
according to the metes and bounds therein ^{mentioned}
and also in deed of Cooper and wife to Davis, a
copy ^{being} filed as exhibit No 2. And it is ordered that
the said defendants do pay unto the plaintiff ~~his~~
~~to pay~~ ~~about his suit in this behalf expenses~~
plaintiffs and defendants respectively pay their
own costs.

Thomas H. Barrett }
vs }
Quins et al } Deeno

May 10. 1868

To be entered

R. H. Barrett

At a Circuit Court for the County of Isle of Wight, held at
the Court house on the 18th day of May 1868.

Thomas W. Bassett

Plff.

Against

Le Chey

Famperence Davis Administratrix de bonis mortis of John W. Davis dec?
and in her own right, William H. Oliver & Eliza B. his wife, Charles
T. Davis, Robert E. Cooper & Martha A. his wife, James E. Worthington
& Anna L. his wife, Gertrude L. Davis, William S. Davis, Samuel
A. Davis, Laura B. Davis, Arminette B. Davis, Emmet Lee Davis,
the last six infants under 21 years of age.

Defnts.

This Cause came on to be heard on the bill answers exhibits
filed, and was argued by Council, on consideration whereof
it appearing that Thomas W. Bassett died during the life time
of John W. Davis, purchase from said Davis the farm mentioned
in the bill & Exhibits (No 2) which was sold to Davis by John
Cooper & wife, and it further appearing that no deed for the same
was given said Bassett by Davis but that under their agreement
the same was held by Davis as security for the deferred payment
payment, and was to be given, whenever Bassett should have
paid all the purchase money & interest according to their
agreement, and it further appearing that Bassett has paid
all the purchase money except the sum of seventy two dollars
& fourteen cents, with interest from April 12th 1867, and it
further appearing that the widow is willing to give up her right of
dower in the land mentioned. And it further appearing that the said
John W. Davis is now deceased, leaving a widow Famperence Davis and
heirs mentioned in the bill, some of whom are infants, all of whom together
with personal representative have ^{answered} the bill. The adults ad-
mitting all the facts alleged and the infants by A. P. Young their
guardians Ad litem, The Court doth Adjudge Order and decree, that
upon the payment of the balance due of seventy two dollars and
fourteen cents with interest from April 12th 1867, by said Thomas W.
Bassett to Famperence A. Davis Administratrix de bonis mortis of John W.
Davis dec? A Good and Sufficient Deed be given him by A. P. Young

who is hereby appointed a Special Commissioner for that purpose, for the land mentioned in the Agreement ^{written} between the said Bopett and Davis, filed as an Exhibit No. 1 in the bill, according to the merits and demands therein mentioned, and also mentioned in Deed of Conveyance and wife to Davis. A copy being filed as Exhibit No. 2. and it is ordered that the plaintiffs and defendants respectively pay their own cost.
 A Copy.

Teste J. D. Young, Clerk.

In the Circuit Court of Isle of Wight County.

The undersigned, Commissioner appointed by the within decree to make to J. W. Bopett a deed for land as therein mentioned Reports to the Court that said Bopett having paid the amount required to be paid by Judge Temperance A. Davis, Adm'r. of Jno. W. Davis dec'd; he has made to said Bopett the proper deed as required by this decree, Given under my hand as a Special Commissioner, July 3rd 1869.

J. D. Young, Clerk.

Receipt

Wm. Davis & Report of Comr.

Dec'd.

July 3rd 1869 filed

Dec. 12/67 \$ 72.14
 Ant. 2. July 69. 7.45

79.59

50.00

29.59

Ant. 2. July 69. 29.59

30.48 1/2

Ant. 2. July 69. 5.00

36.48

Ant. 2. July 69. 2.00

38.48

Ant. 2. July 69. 2.35

40.83

July 2. 1869.

The above balance due Davis

on 2. July 1869. of \$ 30.48

was left in my hands by

J. W. Bopett for Davis

J. D. Young

J. D. Young, Clerk.

J. J. BURROUGHS,
ATTORNEY AT LAW,

No. 24 Bank Street,
NORFOLK, VA.



Mr. P. Young Esq.
Clerk
Hle of Wight N.H.,
Va

J. J. BURROUGHS,
Attorney and Counsellor at Law,

No. 24 BANK STREET.

Norfolk, Va., Apr. 26 1875

A. P. Young Esq

Clerk County & Circuit Court of
Dist of Wright C., Va

Dear Sir,

I am trying
to close the Estate of Jas W. Davis.
I have been informed that there is
in your hands as clerk of the
Court some funds belonging to said
Estate. I write at the suggestion
of Mr. J. S. Stubbs, and would
be glad if you would forward the
amount either to him or myself.
Either of us will send to the proper
receipt. Perhaps it would be better
to send to him.

Very truly,
(Yours truly)

J. J. Burroughs
Ad. for Davis of the above

Receipt of Mr
Jm. J. Stubb for
ant. deposited
in Bepul & Co
Sept. 22. 1875

Mr. Krumm
has paid for
showing that the
ant. has been paid
to Stubb & Co for
Krumm & Co
from 20 off the

Received of H. P. Goss, Clerk of Circuit Court of
Isle of Wight County, thirty dollars and forty eight
cents, being the amount deposited in the suit of
Baptist v. Davis arising from balance ordered to be
paid by J. W. Baptist to the adm^t of Jno. W. Davis by
decre^e of said court as shown by report of Goss.
filed in the case on 27th July, 1869.

apl^{to} 20th 1875.

J. S. Stubbs
attor^y

The Smith of Papillon, Harris . . .
to the Coll. of Laight Cir. at
Cincinnati from May 1847 to July
1848 inclusive. E. J. P.

Chas. H. Jones etc.

The suit of
Bassett vs.
Davis.

\$2.88

Received of Thomas W Bassett Esq
Fifty dollars which Mr A P Young will
credit him with in the final settlement of
matter in suit of Bassett vs Davis & al
Attest & Perce
Wm Allen Va Aug 2^d /69



To the Circuit Court of Isle of Wight county

Pursuant to a decree of the said court rendered on the 18th day of May, 1868, in a suit in chancery therein depending, between Thomas W. Bafitt plaintiff and Emerson Davis admt. of John W. Davis decd. sals. Defts.

The undersigned special commissioner appointed by said decree, to make to said Thomas W. Bafitt, upon the payment by him of the balance of \$72.14, with interest from the 12th of April, 1867, due by him to Emerson Davis admt. of John W. Davis decd., respectfully reports that, the said Bafitt having paid the amount of the balance aforesaid, as appears by the statement below, your commissioner has made to said Thomas W. Bafitt, a deed for the land as directed by the decree aforesaid.

Statement.

Amount of the balance aforesaid	\$72.14
Int. from 12 th Apl. /67 to 2 ^d Jan. 1869.	7.45
	79.59
Paid by Bafitt to Stubbs Davis attor. fr. exps.	50.00
	29.59
Int. on from 2 ^d Jan. /69 to 2 ^d July /69.	.89
Balance paid by Bafitt 2 ^d July 1869	\$30.48

which is filed in the case subject to the future order of the admt. of J. W. Davis.

Given under my hand as special

Bassett

Cond. Geny. Aftt.
of payment by
vs. 3 of deed made.

Davis vs.

July 3^d 1869, filed

Correspondence and the 2nd day
of July, 1869.

Chas. P. Young, Secy. Genl.

Practices in the Courts of the
Counties of
Isle of Wight, Nansemond,
Terry, and Southampton,

Office of R. I. Thomas,

ATTORNEY AT LAW,

Smithfield, Va., May 26th 1875-

Dear Mr Young:

I met Mr Stubbs accident-
ally in Norfolk the other day and told him
I had heard a bit of his right frequently called &
that there was some money waiting for some
one and if he understood the proper papers I
would try & get the money and send it to him.
He represents Mrs Davis the administratrix &
you can send him any money due him by check
direct to him i. e. if you are the creditor. If
any thing else is required I will inform him.

Very truly,
R. I. Thomas

N. P. Young Esq

THE COMMONWEALTH OF VIRGINIA,

Sergeant of Norfolk City
To the Sheriff of Isle of Wight County--Greeting:

WE COMMAND YOU TO SUMMON *Joseph and R. Davis, administrators of the*

estate of Wm. A. Davis, dec'd. in his own right, William B. Davis & Eliza C. Davis wife, Charles J. Davis, Robert E. Coffey & Martha A. Coffey, James & Fanny Davis, John L. Davis, George S. Davis, William H. Davis, John W. Davis, Lewis B. Davis, Samuel H. Davis & John Davis, (the last in default under 21 years of age)
to appear at the Clerk's Office of our *Circuit* Court of Isle of Wight

County, at Rules to be holden for the said Court, on the first Monday in

April next, to answer *The Bill in Chancery filed*

against them by Thomas W. Balford

of a plea of

damages

and have then and there this writ. Witness, NATH'L P. YOUNG, Clerk of our said

Court, at the Court House, this *11th* day of *March* in the

year 1868, in the *92nd* year of the Commonwealth.

N. P. Young Clerk

Thomas W. T. Bafett

To Sum. to am.
v. Bill.

James W. Davis' acct.
dols.

To Apine Niles, 1868,

Shells & Pearls
py.

Executed by delivering
a copy of the within
to all of the within
names March 23^d 1868

W. B. Brown
deputy for
W. B. Briggs
S. 125

The joint and several answers of William H. Oliver
and Eliza C. his wife, Charles S. Davis ~~in his own right~~
~~and his wife~~ ~~of the County of Essex~~ Robert C. Coffin and
Martha his wife, and James C. Worthington and Anna
L. Worthington his wife to the bill of complaint
of Jno. W. Babett—

Your defendants for their joint
and several answers to said bill of complaint say
that they believe that Jno. W. Davis in his lifetime en-
tered into a written agreement with the plaintiff, Jno. W.
Babett, to sell and convey unto him a certain
tract of land in the county of Isle of Wight where
he should have paid the price agreed upon un-
der the terms and provisions of the said agreement,
and that the tract of land so agreed to be convey-
ed is the same described in the plaintiff's ^{bill} and
referred to as a part of said bill by the filed ex-
hibits therein. That they further believe, that as ~~it~~
is charged by plaintiff, ^{where} that the payments ^{were made} ~~from~~
~~which~~, under said agreement, ^{by the plaintiff} ~~were made~~, a deed
for said land was to have been ^{executed} ~~made~~ by de-
cent to him, ^{and that they} have been substantially complied
with—by the plaintiff in the lifetime of the said
Jno. W. Davis, and since his death to his personal
representative—and that only ^a small balance
and the accruing interest remain to be paid; and
they have no objection to the court's ^{decreeing} ~~and directing~~
a specific performance of said agreement upon
plaintiff's paying said balance paid due and
the interest thereon—and pray to be dismissed
with their reasonable costs.

W. H. Oliver.
E. C. Oliver.

The answer of Temperance A. Davis widow of John
^{in her own right}, and as administratrix of John W. Davis dec'd
to the bill of complaint filed a pt. her and others
in the circuit court of Isle of Wight Co - by John W.
Bapett -

Your defendant for answer to said bill
of complaint says it is true that in the lifetime of
her husband, John W. Davis, he contracted to
sell a certain tract of land situate in the county
of Isle of Wight to Thomas W. Bapett upon certain
conditions & to convey to him the same when those
conditions were complied with by said plaintiff
& that the tract of land so agreed upon by them
respectively is the same described in the bill and the
exhibits that are prayed to be taken as a part of
the same. That as far as she knows or believes
that the conditions, to wit: the payments for the
purchase on the part of said John W. Bapett have
been substantially complied with on his part
either before or subsequent to the death of said
John W. Davis her late husband. That although
entitled to dower in said tract of land, she is
willing to renounce the same, and that in decreeing
a ^{specific} performance of the contract entered
into by said husband in his lifetime with said
plaintiff, without regard to her dower, she is
perfectly willing for the same to be entered
by the court -

T A Davis

{ in own right and as Administratrix
of John W. Davis dec'd -

City of Norfolk, to wit:

This day personally appeared
Temperance J. Davis - before me *Wm W. Furse*
a Notary Public for said city and made oath that
as far as she has any personal knowledge of the state-
ments contained in her annexed answer, ^{for herself and as administratrix of Geo. M. Davis's estate} the same are
true - and she believes all that she has derived from others
are true. Given under my hand this day of *May*
May - 1868

Wm W. Furse
Notary Public

Baker
vs J. Annan & Widows
Davis vs

1868
May rules - filed

The joint and several answers of Gertrude L. Davis,
William H. Davis, and Samuel W. Davis infants
over fourteen years of age to the bill of complaint
of Jno. W. Papett filed against them & others in the
Circuit Court of Isle of Wight County

Yours defendants
for their joint and several answers to said bill
of complaint now and at all times hereafter reserving
to themselves all right of exception to any errors, un-
certainties or imperfections that may hereafter be ta-
ken to said bill - say they are infants over fourteen
and under twenty one years of age - that they are
unacquainted with the legal bearing & force of
the allegations of plaintiffs; but - and know no-
thing or very little of the agreement alleged to
have been made by their father in his lifetime
and the plaintiffs; but that they are willing ^{to} submit
to the court to do whatever may be right in the
premises - and having fully answered pray to
be dismissed with reasonable costs

Gertrude L. Davis
Wm. H. Davis
Samuel W. Davis

City of Norfolk, to wit:

This day personally appeared
Gertrude L. Davis, William F. Davis and Samuel W.
Davis before me ^{Chas. J. Fiske} a Notary Public for
said city who made oath that the foregoing account
of this as to their ages are true and whatever may be
therein contained as derived from the knowledge of a-
ll those they believe are true. Given under my hand
this 14 day of May 1868
Chas. J. Fiske
Notary Public

Baker
vs. Fiske
as to account of infants
Davis et al

1868.

May Rules - filed.

Thomas W. Basset

as { in chambers

Temperance A. Davis & Indecent

The answer of Geste

L. Davis, William H. Davis, Samuel H. Davis, David
B. Davis, Amos B. Davis, and Emmett Lee Davis
infants under twenty one years of age by
N. P. Young their guardian ad litem to a bill
of complaint filed against them & others
in the Circuit Court of Isle of Wight County
by J. P. W. Basset.

And said de-

fendants by N. P. Young their guardian ad
litem as far as they know & believe say ~~that~~
~~that~~ the allegations of the plaintiff are true
to wit that they are
infants under twenty one years of age and
have been legally adopted by the said
guardian their co-defendants & are ~~therefore~~
without knowing nor having the legal
capacity of defending their individual
rights & relying upon the justice and
equity with which the court is clothed
they leave the same to the discretion
of the court & pray to be dispensed with
their reasonable costs

N. P. Young Jdw. ad litem

ans. recd. of inf. and defects
by g. d. m. ad l. m.

1868

apt. sub. file 5

Hon. Richd H. Baker, Judge of the Circuit
Court of Isle of Wight Co. &c

Humbly complaining Shubert

unto your Honor your orator Thomas W. Bapitt that
on the 1st day of January 1860 pro W. Davis in his
lifetime on that day and date entered into a written
agreement with your orator - which is herewith
filed and prayed to be taken as a part of this
bill & no (1) by which agreement the said pro W.
Davis in his lifetime agreed to convey unto your
orator upon his complying with the terms of
said agreement a certain tract of land conveyed
to said Davis in his lifetime by Capt Geo Campbe
in the county of ple of Wight on the 30th day of June
1854 a copy of which ^{conveyance} ~~in~~ no (2) is herewith filed
& prayed to be taken as a part of this bill, which
conditions have been complied with on the part of
your orator by payments to said pro W. Davis in
his lifetime and since his death to S. S. Smiths de
leg personal representative, except a balance of
~~sixty two~~ ~~dollars~~ Seventy two $14/100$ dollars with interest
on sum April 12th 1867 of which he is willing and ready to
(a) which he is now and on his part has been always ready & willing to pay on
pay upon receiving a proper deed under said agreement (a)
which receipt no (3) from S. S. Smiths a de is also herewith
filed as a part of this bill - that since the death
of said pro W. Davis and the death of S. S. Smiths his per
sonal representative Tempérance A. Davis widow
of said pro W. Davis has qualified as the administrat
ress of said pro W. Davis a copy of whose administra
tion is herewith filed as a part of this bill no (4)

That the said Jno W. Davis at his death left the
following ^{being at law} a widow, Jemference A. Davis; and
children - Eliza C. who intermarried with Wm H.
Oliver, Martha A. who intermarried with Robert C.
Coxe, Anna L. who intermarried with James C. Wirming-
ton and Charles J. Davis who are adults, and the
following who are infants under twenty one years
of age, to wit: Gertrude L. Davis, William H. Davis,
Samuel H. Davis, Laura B. Davis, Annetta B. Davis,
and Emmett Lee Davis. That owing to the death of
said Jno W. Davis before the expiration of the time within
which the terms of said agreement were to have been
performed and leaving infants as his who ^{are} still in min-
ority, your ~~companion~~ orator has necessity to apply to a
court of equity which alone has cognizance of the same,
and your orator prays that your Honor will decree a
specific performance of the before cited contract
by the heirs of said deceased or some one duly appointed
for that purpose - and to this end that ^{Jemference} ~~Patience~~ A. Dav-
is individually and as administratrix de bonis non of
Jno W. Davis decd, William H. Oliver Eliza C. his wife,
Charles J. Davis, Robert C. Coxe and Martha ^{A.} his wife,
James C. Wirmington and Anna L. his wife - Gertrude
L. Davis, William H. Davis, Laura B. Davis, Annetta
B. Davis and Emmett L. Davis - last six infants un-
der twenty one years of age be made parties de-
fendants to this ^{bill} and required to answer the allegations
of the same in due form. That a proper guardian
ad litem be appointed to defend the interests of
the infant defendants to this bill, that proper
process be issued and that all such further and

other relief be afforded as to equity is met and
to your Honor is proper to be granted and your
~~Honor~~ Honor will as in duty bound ever prove

Stubb & Peirce

12. 9.

Basset
vs Bill in & from
Loans etc

1868.

April rules - Bill v. filed
sum. l. esc. d. & de non nisi
or. adult depts.
Gov. ad litem aff. to the
infants - their acc. filed
& rep.

May rules - Ann. of adult
depts. & depts. over 14 years (of infants)
& rep. & set for hearing.

May term - Decree for payment
& deed to be made &c.

Acts. Ct. Cond

May 1869. Cond

July 3rd 1869. Rept. of
N. S. Young filed.

Acts 1869. Cond.

May 1870. Cond

Oct. 1870. Bond Decree