

1847-003 SOUTHAMPTON COUNTY
CHANCERY PAPERS

DUCK

VS. GRAY'S ADMINISTRATOR et al

Part 1

Other SURNAMES: Strong,
PARSONS Seth R. Strong +
Company, Mordaugh,
Urquhart, BOWERS

Duck

Papers

Gray's Case

1836 Sub. Will dies 1836

Oct. Sp. Ex. on J.R. Gray.

Nov. New Sp. Ex. & C.P. v. J.R. Gray.

Decr. Sp. Ex. on Parsons & Parsons.

Ans. & Hovers J.R. & C. v. New

Sp. v. J.R. Gray.

Jan. Sp. Ex. on J.R. Gray.

Ann Gray no inhabit.

Feb. Set for hearing as to J.R. Gray

& New Sp. v. J.R. Gray.

Mar. Sp. v. Ann Gray. Executed.

July. Set for hearing as to Ann Gray.

Oct. Leave to amend bill & C.

J.R. & C. v. J.R. Gray & infant.

Decr. Ann. Amended bill. 1837

Feb. Sp. Executed. Ann & infant.

Shops & C.

June. Set for hearing as to infant

& Nathan Parsons.

Decr. Decree for account.

1837

1839

1840 Report recommended

June 15. Report not.

1841 Leave to amend bill & Cause sent to the Rules.

Oct. Leave to amend bill.

Decr. Ann. bill. C.P. & J.R. Parsons

Sp. v. J.R. Gray.

1842 New Sp. & J.R. Gray

July. New Sp. & C.

Oct. Sp. Ex. on Gray, shall

be granted & C.

1843 Aug. Sp. Ex. on J.R. & J.

Oct. Set for hearing as to

J.R. Gray.

J. Devere & C.

Puffs lead

Letter 32.77

Room 20.00

Br. Sub. 14.75

W. 6.25

Law. 17.51

190.37

1171

D. J. Briggs & Co.

Letter 14.19
Law for 16.26
20.85

Jacob H. Duck

or $\frac{2}{3}$ Bill H.

Thomas A. Gray M.
Hodges

1836 Sep. 30

Cape

Ex. 1

(2688 words)

So.ampton Sep. Co. Chy.

To the Honorable Richard H. Baker, Judge
of the Circuit Superior Court of Law and Chan-
cery for the County of ~~Washington~~ South Hamp-
ton, in chancery sitting:

Humbly complaining, sheweth unto your
Honor your orator Jacob H. Bach, that on the 16th
day of June, 1828, a certain Thomas R. Gray, of
the said County, paid to Stephen Mundaugh, dep-
uty Sheriff of said ^{of the said County} Sumner County, for the bene-
fit and at the request of his father, ^{Thomas Gray,} the sum of
eighty three dollars and eighteen cents, in dis-
charge of an execution sued out under a judge-
ment rendered against the said Thomas Gray in
favor of a firm styled Arthur and William John-
son and Co., as more particularly appearing by the
receipt of the said Mundaugh, marked A, herewith
filed and prayed to be considered as a part of this
bill; which receipt was subsequently, to wit, on
the 20th of November, 1830, assigned by the said
Thomas R. Gray to a certain Seth R. Strong, and
afterwards, to wit, on the 16th day of April, 1832,
assigned by the latter to your orator for a suffi-
cient consideration, as ~~best~~ will appear by the
endorsements on the said receipt. And your
orator further shews that on the 15th day of Jan-
uary, 1829, the said Thomas R. Gray paid to the
said Mundaugh, deputy Sheriff as aforesaid, for
the like benefit and at the like request of the said
Thomas Gray, the further sum of one hundred
and ninety three dollars and thirty one cents, in dis-
charge of an execution sued out under another

judgement recovered against the said Thomas Gray by Eph Drewry, ex'or of Samuel Drewry, in for the benefit of Robert Drewry, as appears by reference to the receipt of the said Munday, marked B, herewith filed, and prayed to be taken as a part of this bill; which receipt was, on the 20th day of November, 1830, ^{also} assigned by the said Thomas N. Gray to the before-mentioned Seth N. Strong, and again, on the 16th day of April, 1832, further assigned by the latter to your orator, for a sufficient consideration, as appears by reference to the two several assignments endorsed on the said receipt. And your orator further shews that on the 18th day of May, 1830, the said Thomas N. Gray laid to the said Stephen Munday, who was at that time the deputy of Clements Rochelle Sheriff of the said County, for the like benefit and at the like request of the said Thomas Gray, the further sum of ~~fifty five dollars and~~ ~~twenty five cents~~ twenty dollars and sixty five cents, in discharge of an execution sued out under ^{another} judgement recovered against the said Thomas Gray by William Blown and others, as appears by reference to the receipt of the said Munday, marked C, herewith filed, and prayed to be taken as a part of this bill; which receipt was, on the 20th day of November, 1830, ^{also} assigned by the said Thomas N. Gray to the before-mentioned Seth N. Strong, and afterwards, on the 16th day of April, 1832, further assigned, for a valuable consideration, by the said Strong to your orator, as will appear by reference to the assignments

endorsed on the said receipt. And your orator represents that the said Thomas Gray, ~~deceased~~ ~~being then in-~~ ~~debted to the said Thomas N. Gray, and by con-~~ ~~sequence to his assignees, and being possessed of a~~ ~~considerable real and personal estate more than~~ ~~sufficient to satisfy all his just debts, departed~~ ~~this life sometime in the year 1831, having first~~ ~~made his last will and will and testament in~~ ~~writing, bearing date on the 6th day of September,~~ ~~1831, and recorded in the County Court of Southampton on the 19th of the same month; whereby, among~~ ~~other devises and bequests, to his son Edwin Gray,~~ ~~his daughter Anne Gray, and his grand-daughter~~ ~~Ellen D. Gray, daughter of the before-mentioned Thom-~~ ~~as N. Gray, who with the said Edwin and Anne~~ ~~were the only children of the said testator, deceased,~~ ~~he subjected all his real and personal estate to the~~ ~~payment of his just debts, and upon his decease,~~ ~~the said estate was to be divided equally among~~ ~~as~~ ~~will more fully appear by reference to an attested copy~~ ~~of the said will, marked D, herewith filed, and~~ ~~prayed to be taken as a part of this bill. And your~~ ~~orator further represents that upon the death of the~~ ~~said testator, the executor nominated by him failing~~ ~~to qualify, Orris A. Browne qualified as his ad-~~ ~~ministrators with the will annexed on his estate,~~ ~~as appears by reference to an attested The Certificate~~ ~~of the Clerk, marked E, and subjoined to the before-~~ ~~mentioned will; and after ward, adm'n de bonis~~ ~~non, with the will annexed, was conferred on~~ ~~Sam Brown, Sheriff of the said County, as more~~

fully appears by ~~reference to~~ The Certificate of the clerk, marked F, herewith filed ~~and prayed~~ to be considered ~~as a part of this will~~; by virtue whereof the said Carr Browne received, or might by proper diligence have received, into his possession and under his control all a considerable portion of the testator's personal estate which was undistributed by the said Browne, and a large tract a parcel of land of the value of dollars.

And your Honor further represents that, since the date of his before-mentioned appointment, the said Seth R. Strong hath departed this life, leaving a last will and testament, whereof a certain Nathaniel Parsons, of the County of Greenville, hath qualified as the ex'or, as appears by reference to the Certificate ^{of the clerk} marked G, herewith filed and prayed to be considered as a part of this will.

And your Honor further represents that the said Edwin Gray removed many years ago to one of the Western States, whence he has never returned, and is consequently not a resident of this State; that the said Ellen D. Gray is an inhabitant at this time of the City of Richmond, and the said Anne Gray of the County of Barry. And your Honor charges that he has made frequent applications to the said Carr Browne, administrator as aforesaid, and earnestly besought him to discharge the aforesaid claims out of the estate of his testator in his hands to be appropriated in pursuance of the before-mentioned will, and, if necessary, to sell so much of the real estate left by the testator as might ^{be sufficient} for the purpose; and he well knows that such his reasonable applications

would be complied with as in right and justice they ought; but now so it is, may it please your Honor, the said Can Bowers hath hitherto refused, and still doth refuse, to comply therewith contrary to what your Honor holds to be equitable and proper. In Tender Consideration whereof, and for as much as your Honor is without adequate remedy in the premises save by the assistance of a Court of Equity, where matters of this kind are properly cognizable; to the end therefore that the said Can Bowers, Sheriff and adm'r or as aforesaid, Thomas R. Gray, Edwin Gray, Anne Gray, Nathan Parsons, ex'r of Seth A. Strong dec'd, and Ellen Douglass Gray, who is an infant to be defended by some ^{person} specially appointed as her guardian ad litem, may be made parties hereto, and that they may, upon their several corroboral oaths, true and perfect answer make to all the allegations herein contained; and especially that the said Can Bowers be required to state particularly what property, real and personal, came to his hands as adm'r or as aforesaid, and whether any and how much of the same remaining unappropriated in his hands; and that if there be not a sufficiency of money or other personal property in his hands belonging to the said estate, to satisfy your Honor's claims as aforesaid, that he be decreed to sell so much of the real estate as may be necessary for the purpose; and that such other and general relief may be decreed to your Honor in the premises as may be right & proper.

May it please R.

Wm. D. Hodges, P.G.

Jacob H. Duck

21. $\frac{3}{4}$ An^d Mile.
Gray's adm^{tr} sal.

1887 December 20th

1888 Jan^y 20th

Ex^h

7

Ex^h -

To the Honorable Richard H. Baker, Judge
of the Circuit Superior Court of Law and
Chancery for the County of Southampton,
in chancery sitting:

Humbly complaining, sheweth unto
your Honor your Orator Jacob H. Duck, that
he did, on or about the day of last,
exhibit his original bill of Complaint in
this honorable Court against Can Bowers,
Late Sheriff and adm^r with the will annexed
of Thomas Gray deceased, and others, Morely
stating as is therein particularly stated, and
praying that the said Can Bowers, be required
to state particularly what property real and
personal came to his hands, as adm^r, as a
juror, and whether ^{any} and how much of the
same remains unappropriated in his hands;
and that if there were not a sufficiency of
money or other personal property in his hands,
belonging to the said estate to satisfy your
Orator's claims, ~~and expenses~~, that he be de-
creed to ^{sell} so much of the real estate as might
be sufficient for the purpose; as in and by
the said bill of Complaint, now remaining
as of record in this honorable Court, (reference
being thereto had) will more fully appear.
And your Orator, by way of supplement and
amendment to his original bill, files here-
with certain exhibits, marked A. I. H. respect-
ively, being attested copies of the several judg-
ments and executions, referred to in his original
bill and therein alleged to have been dis-

charged by a certain Thomas N. Gray at the request and for the benefit of his father the beforementioned Thomas Gray, as appeared by the several receipts therewith filed, marked A. B. C., all of which exhibits your Oator prays may be taken as a part of this his amended bill. And your Oator represents, that the receipts referred to and exhibited in his original bill, having been assigned by the said Thomas N. Gray ^{to a certain Seth N. Strong}, as is also therein stated, were afterwards assigned to your Oator by Seth N. Strong & Co; which Company, as your Oator believes and therefore alleges, was composed of the said Seth N. Strong and a certain Nathan Parson, now of the County of Greenville, who were merchants trading under the style and firm of Seth N. Strong & Co. To the end therefore that the said ~~Case~~ ~~Parson~~ Nathan Parson, in his own honor, may be made a party hereto, and may be required, upon his corporal oath, to make true and respect answer to all the allegations herein as well as in the original bill contained, and that your Oator may have such and the same relief against the said Nathan Parson, as in and by the said original bill is prayed against the several defendants thereto, as well as such other and further relief as may be deemed rightful and proper and under the circumstances of the case - May it please, &c.

Wm. D. Hodges, J. G.
" "

Quick

in { Amended bill

Gray's

Remains that this amended bill was
filed
July 19th 1841.

Filed December Rules 1841
(1161 words)

20 Judge Nickl. H. Baker, judge of the Circuit
Superior Court of Law and Chancery for the
County of Southampton - in ch. Sitting.
Humbly complaining, shew to the Court
your orator Jacob H. Baker of the County of
Suffolk - that he did on or about the
day of a.d. - exhibit his original
bill of complaint in the Court, against
Can Bowers, admor: with the aid and
of Thomas Gray &c.; Thomas R. Gray,
and others - and that on the day of
a.d. - he filed in same Court, an
amended or supplemental bill agt.
said Bowers, Nathan Parsons & others
praying (among other things) that the
said Bowers, admor: of Rds. Gray
or some other of the defendants should
be decreed to pay to him several sums
of money due to him on papers &c. &c.
- or of debt that were assigned by Thomas
R. Gray to Seth R. Strong &c. which came
to the possession of Seth R. Strong &c.
and which, for a valuable considera-
tion, were afterwards transferred, assigned
and paid over to your orator by Seth
R. Strong & Company, the said company
then consisting of Seth R. Strong &
Nathan Parsons, merchants, and
partners trading under the style of
Seth R. Strong & Co., and for which
transfer, the said company recd. of
your orator a valuable consideration
all which proceedings will manifestly
and at large appear by reference to the

said original and amended bills, which
are filed in said Court with the various
exhibits and all of which are prayed to
be taken and considered part of this
amended bill. And you state further
charges by way of further amendment
and supplement to said original &
amended bills, that the said Seth R.
Strong is deceased ^{Nathan Parsons}
is his administrator or executor, and
that he has reduced into his possession, a
valuable estate more than enough to pay
the just debts of said Seth R. Strong, &
the said Nathan Parsons is now the
surviving partner of himself & the said
Seth R. Strong, the latter deceased: and a
surviving partner, a large estate is in the
hands of the said Parsons - that when
the said Parsons became admr: of
Seth R. Strong he entered into a bond
in the County Court of ^{Southampton}
in the penalty of \$30,000
without

dismissing, will appear by a copy of
said bond here with files & papers taken
as part of this bill - that the said
Thomas Gray (who assigned the aforesaid
papers and evidences on preterence
evidences of debt, and which come after
wards assigned as aforesaid to you state
is not obviously insolvent, as will appear
by a paper here with files marked D.
and prayed to be taken as part of this
bill - so that if the Court shall be of

opinion that the estate of the said Gray is not
sufficient to you state, then it will be
available to have a sum after the first
assignee Thomas Gray who is unable to pay,
and therefore the sum might properly be
first made against the representative of
Seth R. Strong deceased: or against the
said Nathan Parsons surviving partner
or assigns for the whole and sum you
state on the papers assigned to him by
Seth R. Strong deceased. To the end that justice
be done, you state pray, that the said
Nathan Parsons in his own right, and
as surviving partner of Seth R. Strong deceased
and also as executor ^{of} of Seth R.
Strong deceased: and

~~surviving partner in the said administration bond,~~
and Thomas R. Gray may be made
answerant to this amended bill, & that
they answer the same upon their corporate
oaths, fully and satisfactorily - that
the said Nathan Parsons is out of this
County: and it is prayed that you
state may have leave to proceed against
him as an individual or surviving
partner of Seth R. Strong deceased, and in the
several characters in which he is a
party, in the mode prescribed by law
against absent defendants - and that
the premises considered, you have with
grant such other and further relief as
the nature of his case may require, & as
in duty bound he will pray, &c.

Brown account
of Thomas Gray
and: Zaman
Sacred Book

1836 November 21st

copy
P. 11

At Home on P. 11

To the Honble Richard H. Baker, Judge of the
Circuit Superior Court of law and Chancery
for the County of Southampton.

The return of Barr Bowen, late Sheriff of the
County of Southampton, and Commissioner or agent of
of the estate of Thomas Grayson: to the bill of
complaint against him and others, in the said
Court exhibited by Jacob H. Buck &c.

This respondent moves and sheweth, hereby
saying and shewing to him, of all manner
of benefit and advantage of exception to the
manifest errors, imperfections, insufficiencies,
and false allegations, in the said bill contained
for answer thereto, or unto so much thereof
as he is advised it is material to make
answer unto, for answer, says that he is no
wise interested for the amount of money or
any part thereof sought by the complainant
to be recovered out of the estate of the late Thos.
Gray, to his hands committed, and that if
there was proof that Thomas Grayson was
ever indebted to the said Thos. H. Gray, or
charged in the bill, or to any person to whom
he had transferred his account, your respondent
is forbidden by the laws of the land to pay
the same, because the cause of action,
if it ever existed, arose and accrued
more than five years before the institution
of the suit of the complainant, and this
significant therefore pleads in bar of the
complainant's demand, the act of the general
assembly of Virginia entitled "An act for limitation

of actions; for preventing frivolous and vexatious
suits; concerning Jo. Gray, and certain proceeds
in civil case." - 25th January 1879. -
and pray to have the benefit thereof. - And now
respondent further denies, that the said Thomas
Gray died was in any wise indebted to the
said Thomas Gray, or to the R. Strong or to the
complainant at the time of his death or
charged in the bill of the complainant and
calls for strict and legal proof, that the said
Thos. Gray did pay, lay out or expend for or
to the use of the testator Thos. Gray, the sum, so
as aforesaid stated or any part thereof; and
this respondent is advised that it is not competent
to any person by a voluntary payment of the debt
of another, to make him, or that person, creditor,
and receive from him or his executors or assigns
the amount of the debt so paid. And this, etc.
For further answer says, that the said Thomas
Gray was a son of the said Thos. Gray, that the
latter for a considerable time before his death
was in the practice as his executor and receiver
- tans of transacting his business, although the
said son who was probably better qualified
to settle his accounts and to do such business
than any member of his family or any other
of his children - that the old man the father, was
in the possession of a good estate, and it is fair
to suppose that all sums paid by Thos. R. Gray
on account of the debts of his father, were
paid out of the money furnished by the
latter for that purpose, and that this presumption
is strengthened by the fact that old Mr. Gray
lived until about the month of September 1831,

and has now acknowledged himself indebted
to the said Thos. R. Gray on account of the claim
now sought to be recovered. - And this, etc.
For further answer says, that the said Thos. Gray
by his last will and testament a copy whereof is
filed with the bill of the complainant and
is now refused to as part of this answer, in the
claim of said will gives the residue and remains
- and of his estate after his just debts paid, to be
equally divided between his son Edwin Gray,
his daughter Ann Gray and his grand daughter
Ellen Douglass Gray - and he also provides
that should his son Thomas Gray to whom one
third part of his estate is given, being any
claim against his estate of any kind whatsoever,
that portion of his estate be given to his
grand daughter Ellen Douglass Gray, shall
be equally divided between his son Edwin
Gray and daughter Ann Gray. And the said
Thomas Gray mentioned in the will of the testator
Thomas Gray, is the same Thomas R. Gray in whose
right the complainant seeks to recover his
demands against this defendant. -
And this defendant for further answer says

He has heard and charges a true and correct statement
of the said Thomas Gray, a division of his estate
on a part thereof has actually been made
and a sum proportionately allotted to the
said Ellen Gray the daughter of the said
under the will of the said Thomas Gray the Elder.
And the respondent further answers say
that sometime in the month of ~~June~~ ^{June} 1831 or
the latter part of the year 1830 an execution issued
from the office of the Clerk of the Superior Court of
Horseshoe County in favour of one Louis Reifer
against the goods and chattels of the aforesaid
Thomas R Gray Thomas Gray the Elder and the
deceased aforesaid and James B. Lequhart
for the sum of \$1988 with legal interest thereon from
the 14th of March 1828 till paid and the costs subject to a
credit for \$120 paid 26th day 1829 —
directed according to law — and now respondent
charges that the said execution was paid
and discharged by the said James B. Lequhart
who called upon the said Thomas Gray the
Elder in his lifetime who was security for the
said Thomas R Gray with the said James B.
Lequhart and thereupon he the said Thomas
Gray senior in his lifetime satisfied his part of

the said suretyship to the said James
Burgubant, by paying the money to him
or by executing bonds and a deed of trust
to secure the payment of the said bond
so as aforesaid given to the said James
Burgubant to satisfy the due proportion
of the said Thomas Gray Senior as surety
for the said Thomas R Gray. And the
respondent refers the Court to an office
copy of the said execution whereby the
facts will appear as before stated, which
copy is herewith filed and prayed to be
taken as part of this bill; and the respondent
charges and expects to prove that at the
time the said Thomas R Gray paid the
receipts or claims which are made the
foundation of this suit, to the said Thomas
R Gray was legally indebted to the said
deceased Thomas Gray the whole to wit, the
sum of \$ and upwards, much
more than equal to the amount claimed
on the receipts aforesaid. And you
respondent for further averment see in that
upon the death of his testator, he was in
any way indebted to the said Thomas
R Gray, and calls for strict proof of the
validity of the aforesaid receipts, pray-
ing to have been transferred as aforesaid,
and of all other allegations in the bill.

And this defendant for further answer
seems that the said Jacob H. Beebe
has any right to sue in this case, &
wishes that the said Thomas Gray
ought to be a party - says that the
proper parties are not before the Court
and that the complainants here
ought to be dismissed with costs &
and having answered, he prays leave
to be dismissed with his reasonable
costs in this behalf justly sustained
without that he

A. Atkinson p. 2

Southampton County, Va. This day before
the subscriber appointed for said County
came Barr Brown, Committee of the
estate of Thomas Gray Senior decd. who
made oath that the foregoing answer
is true so far as it depends on his own
knowledge, and that so far as it
depends on the knowledge of others
he believes it to be true - Given under
my hand and seal this 21st day of
November 1836 -

Am. Atk., (P)

Duck

Mr. J. and J. of Gov.
Gray tal add letters

Copied

13

Ellen D. Gray

The separate answer of ~~William R. Edwards~~
by ~~William R. Edwards~~ her guardian and ~~her~~ ^{her} ~~guardian~~
~~guardian~~ ^{guardian} ~~William R. Edwards~~ ^{Ellen D. Gray} an infant
specially appointed to defend her in this
suit -

This defendant saving and reserving ~~the~~
manner of advantage ~~to~~ to the many wrongs
in the bill of the complainants contained,
for answer thereto says - That he knows
nothing of the matter and things alleged
in the said bill, and therefore so far as he
is concerned requires proof thereof; and
as the said Ellen D. Gray is an infant
of tender years, he submits her rights
and interests in the premises to the protection
of the Court. And this defendant having
answered the prayers to be hence dispensed
with his costs in this suit sustained.

W. R. Edwards. For and. Litm

Southampton County Court This day William R. Edwards personally
appeared before me a Justice of the Peace for the County aforesaid and made
oath that the facts contained in the foregoing answer are true so far as
he knows or believes. Given under my hand this 5th day February 1838

N. M. Selwell JP

much

X

7

fragt

deu

no order of pub. filed
answer of the infant def.
irregular.

all
exd
J

much brought this case in evidence
the fact. has been secured in the process of

Due to pay to the defendant & Rowen Gray who
is out of his Comth: and against whom it seems
the pff: has proceeded in the more presents
by law against absent defendants, having failed
to appear and file his answer, and the time
of the complaint having been filed more than 4
months, the request of the pff: his date is
later peremptory and that defd: and as to
Nathan Pearson, Thomas N. Gray, son Gray
on whom the subpoena appears to have been
executed more than 4 months and they ^{are}
having failed ^{still failing} to answer. ^{on mo. of the pff: the bill as to show defd: is taken} The cause came
on to be heard on the ^{original returned} file, the answers of
Can Brown admr. of Thos. Gray, and of
the infant defd: Ellen D. Gray, applications
thence, ^{exhibits filed} and examination of witnesses, and
was agreed by counsel; On consideration
whereof the Court both adjudge, order and
decree that a comr. of this Ct. take the
following accounts - 1. An acct showing
the amount of the pffs: demands.

2. an acct of Brown's administration of Thos.
Gray estate.

3. An acct of the private transactions referred
to in the cause, between Thomas Gray & his
son Thos. N. Gray, showing at what time the
former paid for the latter his part of Rifer's
debt and the amt. so paid, or made or any
other debts due to him from said Thos. N. Gray.
and lastly an acct of Pearson's transactions
as admr. of Gray's estate, he admit a sum
sufficient to pay the pffs: demands. And
the Comr. is directed to examine, state & settle

the said acct. and report the same to this
Court, with any matter deemed pertinent
by himself, or which may be required
by the parties to be stated. -

May 21st 1839 C. Butts & A. R. Edwards attended &
the agent is again continued from day to day
to August 11th 1839
den Gold Corn

1
Said Duck

as } Copy Deora,

Grays Combs, & Co

Cont to the 4th day
of March 1839
Leusell Com

The parties still failing
to appear, the same
is continued from day
to day, & an notice
to attend specially on
Tuesday the 21st May next.
5th March 1839

Leusell Com

Execution by due service of the within notice.

March 12th 1839 Acknowledged due service of the within notice
and continuance

C. Butts late 24th 4th
L. Mann late 16th

A. R. Edwards & Co. 8th
27th Feb. 1839

At a Circuit Superior Court of Law and Chancery held for
the County of Southampton on the 19th day of Oct 1838

v Jacob H. Duck

Plff.

against

Carr Bowers M^r. & A^dmn^r, of Tho^s Gray dec^d
Thomas R Gray, Edwin Gray, Ann Gray, Nathan
Parsons as Ex^r. of Seth R. Strong dec^d. and
Ellen D. Gray an infant by L. R. Edwards her
Guard^r ad litem . . . defendants

in Chancery

The defendant Edwin Gray who is out of this county and
against whom the plaintiff has proceeded in the mode
prescribed by Law against absent-defendants, having
failed to appear and file his answer, and as to Nathan
Parsons, Thomas R. Gray, and Ann Gray on whom the
subpoena appears to have been executed more than four
months and they still failing to answer. On motion of
the plaintiff the bill as to those defendants is taken for con-
fessed, and the cause came on to be heard on the original and
amended bills. The answers of Carr Bowers administrator
of Thomas Gray dec^d and of the infant defendant Ellen D.
Gray replications thereto exhibits exhibits filed exam-
inations of witnesses, and was argued by counsel. On
consideration whereof the Court doth adjudge order
and decree that the commissioner of this court take
the following accounts. 1st an account showing the
amount of the plaintiffs demand. 2nd an account of
Bowers administration of Thomas Grays estate. 3rd an
account of the private transactions referred to in the
cause between Thomas Gray and his son Thomas R
Gray showing at what time the former paid for the
latter his part of Keiffers debt and the amount so paid, as
well as any other debts due to him from said Thomas R.
Gray. And lastly an account of Parsons transaction
as executor of Strong unless he admits assets sufficient
to pay the plaintiffs demands. and the commissioner
is directed to examine state and settle the said ac-

counts and report the same to the Court with any matters specially stated deemed pertinent by himself or which may be required by the parties to be so stated

A Copy

Teste L R Edwards CC

Comrs Office Jerusalem January 14th 1839

The parties interested in the settlement of the foregoing accounts, are required to attend at my office on Tuesday the 19th day of February next, with their accounts, evidence, &c for examination and settlement

See Coll Comr.

April 3, 1840

Decker, pray, a court.

This case this day again came
onto the case on the paper found
and the rpts. of Com. Lett
made pursuant to the order of
the 19th Dec. 1838, ~~to be heard~~
Audit apprais. to the Ct. that ~~it is proper~~
~~that~~ in making up the transaction
of Com. Bureau Com. of Tho. Pray
it is proper to take an op. of the
outstanding ~~settlements~~ judgments against
Tho. ~~Pray~~ estate - The Ct. therefore
ordr. over that the rpts. be recommended
to the Com. who is directed to credit
the ~~amount with any sum of money paid by him &~~
~~not to credit the amount of the same~~
not creditizing in the rpts. and to make a state of the
judgments for which the estate of
Tho. ~~Pray~~ is responsible, & report
with any remarks deemed
pertinent by himself or required
by the parties to be so stated.

Duck

3 3/4

Bones &

Lecky Brown & the said Nathan Parsons, who
is out of this Country, and against whom the
pett: appears to have proceeded in the mode
prescribed by law against absent defendt,
still failing to appear and answer,
on motion of the pett: by counsel, the Ct.
doth take his plea for confession, to that effect
and the subpoena in this cause having
been executed, and the amended bill
filed more than 2 months, the same is
taken for confession as to the defendant
Thomas N. Gray, and the said cause
as to the other defendant came on
again to be heard on the paper, found
read and the reports of the Com. made
in pursuance of the orders of the 19th
of December 1838, & the 3^d of April 1840,
to which no exception has been filed
and was agreed by counsel; and
consideration whereof the Court confis-
sion reports, doth advise, order and
order that the bill of the complainant
as to Can Brown, assign: of Tho. Gray,
Thomas N. Gray, Edwin Gray, Am. Gray
and Ellen ^{Douglas} Gray, legation and assign: of
said Thomas Gray be dismissed with
and that the pett: pay to them their costs
in this behalf expended. And that it
doth further advise, order and order
that the defendant Nathan Parsons
surviving partner of said R. Strong
do pay to the pett: Jacob H. Reed the
sum of five hundred and fifty five
dollars and sixty cents with interest
on \$370.96 part thereof from the 31
of December 1838 till paid, and that he
pay to the said pett: his costs in this
half expense as but this sum is
not to pay in said R. Strong &c or the

said Nathan Parsons securing part
-ner of sth R Strong Geo in the
prosecution of any suit which may
be hereafter brought against the acpt.
Thomas R Gray as signer in the manner
charged in the original bill - and
liberty is hereby ^{reserved} to the creditor of Tho. Gray dec'd to
present ^{if necessary} their claims by another suit ~~against~~ ^{against} ~~the~~
out of the real & personal estate to which the s.
Tho Gray dec'd entitled -

Duck

n } Copy Done

Gray's ad

Southampton Circuit Superior Court April 3^d 1826.

Jacob H Duck

Thff

against

Levi Bowers Thff vs admr. of Thomas Gray dec^d Thomas R Gray
Edwin Gray, Ann Gray, Nathan Parsons as Exr. of Seth R Strong
dec^d and Ellen D Gray an infant by L R Edwards her Guardian ad litem Dep

This cause this day again came on to be heard on the papers formerly read and the report of Commissioner Cobb. made pursuant to the order of the 15th of December 1838 and it appearing to the Court that in making up the transactions of Levi Bowers Committee of Thomas Gray it is proper to take an account of the outstanding judgments against Thomas Gray's estate. The Court therefore doth order that the report be recommended to the Commissioner who is directed to credit the administrator with any sums of money paid by him and not credited in the account and to make a statement of the judgments for which the estate of Thomas Gray is responsible and report with any remarks deemed pertinent by himself or required by the parties to be so stated.

Attest Teste L R Edwards clk

c
1856

Duck

in Espo in Chin

Bowers &c

1856 August Rules

Executed on Carr Bowers
7 C Jones

(Capt of Benz Griffin
2d Lt

Executed on 1st Lt Gray

Nathan Parsons m. 1st Lt.

Mr. Selwell Capt. B
Benz Griffin 1st Lt

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Carl Brown late Sheriff of Southampton County and Lemmles of the estate of Thomas Gray, Nathan Parsons Executor of Seth R Strong dec^d and Thomas R Gray*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *August* next, to answer a Bill in Chancery exhibited against *them* in the said Court by

Jacob H Duck —

And unless *they* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *19th* day of *July* 183*6*, in the *6th* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

Duck

2 3 Sp^{ts} in bag

Gray 8th

October Rules 1836.

Executed
Wm. Schell sep^r
Chas. Griffin 2nd

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Thomas R Gray* -

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *Oct ber* next, to answer a Bill in Chancery exhibited against *him &* ^{*others*} in the said Court by *Jacob H Duck*.

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *20th* day of *September* 183*6*, in the *6th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Duck

in Zappa in City

Gray had

1836 December Rules

Executed in Carr Bowers
and Nathan Parsons by
delivering to each a true
copy Ann Gray not
found W. Lebride dep. of
B. Griffin

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *John Dowers late Sheriff & Adm^r. of*
Thomas Gray dec^d. Ann Gray. Nathan Parsons. George Seth R. Strong
dec^d.

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County
of Southampton, at the Rules to be holden for the said Court on the first Monday in *December*
next, to answer a Bill in Chancery exhibited against *them &* ^{*thems.*} in the said Court by

Jacob M. Duck

And unless *they* shall answer the said Bill within four months thereafter, the Court will take
the same for confessed, and decree accordingly. And this *they* shall in no wise omit, under
the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk
of our said Court, at the Court-house, the *17th* day of *November* 1836, in the
61st year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

THE COMMONWEALTH OF VIRGINIA
To the Clerk of the Supreme Court of the County of Fairfax
Created the ¹⁴ day of December 1836. by
delivering a copy to the defendant.

D. M. Miller Deft.
for W. H. Wren D. C. R.

Duck

in Office in City

Gray & Co

do January 1837

W. H. Wren

THE COMMONWEALTH OF VIRGINIA,

Sergeant of the City of Richmond
To the ~~Sheriff of Southampton County~~, Greeting:

We command you that you summon

Ellen Douglas Gray -

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *January* next, to answer a Bill in Chancery exhibited against *herself & others* in the said Court by

Jacob H. Duck

And unless *she* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *she* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *7th* day of *November* 183*6*, in the *61st* year of the Commonwealth.

L. R. Edwards Clk

[One Copy to be delivered each Defendant.]

The victim Ann Gray is not an inhabitant of
my county.

M.B. Farad deputy
Henry Mason Sheriff

Quack

3 Johni Gray

Gray 1827

1827 January 1827

1827

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Sussex} ~~Southampton~~ County, Greeting:

We command you that you summon *Ann Gray*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *January* next, to answer a Bill in Chancery exhibited against *herself & others* in the said Court by

Jacob A. Duck

And unless *she* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *she* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *5th* day of *December* 183*6*, in the *61st* year of the Commonwealth.

L. R. Edwards

[One Copy to be delivered each Defendant.]

C.S.B

Duck

" 3 sp. in Chy

Gray & ab

1837 March Rules-

A True Copy delivered

A Davis Deputy for
Wm. E. B. Ruffin Sheriff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Derry} ~~Southampton~~ County, Greeting:

We command you that you summon *Ann Gray*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *March* next, to answer a Bill in Chancery exhibited against *herself* ^{& others} in the said Court by

Jacob H Duck

And unless *she* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *she* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *16* day of *February* 1837, in the *6th* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Duck

to Z. Nottis

Group adm 4

September 19th 1837

Thomas R Gray.

you will please to take notice
that I shall proceed on Tuesday the 22nd day of August
next, in the Courthouse of the County of Southampton
in the of Jerusalem between the hours of seven
o'clock in the morning, and eight in the evening,
to take the depositions of Stephen Murdaugh and
others, to be read in evidence in a certain suit in
chancery now depending and undetermined in the
Circuit Superior Court of law & chancery for the
county of Southampton, in which I am complainant
and you and ~~and~~ others are defendants; and if ~~from~~
any cause, not now foreseen, the said depositions
are not taken or concluded on that day I shall farther
take or continue to take the same on Tuesday the
19th day of the then ensuing month (September)
at the same place and within like hours, and soon
thence from day to day, untill the whole are
completed.

10th of July 1837. I acknowledge
service of the within notice

T. R. Gray

Respectfully,
Jacob H. Duck

To Carr Bowen, late Sheriff of Southampton
County, and adm'r of the ~~estate of Thomas Gray, dec'd~~
~~estate of Thomas Gray, dec'd~~ You will please to take notice
that I shall proceed, on Tuesday the 22nd day of
August next in the town of Jerusalem between the
hours of seven o'clock in the morning and eight in
the evening to take the depositions of Stephen
Murdaugh and others to be read in evidence in a certain
suit in chancery now depending and undetermined
in the Circuit Superior Court of law & chancery for
the county of Southampton, in which I am com-
-plainant and you and others are defendants; and
if from any cause, not now foreseen the said depositi-
-tions are not taken or concluded, on that day I shall
farther take or continue to take the same on
Tuesday the 19th day of the then ensuing month
(September) at the same place and within like
hours, and so on thence from day to day, untill
the whole are completed

Respectfully
Jacob McDuck

I acknowledge the above notice
this 3rd day of August 1837.

Carr Bowen
late Sheriff of
Southampton Co.

September 19/1837

Aug 24

2 E. Adams

Duck

636

Ducks

Spa in Chy

Grays adm Yal

1838 February Rules.

Come to hand January 31st 1838

Danill Robinson

DS

1838 January 31st Received by delivery of this copy of the constitution
Spa to Charles Brown

Danill Robinson DS for

Chas W. Adams

W. H. H.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of ^{Greensville} ~~Southampton~~ County, Greeting:

We command you that you summon *Nathaniel Parsons*

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *February* next, to answer ^{an original and amended} Bill in Chancery exhibited against ^{others} *him and*, in the said Court by

Jacob H. Duck

And unless *he* shall answer the said Bill within four months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *12th* day of *January* 1838, in the *62^d* year of the Commonwealth.

L R Edwards Clk

[One Copy to be delivered each Defendant.]

Duck
to 3 notice
Grays and 8

1838 Aug. 21^a

I acknowledge the receipt of this notice

J. R. Edwards
June 18/1838

William R Edwards guardian ad litem of

To Miss Ellen D Gray, you will please to take notice
in this manner that on Tuesday the 17th day of July
next at the court house in the town of Jerusalem and
county of Southampton between the hours of 8 o'clock
A.M. and 6 o'clock P.M. I shall take the deposition of
Stephen Murdaugh and others to be read in evidence in a
certain suit in chancery now pending in the circuit
Superior court of law and chancery for the county of
Southampton, in which I am plaintiff and you
and others are defendants; and if the said depositions
are not taken or concluded on that day, I shall further
proceed to take the same, at the same place, and
between the like hours on Tuesday the 21st day of
August next ensuing, and then continue from
day to day until the whole shall be completed.

Respectfully
Jacob B. Duck

Solo of Wight County

Miss Gray
Duck
to { notice
Grays as if
A copy delivered.

J. N. D. W. R. D. for
H. W. Hollemann Ship.

1838 Aug: 21

send this with the
usual aff. d. ant.
by mail to Jacob
H. Duck - Caring -
every 10. office
Feb 1/16. -

To Miss Anne Gray you will please to take notice
in this manner that on Tuesday the 13th day of July
next at the court house in the town of Jerusalem and
county of Southampton between the hours of 8 o'clock
A.M. and 6 o'clock P.M. I shall take the deposition
of Stephen Munscaugh and others to be in evidence
in a certain suit in chancery now ~~and~~ pending in the
circuit superior court of law and chancery for the
county of Southampton, in which I am plaintiff
and you ~~and~~ others are defendants; and if the said
depositions are not taken or concluded on that day,
I shall further proceed to take the same at the same
place, and between the like hours on Tuesday the
21st day of August next ensuing, and then continue from
day to day until the whole shall be completed

Respectfully

Isaac Wright County

Jacob H. Duck

Duck

to { Notes
Grays no 8

1838 Aug. 27.

Terminach
Can Bawen,

To Carr Bowers, Sheriff, and Administrator of Thomas
Gray deceased, you will please to take notice in this
manner, that on Tuesday the 17th day of July next
at the courthouse in the town of Jerusalem and
county of Southampton between the hours of 8 O'clock
A. M. and 6 O'clock P. M. I shall take the deposition
of Stephen Murdaugh and others to be read in evidence
in a certain suit in chancery now pending in the
Circuit Superior Court of law and chancery for the county
of Southampton, in which I am plaintiff and
you and others are defendants; and if the said deposi-
tions are not taken or concluded on that day I shall
further proceed to take the same, at the same place
and between the like hours on Tuesday the 21st day of
August next ensuing, and then continue from day to
day untill the whole shall be completed.

Respectfully

Geo. Wright County

Jacob H. Duck

656

Duck

~ } Sp^a in chg.

Group Cune.

181.2 February Rules.

The depts. Tho. R. Gray is
at this time in the western
country.

R. G. Bayler Shff.

THE COMMONWEALTH OF VIRGINIA

Norfolk
To the Sheriff of ~~Southampton~~ County, Greeting:

We command you that you summon

Thomas R Gray —

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *February* next, to answer a Bill in Chancery exhibited against *him*, ^{and others} in the said Court by *Jacob H Duck* —

And unless *he* shall answer the said Bill within ^{*Two*} ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *3^d* day of

January 1842, in the *16th* year of the Commonwealth.

L R Edwards *cl*

[One Copy to be delivered each Defendant.]

656

Ducks

2 } App. in. Chy.

Grays u. m. Yab

1842 August Rules

Exe. uted

E. A. Gayle Jr. p

R. H. Baylor off.

THE COMMONWEALTH OF VIRGINIA

To the Sheriff of ^{Southampton} ~~Southampton~~ County, Greeting:

We command you that you summon

Thomas R Gray

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in

August -

next, to answer a Bill in Chancery exhibited against ~~him~~ ^{Sherr} in

the said Court by

Jacob H Duck

And unless *he* shall answer the said Bill within ~~four~~ ^{five} months thereafter, the Court will take the same for confessed, and decree accordingly. And this *he* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *4th* day of *July* 1842, in the *66* year of the Commonwealth.

L R Edwards

[One Copy to be delivered each Defendant.]

Duck

2 { Deposition

Grays arm R

Came to hand sealed September
19th 1837.

Exped

4

The deposition of Stephen Merdagh of lawful age, who being first duly sworn, at the Court House of the county of Southampton & Town of Jerusalem on the 19th day of Sept^r 1837, in pursuance to the annexed notices, the parties being present by their Counsels, deposes & swears as follows -

Questⁿ 1st by plff Counsel, will you examine the Receipt filed in the papers in this Cause marked as exhibit A. and reporting, to be in your hand writing as deputy Shff. of Silas Sumnerell Sheriff of Southampton County, and say whether or not it is your hand writing & whether Tho^s R. Gray, ~~was~~ one of the defendants in this suit, paid the sum of ~~eighty~~ three dollars & eighteen cents on the 16th June 1828 as represented by the said Receipt ~~for~~ to you in discharge of the Execution against Tho^s Gray as mentioned in the said receipt & whether he paid the same for the benefit of the said Tho^s Gray. -

Ans^r? It is a receipt given by me, as it represents to be, & the money was paid by Tho^s R. Gray as the receipt purports, for his father Thomas Gray money.

Questⁿ 2^d. Do you know of any transactions between Thomas R. Gray and his father Tho^s Gray.

Ans^r? I frequently had executions against Tho^s Gray, and about the times of the date of this receipt, and ~~referred~~ which were discharged by Tho^s R. Gray for him; he further says, that when he called on Tho^s Gray to satisfy exors. &c. that he must always refused me to Tho^s R. Gray who he said owed him a considerable sum, and that

the said Tho Gray frequently shewed me his books shewing accounts due him from the said Tho R Gray and Edwin Gray his sons. - he says that Tho Gray was ~~must~~ always paid for money.

Quest 3^d by the same, Examine the assignment on the back of the said receipt, and say whether the assignment purporting to be in the hand of Tho R Gray is in the hand writing of the said Gray -

Ans^r I believe the hand writing to be in the hand writing of Tho R Gray, and have no doubt that the signature is his.

Quest 4th by the same, will you examine the assignment on the said receipt purporting to be in the hand of ~~James Muddaugh~~ ^{to James Muddaugh} and attested by James Muddaugh, I say where the said James Muddaugh now is, where the attestation is his hand writing, whether the signature of ~~John R Strong~~ ^{John R Strong & Co} is the signature of that firm.

Ans^r James Muddaugh is in ~~the~~ ^{removed to} ~~the~~ ^{the} ~~supper~~ ^{supper} ~~it~~ ^{and} I believe the attestation is in the hand writing of James Muddaugh, and think the assignment is in the hand writing of John R Strong & Co.

Quest 5th by the same, will you examine my receipts D. & C. and say whether the also filed with the bill as exhibits, their contents, and the several assignments thereon, as in Case of exhibit A, and say whether or no, they are what they purport to be.

Ans^r I have examined them; they are all in my hand writing as they purport to be, and the facts they state are true as represented by them, and the assignments are the same as

in exhibit A, and further this deponent says not.

Stephen Muddaugh

Taken Sworn to and Subscribed this 19th day of Sept 18th before me

Saml W. J. D.

Jack
to
Gray & others

Superior Court of the
the Clerk of the County of Washington

Duck

" { Dep.

Grays or Gad

Same to hand noted Aug. 24th
1838.

Copied
16

To the Clerk of the Court
for: sup or County

The deposition of James B. Mergant, taken by consent of parties at Jerusalem
at the Court House -
in the County of Southampton on the twenty first day of August 1838 between
the hours of 6 in the morning and 7 P.M. of the same day to be read as
evidence in the suit, in the Circuit Superior Court of Law and Chancery in
which Jacob H. Duck is Plaintiff and Leavitt Bowers late Sheriff of County
of Thomas Gray and others are defendants. The deponent being duly sworn
deposes and says -

That Thomas N. Gray executed his bond to
Mrs. Lois Kaetter, on the 14th of March, 1828, for
the sum of \$1988, and gave Thomas Gray, his
father, John Nicholson, and ~~James~~ myself as
his securities - That shortly after that period
Nicholson died, and his personal representa-
tive notified the obligee to bring suit on the
bond, which she failed to do within the re-
quisite time - That suit was afterwards
brought on the said bond against the remain-
ing obligors, judgment recovered, and the
sum of \$2315.34 made thereon in the way
of principal, interest, and costs - That the
said sum of money was paid, under execu-
tion, by the said Thomas Gray and myself,
each having ~~and~~ ^{an} equal proportion thereof.
Further than this this deponent ~~can~~ ^{can} not

Jas. B. Mergant
~~James B. Mergant~~ County, to wit: This day
James B. Mergant made oath before
me ^{of the said County} to the truth of the foregoing deposition.
Given under my hand this 21st day
of Aug. 1838.

Jm. A. Park H.D.
11

Duck

is { Defect

Grays are

Came to hand sealed Aug 21st

1838

5

County of Washington

of law and ceremony for the

To the Clerk of the Supreme Court

The deposition of Stephen Murdaugh taken this 21st day of August in the year 1838, in the Court House of the County of Southampton, between the hours of 8 o'clock in the morning, and six o'clock in the evening, and in pursuance of the annexed notice (all the parties being present by their Counsel) to be read ~~by~~ evidence in a cause now depending and undetermined in the Circuit Superior Court of Law and Chancery for the said County, in which Jacob B. Duck is complainant and Thomas R. Gray and others respondents.

The deponent being first sworn deposes that in following in reply to the interrogatories now propounded to him: -

Question by the Plaintiff. Look upon the papers now exhibited to you marked A. B. & C., purporting to be receipts procured by Stephen Murdaugh deputy of Clements Rochelle and Stephen Murdaugh deputy of Elias Lammerele Sheriff, and say whether the said papers were in fact signed and executed by you, - whether the facts they declare are true as represented, - and whether the attesting purporting to be the attestation of James Murdaugh to the apointments on each of the aforesaid papers is in fact the signature of James Murdaugh, and have you frequently seen James Murdaugh write his name?

Make true answer to the above question.
Answer of deponent to the foregoing questions: I have examined the papers upaid to in the question and know them to be in my hand writing, and that the facts therein stated are true, I am well

acquainted with the signature of James Muddaugh, and have no doubt that the attestation to the assignments referred to are in his own proper hand writing;

Will you also examine the same papers filed in this cause and say whether the above writing, endorsed on the same purporting to be assignments of the same to Seth R. Strong by Thomas R. Gray are in the proper handwriting of the said Thomas R. Gray, and whether you have seen the said Gray frequently write? I have frequently seen Thomas R. Gray write, and believe that the assignments referred to as well as the signatures thereto appended are in the proper hand-writing of the said Gray;

Be good enough to state if you know the fact, of whom and of what persons ~~between~~ the firm of Seth R. Strong & Co., by whom the first mentioned assignments ~~as in~~ purport to be made, was composed? I know that the firm was composed of Seth R. Strong now decd., and Nathan Parsons one of the defendants in this cause;

Were they partners doing business under that firm and style on the 16th of April 1832? I know that they were.

And further this deponent can't not

Stephen Muddaugh

The deposition of James H. Seabra was taken in like manner after having been duly sworn.

~~Be good enough to state.~~

Respectfully of Plaintiff. Will you be good enough to state of what persons the firm of Strong and Co. was composed about the 16th of April 1832?

Answer. I know that Seth R. Strong and Nathan Parsons were trading as partners in the County of Southampton under the style and firm of Seth R. Strong & Co. about that time.

And further this deponent can't not *for H. Seabra*

The above depositions were taken before me a Justice of the Peace for the County of Southampton in manner as aforesaid. In witness whereof I have hereunto set my hand this day and year above written.

J. H. Seabra

Southampton Court, Writ: This day Augustin Seabra made oath before me that he handed to Nathan Parsons a copy of the notice herewith filed. Given under my hand this

21st day of Aug. 1838.

J. D. of
Southampton Co.

Duck

u { Or. Pub.

Gray &

Copy posted at house door
L.R.C.

Virginia. At Rules holden in the Clerks Office of the Circuit Superior Court of Law &
Chancery for the County of Southampton on the first Monday in November 1836.

Jacob H Duck

against

Plff

In Chan-
cery.

Carr Bowers Sheriff of Southampton County and administrator de bonis non
with the will annexed of Thomas Gray dec^d. Thomas ^RGray, Edwin Gray, Ann
Gray, Nathan Parsons Exor. of Seth R Strong dec^d and Ellen Douglas Gray

Plffs

The defendant Edwin Gray not having entered his appearance and given security
according to the act of Assembly and the rules of this Court and it appearing by sat-
isfactory evidence that he is not an inhabitant of this County. it is ordered that
the said defendant do appear here on the first day of the next Term and answer
the bill of the plaintiff and that a copy of this order be forthwith inserted in
some newspaper published in the Town of Petersburg for two months successively
and posted at the front door of the Court-house of this County

Teste L.R. Edwards Clk

Ducks

2 3/4 Notice

Gray 45

1837 Sept 19th

To Thomas R. Gray, Edwin Gray, Nathan Parsons Ex'r of Seth R. Strong dec'd, Anna Gray and Ellen D. Gray.

As all or the most of you are non-residents of the State of Virginia, you will please to take notice, that I shall proceed on Tuesday the 22d day of August next, in the court house of the County of Southampton in the town of Jerusalem, between the hours of seven o'clock in the morning, and eight in the evening, to take the depositions of Stephen Murdaugh and others to be read in evidence in a certain suit in chancery now depending and undetermined in the circuit superior court of law and chancery for the county of Southampton, in which I am complainant and you and others are defendants; and if from any cause not now foreseen, the said depositions are not taken or concluded on that day, I shall farther take or continue to take the same on Tuesday the 19th day of the then ensuing month (September) at the same place, and within like hours, and so on thence from day to day, until the whole are completed.

Respectfully,

JACOB H. DUCK.

Southampton Co. July 6

tht:

I hereby certify that this notice was inserted in the Portsmouth Times for four weeks.

J. F. Bland

I was to before me

August 11th 1834

Wm Collins

May. J. H. Duck
To Portsmouth Times &
Avertising notice 12 4
weeks

Recd pay

187 1/2

Bland Hill

Duck

to 3 or Pub

Long H

IN CHANCERY.—VIRGINIA.—A Rule made
in the Clerk's office of the Circuit Superior
Court of Law and Chancery, for the County of
Southampton, on the 1st Monday in November,
1836.

Jacob H. Duck,

Pltff.

AGAINST,

Carr Brwers, Sheriff of Southampton County, and
administrator de bonis non with the will annexed
of Thomas Gray, decd., Thomas R. Gray, Ed-
win Gray, Ann Gray, Nathan Parsons, executor
of Seth R. Strong, decd., and Ellen Douglas
Gray,
Defts.

The defendant, Edwin Gray, not having entered
his appearance and given security according to the
Act of Assembly, and the Rules of this Court, and
it appearing by satisfactory evidence that he is not
an inhabitant of this Country: It is ordered that the
said defendant do appear here on the first day of
the next term, and answer the bill of the Plaintiff,
and that a copy of this order be forthwith inserted
in some newspaper, published in the Town of Pe-
tersburg, for two months successively, and posted
at the front door of the Courthouse of this County.

A Copy—Teste,

Nov 17—2m

L. R. EDWARDS, c. c.

Printers bill \$5.50

Southampton Court do wit

This day personally appeared before
me a Justice of the Peace of the said
County, Robt Brinkett Jr and made
oath that the aforesaid order in Chancery
the Circuit Superior Court of Law & Chan-
cery for the County of Southampton
in the case of Duck vs Brwers
Sheriff was duly published in the
Petersburg Intelligencer for two months
successively—Given under my hand
this 22 day of November 1837—

Edw D. Butts J.P.

Duck

to { notice

Grays and

1838 Aug 21st

To Thomas R. Gray, Edwin Gray, Anne Gray, Ellen D. Gray, Nathan Parsons in his own right, and as the executor of Seth R Strong dec'd, and Carr Bowers, adm'r of Thomas Gray dec'd.

As some or all of you are now residents of this State, you will please to take notice in this manner, that on Tuesday the 17.h day of July next, at the Court House in the town of Jerusalem, and county of Southampton, between the hours of 8 o'clock A. M. and 6 o'clock P. M., I shall take the deposition of Stephen Murdaugh and others to be read in evidence in a certain suit in chancery now pending in the Circuit Superior Court of law and chancery for the county of Southampton, in which I am plaintiff, and you and others are defendants: and if the said depositions are not taken or concluded on that day, I shall further proceed to take the same, at the same place and between the like hours on Tuesday the 21st day of August next ensuing, and then continue ue from day to day until the whole shall be completed.

J. H. DUCK.

Isle of Wight County, June 8.

Norfolk County to wit

This day John T Hill, Editor and publisher of the Portsmouth Times appeared before me a Justice of the peace for the aforesaid County in the State of Virginia, and made oath that the above notice to Thos R Gray and others was published in the said newspaper four times during as many weeks successively

Given under my hand
this 18th day of August 1838

J. Thompson

IN CHANCERY.—At a Circuit Superior Court of Law and Chancery held for the County of Southampton, on the 19th day of December, 1838.

Jacob H. Duck, Plaintiff—against Carr Bowers, Sheriff and administrator of Thomas Gray, deceased, Thomas R. Gray, Edwin Gray, Ann Gray, Nathan Parsons, and the said Nathan Parsons as executor of Seth R. Strong, deceased, and Ellen D. Gray, an infant by Littleton R. Edwards, her guardian ad litem—Defendants.

The defendant Edwin Gray, who is out of this country, and against whom the plaintiff has proceed in the mode prescribed by law against absent defendants, having failed to appear and file his answer, and as to Nathan Parsons, Thomas R. Gray, and Ann Gray, on whom the subpoena appears to have been executed more than four months, and they still failing to answer, on motion of the plaintiffs, the bill as to those defendants is taken for confessed, and the cause came on to be heard on the original and amended bills, the answers of Carr Bowers, administrator of Thomas Gray, deceased, and of the infant defendant Ellen D. Gray, replications thereto, exhibits filed, examinations of witnesses, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree, that the Commissioner of this Court take the following accounts:

1st. An account showing the amount of the plaintiff's demand.

2d. An account of Bowers's administration of Thomas Gray's estate.

3d. An account of the private transactions referred to in the cause between Thomas Gray and his son Thomas R. Gray showing at what time the former paid for the latter his part of Keffer's debt, and the amount so paid, as well as any other debts due to him from said Thomas R. Gray.

And lastly, An account of Parsons's transactions as executor of Strong, unless he admits assets sufficient to pay the plaintiff's demands.

And the Commissioner is directed to examine, state and settle the said accounts, and report the same to the Court, with any matters specially stated, deemed pertinent by himself, or which may be required by the parties to be so stated.

{ A copy. }

Teste. L. R. EDWARDS, Clerk.

Commissioner's Office,
Jerusalem, Jan. 19, 1839. }

I have appointed Tuesday, the 19th day of February next, to take up the account directed by the above Order of the Court, on which day the parties are required to attend, with their vouchers and evidence.

JEREMIAH COBB,

Quick

to } Proof of Pub.

Grays Comm &c

1842 April 8th

N CHANCERY--VIRGINIA.—At Rules holden in the Clerk's Office of the Circuit Superior Court of Law and Chancery for the County of Southampton, on the 6th day of December, 1841:

Jacob H. Duck,

Plff.

AGAINST

Carr Bowers, Sheriff of Southampton County and Administrator de bonis non with the will annexed of Thomas Gray, dec'd., Thomas C. Gray, Edwin Gray, Ann Gray, Nathan Parsons, in his own right and as surviving Partner of Seth R. Strong & Co., and also as Executor of Seth R. Strong, dec'd., and Ellen Douglas Gray, Defts.

The defendant, Nathan Parsons, not having entered his appearance and given security according to the Act of Assembly and the Rules of this Court, and it appearing by satisfactory evidence that he is not an inhabitant of this country: It is ordered, that the said defendant do appear here on the first day of the next Term, and answer the bill of the Plaintiff; and that a copy of this order be forthwith inserted in some newspaper published in the Town of Petersburg, for two months successively, and posted at the front door of the Courthouse of this county.

A copy—Teste,

dec 14 w8w

L R EDWARDS, c. c.

Petersburg 12.5.50

Town of Petersburg to wit

Personally

appeared before me (an Alderman of said Town) John D. Hamwood Clerk of the Intelligencer Office, and made oath that the abovesaid Order of Publication has been published for eight weeks successively, giving under my hand this 30th day of March 1842,

Jerms B. Coyle Alc

Duck

is } Or Pub:
Gray Gab

Copy ported at C House door

Dec. 10/1841

At Rules holden in the Clerks Office of the Circuit Superior Court of Law and
Chancery for the County of Southampton on the 6th day of December 1841.
Jacob H. Duck

against

Deft.

In Chancery

Levi Bowers Sheriff of Southampton County and administrator
de bonis non with the will annexed of Thomas Gray dec^d. Thomas
R Gray, Edwin Gray, Ann Gray, Nathan Parsons in his own
right and as surviving partner of Seth R Strong H^o. and also
as Executor of Seth R Strong dec^d. and Ellen Douglas Gray Defts.

The defendant Nathan Parsons not having entered his appearance and
given security according to the act of Assembly and the rules of this Court and
it appearing by satisfactory evidence that he is not an inhabitant of this
County it is ordered that the said defendant do appear here on the first day
of the next Term and answer the bill of the plaintiff and that a copy of this
order be forthwith inserted in some newspaper published in the Town of
Petersburg for two months successively and posted at the front door of the
Courthouse of this County.

Attest. Teste. L. R. Edwards Clk.

Duck
vs
Powers adm & Comrs
Report

1834 October 1st Ret^d

See attached

mailed it

Court fee \$15.00. Duck vs Gray adm.

The above was sworn to before this 1st day
of October 1839 L B Nicholson J D

By balance due the estate \$53.11 with Interest on
\$48.53 part thereof from this date till paid -

The Comr. in the 3^d place is directed to make up an account of the private transactions referred to in the Cause between Thomas Gray and his son Thomas R Gray, showing at what times the former paid for the latter his part of Reifers debt, and the amount so paid, as well as any other debts due to him from from Tho. R Gray - It appears from a copy of the execution, and the Sheriffs statement, a copy which is herewith filed, (A) that the whole amount of the ^{Reifer} debt, and Interest including the cost & Commissioners up to the 28th day of May 1821 was \$2315.34. The execution issued against Tho R. Gray Thomas Gray and James R. Argubart; and James R. Argubart in his deposition filed in the Cause, states that himself and Thomas Gray paid it, in equal proportions which would make their proportions equal to \$1157.67. The Comr. has not been able to obtain any books or papers relating to the private transactions between Thomas Gray and Tho R. Gray -

And lastly the Comr. was directed to make up an account of Parsons' transactions as Executor of Strong, unless he admits assets sufficient to pay the plaintiffs demand -

The Comr. has been unable to get Mr Parsons before him, he sent two notices to Greenville; and the Sheriff has either neglected to return them, or is waiting for Mr Parsons to return from the north, where he has been for a considerable time past; as Mr Chamberliss informed me by letter, to whom I had written upon this subject

I saw Mr Parsons in Jerusalem ^{the Comr.} the day before this Case was to come before, and requested him to attend, or admit assets. he replied he could ^{not} attend, and he

expected Strong's estate was able to pay its just debt -

after progressing thus far with this report, the Comm. found a memorandum of a further Credit to the estate of Thomas Gray for Brandy in 1838 amounting to \$22.33 which will make the balance due after deducting the Comm. \$74.33. with Interest on \$69.75 from the said 31st day of Decr 1838 till paid -

Shadrach Boykin presents his demand against the estate of Thomas Gray founded on a bond which binds the heirs, upon which suit was instituted, and judgment obtained & execution to wit - B.

Debt due 26 th May 1831	\$312.00
Interest to May 18 th 1835	93.19
By payment of Genl Indgt	50.00
	<u>\$43.19</u>

Costs	6.73
	<u>318.73</u>
Interest	43.19
	<u>361.92</u>

also a Judgt in favour of the same for \$20.00 due Apr 21/1829 - Interest to May 18th 1835 - 7.30

Costs	30	27.60
-------	----	-------

To balance due Shad Boykin \$389.52 with Interest on \$339.03 from May 18th 1835 till paid

James B. Welles has a Judgt against the same for \$7.00 - these two last Judgments are in the hands of a Constable and will be filed in time
 Comm for July 19th 3 Hrs March 14th 3 Hrs ~~to the~~ Respectfully Submitted
 May 21st 3 Hours Sept 6 Hrs \$25.00
 Charged to the plff
 Secy of the Comm

Jacob Duck

Plffs.

against

Carv Powers Shff & adm. The Gray's others debts } In
 } Chancery

The Court is first directed to take an account of the plaintiffs demand, which is done in the following form -

1832 April 16 th	To amt of an execution paid by Thos R Gray for Thos. Gray to S. Murdaugh depy Shff in favour of Arthur & Wm Johnson (A)	\$83.18
1829 Jan 15 th	To ditto, paid by ditto for ditto in favour of J. Drewry adm. de for Robt Drewry B	193.31
1830 May 18 th	To ditto paid by ditto for ditto in part for Mrs Blow, Aug. Claiborne, Thos D. Heath, & others (C) and the further sum of in full	35.26
		<u>4.70</u>
		336.45

To Interest on \$83.18 from April 16/1832 to Decr 31/1838	37.49
" Interest on \$193.3 from Jan 15/1829 to Decr 31/1838	113.56
" Interest on \$59.96 from May 18/1830 to Decr 31/1838	31.01
	<u>Interest \$182.06</u>

1836 To paid Clerks tickets	21.57
-----------------------------	-------

" Interest two years on ditto	2.58
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1838 To paid \$5.50 & in 1839 \$7.50	13.00
--------------------------------------	-------

	<u>370.96</u>
--	---------------

" To Interest acc	184.64
-------------------	--------

1834 Dec 31 To balance due the plaintiff with Interest on \$370.96 part thereof from this date till paid	\$555.60
--	----------

The Court in the 2^d place is directed to make up Powers' administration on The Grays estate - see forward

The Estate of Thomas Gray dec'd in acct. with Carr Bowers Shff & Comr the

		Dr	Cr	Int
1835	To paid tax accts for 1833 & 1834	11 75		
June	By Sales of part of the Cobb tract Land	" "	207 00	
	To paid W. H. Holmes in part of James B. Vergutants bond	100 00		
	" paid Thos. Boykew in part his bond	50 00		
	" " Shff. Wm Brown's ap. de for Henry Clark, surviving partner of Cotton & Clark exon	40 29		
1836	may 28 " " Wm Davis Coyer	2 00		
	" Comd. on Receipts	10 35		
	" " Comr fu	1 00		
	" " retained for Clerks fees	1 00		
	To balance due the admr	" "	9 39	
		216 39	216 39	
	To balance brought down	9 39		
	" paid Tax accts for 1835 & 1836	9 26		
	" " Clerks ticket	4 01		
Decr 31	To balance due the Committee	22 66		
	" Interest on the balance of 1835	56		
1837	To paid tax acct	4 63		
	" Hauling Corn to Jerusalem	3 00		
	" paid Wm Davis Coyer	2 00		
Nov 20	By Sales of 5 bars Corn recd of Jas. O. Donnelly	" "	15 00	
	By Sale of the Kitchen tract Land	" "	100 00	
	To Comd. on Receipts	5 75		
			115 00	
			38 60	
Decr 31	By balance due the estate		76 40	
1838	To paid tax acct	9 00		
	" " W. D. Hood County Surveyor fees	18 87	27 87	
Decr 31	By balance due the estate		48 53	
	By Interest on the balance of 1837	" "	4 58	
	Cash forwarded		53 11	

Raeffer
Gragy & al } f. 10

Abopry

(A)

The Commonwealth of Virginia

To the Sheriff of Southampton County... Greeting

We command you that of the goods and chattels Thomas R Gray Thomas Gray Jr. and James B Maguihart late in your bailiwick you cause to be made the sum of nineteen hundred and eighty eight dollars with legal interest thereon from the 14th day of March 1828 till paid which Louis Haefter lately in our superior Court of Law of Southampton County hath recovered against them for debt also ten dollars and 59 cents for his costs in that suit expended whereof they are convict as appears to us of record; and how you shall have executed this writ make known at the Clerk's Office of our said Superior Court at Rules to be holden for said Court on the first Monday in February next and to have then there this writ. Witness James Rochelle Clerk of our said Court at the Courthouse this 9th day of November 1830 in the 55 year of the Commonwealth
James Rochelle Clk

This Execution is to be credited for one hundred and twenty dollars paid May the 26th 1839
J Rochelle Clk

Dolt due March 14/1828		\$ 1988. 00
Int. till May 26/1829		123. 13
Int till Feby 21/1831. on \$1988.		207. 09
Cost		10. 59
		<u>2348. 81</u>
Cr. p Execution		120. 00
		<u>2228. 81</u>
Sherff commr.	 53. 57	
p c bond	 63	54. 20
		<u>2282. 01</u>
Int till May 16/1831		32. 33
		<u>\$ 2315. 34</u>

Sherffs Return satisfied
Edwds Butler Depy of
Clements Rochelle Sherff

Attest
Test L R Edwards, Clk.

By Commr

whole amt paid

\$ 2315. 34
one half \$ 1157. 67

Boykin

to. } copy bond

Grays Com^{rs}

B

I promise to pay or cause to be paid unto Shadruck Boykin his heirs Executors, administrators or assigns the just and full sum of three hundred and twelve dollars with legal interest from the 26th day of May Instant, to which payment well and truly to be made I bind myself my heirs Exors & administrators in the penalty of double the above sum. As Witness my hand and Seal this 31st day of May 1821.

Thomas Gray (Seal)

Witness
Edwin Gray

On which bond is the following endorsement to wit: "May 18th 1835 then Received of Edwards Butts fifty dollars in part of the within bond
Sh. Boykin"

The original is filed in the clerks Office of the Circuit Superior Court of Law & Chancery Southampton County in the suit of Boykin v. Gray Comr.

Teste J. R. Edwards C. C.

Baykin

v. } Co. Judge

Grays adv

Southampton Circuit Superior Court April Term 1839

Shadrack Boykin

against

Leare Powers admor: of Thomas Gray dec^d

Plff

In Debt

Def

Judgment for the Sum of Three hundred and Twelve dollars with
legal interest thereon from the 26th day of May 1834 till paid and the
Costs To be levied of the goods & Chattels of the decedent in the hands of the
defendant to be administered &c. &c. - Subject to a credit of fifty dollars
paid May 18th 1835.
Plaintiff's Costs \$6.73cts.

Extract L R Edwards Clk

a credit for Prunty m^d from M. Hapies
made for the orchard called Woods \$23.33
for 1838 also one Dollar for
Banc off
22.33

Mr. Jure Cobb

Ch

I send you a copy of the bond in the case of Shadrack
Boyle against Thomas Gray upon which ^{was instituted} suit, and judgment
has been obtained against Sam Brown late Sheriff and Committee
of Thos Gray, I also send you a copy of the Judgment, there is
also another Judgment in the hands of Barnard Elliott Esq
in favor of Shadrack Boyle against the same Committee on
dine April 21/1829 for \$20. which I have not been able to
get from him — there is also another Judgment in favor
of James B Willons as I was informed at Court by Shazaro
Laine for about \$7. against the same Committee — immedi-
ately after our last Court I wrote to Dr Brown to forward
to me at some point Capt. Graup Books and papers
that you wanted them to enable you to make up
an account between Thos Gray and his father, as soon
as they can be obtained they shall be laid before you
yours
E Burtis

Aug. 23/1839 —

Duck 2 Reformed
vs 3 Report
Grayson adm

1840 June 15th filed

Duck
vs
Gray's admr } In Chancery

The court doth order that the report heretofore made be recommitted to the Com^r, who is directed to credit the administrators with any sums of money paid by him and not credited in the account, and to make a statement of the judgments, for which the estate of Thomas Gray is responsible

1838
Decr. 31st By the balance found due the estate
as of former report - Dren. Sub
\$69.75. 4.58
To paid A. Atkinson atts. 25.00
44.75
By Sub tot down 4.58
" " By balance due the estate \$49.33 with
Interest on \$44.75 part thereof from this date
till paid

In making a statement of judgment in favour of Shadrach Boykin against the estate in the former report, the Com^r mistook the date of 1821 (from which time interest should have been calculated,) for 1831 making Ten years interest too little, that error is now corrected by the following statement.

Debt due the 26th day of May 1821 \$312.00
Interest to the 18th day of May 1835 \$260.52
By payment of Judgment - 500.00 210.52
Costs 6.73
nett bal. due on this Ind^t \$529.25
To amt of 2^d judgt as stated in the
former report - 27.60
By balance due Shadrach Boykin \$556.85
forward

with interest on \$332. part thereof from the 18th day of May 1835 till paid

Phillip St George Cooke & Sally his wife }
vs }
Earl Bowers late shff & com^{te}. of Thos Gray } Justgt

Debt- \$100. with interest on \$20 part thereof from the 1st day of January 1829 till paid. with interest on \$20. part thereof the 1st day January 1830 till paid. with interest on \$20. part thereof the 1st day of January 1831 till paid with interest on \$20. part thereof from the 1st day of January 1832 till paid. and on \$20 part thereof (the balance) from the 1st day of January 1833 till paid. see a copy of the judgment @.

Statement. Interest on \$20 from Jan^y 1829 to Jan^y 1839 \$12.00

" " 20 " " 1830 " " 1839-10.80

" " 20 " " 1831. " " 1839-9.60

" " 20 " " 1832 " " 1839. 8.40

" " 20 " " 1833 " " 1839. 6.20

Principal \$100.00

47.00

Interest 47

To balance due \$147.00 with interest on \$100. from the 1st day of January 1839 till paid

Respectfully submitted
Sen Lott Comm

Comm fee \$5.00 for 5 Hours
charged to the plff @ Duck }

He.

Booke & wife

to } Geo. Judge

Grayson

D

Southampton County Court. August 20. 1840.
Philip St. George Cooke and Sally his wife
against

Plffs. } In Case
Dft }

Carri Bowers late Plff. Home. & Thomas Gray decd

This day came the parties by their attorneys and thereupon came a jury to wit John M. Seammell. Allen Edwards. John M. Gurley. Theodore Truuant. Darden W. Bryant. Silas Vick. William DeClarke. William Jenkins. James I. Kinsum. Josiah Mawry. William A. Bell and James M. Somers who being elected tried and sworn the truth to speak upon the issues joined upon their oath returned a verdict in the following words to wit "We the jury find for the plffs. the sum of One hundred dollars with interest on \$20 part thereof from the 1st day of January 1829 till paid. with interest on \$20 part thereof from 1st January 1830 till paid. with interest on \$20. part thereof from 1st January 1831 till paid. with interest on \$20 part thereof from 1st January 1832 till paid. with interest on \$20. the balance from the 1st January 1833 till paid. Therefore it is considered by the Court that the plffs. recover against the Deft. their damages as aforesaid with interest as aforesaid and their costs by them about their suit on this behalf expended. To be levied of the goods and chattels of the decedent in the hands of the Defendant to be administered. And the said Defendant in Mercy of

Plffs. Costs \$8.44

Copy Into - L.R. Edwards Clk

I hereby certify that the following is part
and parcel of the Record in the case of
Jacob ^H Duck vs ^{William} Parsons ^{Sargt past master of York Bldg Co. Yorkers}, lately made
out by me to enable the said Parsons to
apply for an Appeal, and that this
supplement contains all the proceedings
since the final decree.

The Commonwealth of Virginia: To The Sheriff of Southampton County
Greeting: We Command you that of the goods and chattels of Nathan Parsons
surviving partner of Seth R Strong & Co late in your bailiwick you cause to be
made the sum of Five hundred and Fifty Five dollars and sixty cents with
interest on Three hundred and seventy dollars Ninety six cents part thereof from
the 31st day of December 1838 till paid which Jacob St. Duch lately in our
Circuit Superior Court of law and Chancery for Southampton County has recovered
against the said Parsons & Co for as aforesaid by a decree of the said Court also
Ninety one dollars and thirty seven cents which to the said Duch in the
same Court were adjudged for his costs by him about his suit in that behalf
expended whereof the said Parsons & Co for as aforesaid is convict as appears
to us of Record. And how you shall have executed this writ Make known
at the Clerks Office of our Circuit Superior Court of law and Chancery at
the Rules to be holden for the said Court on the first Monday in February next
And have there there this writ Witness Litchell R. Edwards Clerk of our said
Court at the Courthouse this 5 day of December 1842 in the 67 Year of the
Commonwealth:

Sheriffs Return: No effect: Wm. J. Schell Dy of Wm. E. Everett Shff

The Commonwealth of Virginia: To The Sheriff of Greensville County
Greeting: We Command you that you take Nathan Parsons surviving partner of
Seth R Strong & Co if he be found within your bailiwick and him safely keep until
he shall satisfy Jacob St. Duch the sum of Five hundred and fifty Five dollars
and sixty cents with interest on Three hundred and seventy dollars Ninety six cents
part thereof from the 31st day of December 1838 till paid which the said Jacob St.
Duch lately in our Circuit Superior Court of law and Chancery for Southampton
County has recovered against the said Nathan Parsons surviving partner of Seth R.
Strong & Co by a decree of the said Court also Ninety two dollars and seven cents
which to the said Jacob St. Duch in the same Court were adjudged for his costs by
him about his suit in that behalf expended: whereof the said Nathan Parsons
surviving partner as aforesaid is convict as appears to us of Record: and how you
shall have executed this writ Make known at the Clerks Office of our said
Circuit Superior Court of law and Chancery at the Rules to be holden for the said
Court on the first Monday in April next: And have there there this writ
Witness Litchell R. Edwards Clerk of our said Court at the Courthouse this 27

day of January 1844 in the 6th Year of the Commonwealth. J.R. Edwards Esq
Sheriff's Return: executed by arresting defendant the following property to wit
two Negroes to wit: Gilbert & Isaac delivered in discharge of his power and forth
coming bond taken ^{with Wm H Walker security} forfeited and herewith returned. W. H. Spratley Dy M. H. Hobbs Shff
The forthcoming bond referred to in the foregoing Return is in the following
words and figures to wit:

Know All Men by these presents: That we Natham Parsons & Wm H Walker
are held and firmly bound unto Jacob H. Duch in the just and full sum of
fifteen hundred fifty six dollars & 67^{cs} to be paid to the said as aforesaid
his certain attorney his heirs executors administrators or assigns to whom payment
well and truly to be made we bind ourselves jointly and severally and each of our
joint and several heirs executors and administrators firmly by these presents
sealed with our seals and dated this 6th day of July in the Year of our Lord one
Thousand eight hundred and Forty 4:

The condition of the above obligation is such that whereas Jacob H. Duch
hath sued out of the Circuit Superior Court of Law and Chancery for Southhampton
County a writ of *habere corpus ad satisfaciendum* against the body of the above bound Natham
Parsons for the sum of seven hundred twenty eight dollars 34^{cs} including
interest cost and commissions which writ hath been duly executed by Wm H.
Spratley Dy Shff for M. H. Hobbs Shff of the County of Greenville on the following
property to wit: Two Negroes Gilbert & Isaac being delivered up in discharge of
his body and the said Parsons being desirous of keeping the aforesaid property in
possession until the day of sale of the same hath tendered the above bond Wm
H Walker as security for the forthcoming and delivery of the said property at the
place and on the day of sale agreeable to law Now if the said Natham Parsons
and W H Walker or either of them do and shall deliver the aforesaid property to
the said W H. Spratley Dy as aforesaid at the Court house in the said County
of Greenville on the first Monday in April next that being Court day: then
and there to be disposed of according to law for the discharge of the writ of
Fi. Facias: then and in that case the above obligation to be void or else to remain
in full force and virtue:

Signed sealed and delivered

in the presence of

Natham Parsons (seal)

W. H. Walker (seal)

And Now at this day to wit: At a Circuit Superior Court of Law and
Chancery held for the County of Southhampton on the 4th day of May: 1844

Jacob H. Duch
against
Wm H. Walker

Plff } A Motion upon a bond
Deft } taken for the forthcoming
of property at the day of sale

This day came the plaintiff by his attorney and it appearing to the Court that the
defendants have had legal notice of this motion he was solemnly called but came
not Therefore it is considered by the Court that the plaintiff may have execution
against the defendants for fifteen hundred fifty six dollars sixty cents the penalty of
the said bond and his costs by him about his motion in this behalf expended
And the said Defendants in Money &c. But this execution may be discharged
by the payment of seven hundred & twenty eight dollars and thirty cents with
legal interest thereon from the 6th day of February 1844 till Paid and the costs
Plffs costs \$2.44 &c.

A Copy

Teste J R Edwards Clk.

Clerks fee for this copy of the record \$10 14 &c

J.R. Edwards C.

Polishing of
W. Moore

Mr L. R. Edwards
Ellk Southampton

Pittsbury, June 29. 1844

Sir,

Enclosed you will receive the writ of Superedeas in the case of Duck vs. Parsons - and an Appeal bond - and a letter of Attorney to execute an appeal bond in case the one sent is not in the right form -

You will please send me a certificate of the costs of the record, as it was inadvertently omitted to be worked ~~in~~ ~~the~~ ~~book~~ ~~of~~ the record.

The execution on the D.B. is, I believe, in the hands of the Sheriff of Greenfield - You will please have this matter attended to forthwith. In haste -
Yrs R. R. Collier

Town of Petersburg to wit:

power of attorney
and this day made oath before me an alderman in and for
the said Town that R. R. Collins & James H. Williamson, the
~~obligors to the within bond~~, severally acknowledged their signatures
to the same to be their act and deed. Given under my hand
and seal this 29th day of June A.D. 1844.

Not.

James B. Cogbill Recorder



William
to James of
attorney

Know all Men by these Presents that We Robert
R. Collier & James H. Williamson of the County
of Petersburgh have constituted, nominated and
appointed, & do by these presents constitute, nomi-
nate & appoint Littleton R. Edwards the Clerk
of the Circuit Superior Court of Law & Chan-
cery for the County of Southampton our true
& lawful Attorney in fact, for us & in our names,
to sign our names to & for us to execute & deliver
an Appeal Bond in the Case of D. H. Duch u. N.
Lansons, a Chancery Suit decided in said Court
at the October Term 1842, and from the decree
in which Cause an Appeal has been awarded
by a Judge of the Court of Appeals. The said
Clerk is authorized to execute the said Bond for
R. R. Collier as Principal & James H. William-
son as Security, and with such Condition & in
such penalty as the Law requires in such
Cases. And we Delegate to our said Attorney
in fact as full power to execute an Appeal Bond
in the above Case for us, as we ourselves could
exercise if personally present & acting - hereby
ratifying & confirming whatever our said At-
torney shall do in the premises - Given
under our hands & Seals this 29th June 1844

Yours —

James H. Williamson

R. R. Collier

James H. Williamson

Seal
Seal

Duck

v } Record

Grays arm ye

(15246 words)
(~~14280 words~~)

Shews at the Court house of Southampton County before the Judge of the Circuit Superior Court of Law and Chancery for said County on the 31st day of October 1842

Be it remembered that herebefore to wit on the 19th day of July 1836 Jacob H Duck by his counsel sued out of the Clerk's office of the said Circuit Superior Court a subpoena and decree nisi against Carr Bowers late Sheriff of Southampton County and committee of the estate of Thomas Gray & Nathan Parsons executor of Seth R. Gray dec and Thomas R. Gray: which subpoena and decree nisi together with the return thereon made is in these words and figures to wit

The Commonwealth of Virginia

To The Sheriff of Southampton County

Greeting: we command you that you summon Carr Bowers late Sheriff of Southampton County and committee of the estate of Thomas Gray, Nathan Parsons executor of Seth R. Gray dec and Thomas R. Gray to appear at the Clerk's office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the rules to be holden for the said Court on the first Monday in August next to answer a bill in chancery exhibited against them in the said Court by Jacob H Duck and unless they shall answer the said bill within four months there after the Court will take the same for confessed and decree accordingly and this they shall in no wise omit under the penalty of \$100: and have them there this writ Witness Iulston R. Edwards Clerk of our said Court at the Court house, the 19th day of July 1836 in the 41st year of the Commonwealth

Teste J R Edwards Clk

Sheriff's Return: "Executed on Carr Bowers: To Jones Dept of Wm Griffin Shff:
Executed on Thos R. Gray - Nathan Parsons No Inhib: Wm J Grell
Dept of Wm Griffin Shff"

And at another day to wit at Rules held in the Clerk's office aforesaid on the first ^{Monday in} September 1836: came the plaintiff by his counsel and filed his bill in the following words and figures to wit

To The Honorable Richard H. Baker Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton in Chancery sitting Humbly complaining sheweth unto your honor your orator Jacob H Duck that on the 16th day of June 1838 a certain Thomas R. Gray of the said County paid to Stephen Mordaunt deputy Sheriff of Giles Sumnerell

Sheriff of the said County for the benefit and at the request of his Father Thomas Gray the sum of eighty three dollars and eighteen cents in discharge of an execution served out under a judgment rendered against the said Thomas Gray in favor of a firm styled Arthur and William Johnson and so as more particularly appears by the receipt of the said Mordaugh Marked A herewith filed and prayed to be considered as a part of this bill which receipt was subsequently to wit on the 30 of November 1830 assigned by the said Thomas R Gray to a certain Seth R Strong) and afterwards to wit on the 16 day of April 1832 assigned by the latter to your orator for a sufficient consideration as will appear by the endorsements on the said receipt and Your orator further shows that on the 15 day of January 1829 the said Thomas R Gray paid to the said Mordaugh deputy Sheriff as aforesaid for the like benefit and at the like request of the said Thomas Gray the further sum of one hundred and ninety three dollars and thirty one cents in discharge of an execution served out under another judgment rendered against the said Thomas Gray by Jesse Oranney Esq of Samuel Oranney in for the benefit of Robert Oranney as appears by reference to the receipt of the said Mordaugh Marked B, herewith filed and prayed to be taken as a part of this bill which receipt was on the 30 day of November 1830 also assigned by the said Thomas R Gray to the before mentioned Seth R Strong) and again on the 16 day of April 1832 further assigned by the latter to Your orator for a sufficient consideration as appears by reference to the two several assignments endorsed on the said receipt and Your Orator further shows that on the 18 day of May 1830 the said Thomas R Gray paid to the said Stephen Mordaugh who was at that time the deputy of Clements Rochelle Sheriff of the said County for the like benefit and at the like request of the said Thomas Gray the further sum of sixty dollars and sixty six cents in discharge of an execution served out under another judgment rendered against the said Thomas Gray by William Blow and others as appears by reference to the receipt of the said Mordaugh Marked C herewith filed and prayed to be taken as a part of this bill which receipt was on the 30 day of November 1830 also assigned by the said Thomas R Gray to the before mentioned Seth R Strong) and afterwards on the 16 day of April 1832 further assigned for a valuable consideration by the said Strong to your orator as will appear by reference to the assignments endorsed on the said receipt and your orator represents that the said Thomas Gray being thus

indebted to the said Thomas R Gray and by consequence to his assigns and being possessed of a considerable real and personal estate more than sufficient to satisfy all his just debts departed this life sometime in the year 1831 having first made his last will and will and Testament in writing bearing date on the 6 day of September 1831 and recorded in the County court of Southampton on the 19 of the same Month ^{And} among other devises and bequests to his son Edwin Gray his daughter ~~Edwin~~ Gray and his grand daughter Ellen D Gray daughter of the before mentioned Thomas R Gray who with the said Edwin ^{son} were the only children of the said testator he subjected all his real and personal estate to the payment of his just debts as will more fully appear by reference to an attested copy of the said will Marked D herewith filed and prayed to be taken as a part of this bill and Your orator further represents that upon the death of the said testator the executors nominated by him failing to qualify David A Brown qualified as administrator with the will annexed on his estate as appears by the certificate of the Clerk Marked E, and subjoined to the before mentioned will and afterwards administered on with the will annexed was confirmed in said Brown's Sheriff of the said County. More fully appearing by the certificate of the Clerk Marked F herewith filed by virtue whereof the said David Brown received or might by proper diligence have received into his possession and under his control a considerable portion of the testator's personal estate which was unadministered by the said Brown and a large tract or parcel of land of the value of dollars and Your Orator further represents that since the date of his before mentioned assignments the said Seth R Strong) hath departed this life leaving a last will and Testament whereof a certain Nathan Parsons of the County of Greenville hath qualified as the executor as appears by reference to the certificate of the Clerk Marked G herewith filed and prayed to be considered as a part of this bill and Your Orator further represents that the said Edwin Gray removed many years ago to one of the western states where he has never returned and is consequently not a resident of this state that the said Ellen D Gray is an inhabitant at this time of the City of Richmond and the said Anne Gray of the County of Surry: and Your Orator charges that he has made frequent applications to the said David Brown as aforesaid and earnestly brought him to discharge the aforesaid claims out of the Estate of his Testator in his hands to be appropriated in pursuance of the before mentioned will and if necessary to sell

so much of the real estate left by the Testator as might be sufficient for the purpose and he well hoped that such his reasonable applications would be complied with as in right and justice they ought but now so it is May it please your honor the said Court Bowers hath hitherto refused and still does refuse to comply therewith contrary to what your orator believes to be equitable and proper In tender consideration whereof and for as much as your orator is without adequate remedy in the premises save by the assistance of a Court of Equity where matters of this kind are properly cognizable: To the end therefore that the said Court Bowers Sheriff and administrator as aforesaid Thomas R. Gray, Warren Gray, Aaron Gray, Nathaniel Parsons Executor of John R. Strong dec'd and Ellen Douglass Gray who is an infant to be defended by some person specially appointed as her Guardian ad litem May be made parties hereto and that they May upon their several corporal oaths true and perfect answer make to all the allegations herein contained and especially that the said Court Bowers be required to state particularly what property real and personal comes to his hands as administrator as aforesaid and whether ^{any} and how much of the same remains unappropriated in his hands and that if there be not a sufficiency of money or other personal property in his hands belonging to the said estate to satisfy your orator's claims as aforesaid that he be directed to sell so much of the real estate as may be necessary for the purpose: and that such other and general relief May be decreed to your orator in the premises as May be right & proper May it please &c"

W. D. Hoag Jr.

The following are the Exhibits filed with the bill -

- A. -

This day Thomas R. Gray paid for Thomas Gray the sum of Eighty three dollars and Eighteen cents in full of an execution in favour of Arthur J. Williams Johnson & Co against said Thomas Gray Given under my hand this 16 day of June 1858

Stephen Munsanugh Deputy of
Silas Sumnerell Sheriff

It is ordered the within to ~~be paid to the~~ ^{JR Strong} for value received this 20 of ^{September} ~~June~~ 1850

JR Gray

James Munsanugh

I assign the within to ^{Jacob H. Duck} ~~J. R. Strong~~ for value received this 16th of ^{April} ~~November~~ 1832
 Teste J. R. Strong
 James Murdaugh B.

Recd Jan'y 15/1829 from Thos. R. Gray the sum of one hundred & ninety three dollars & 31/100 in full of execution in favour of Jesse Conway Executor of James Conway for the benefit of Robert Conway against Capt Thos Gray

Stephen Murdaugh Dy of
 Selas Sumnerall Shff

I assign the within to J. R. Strong for value received this 20th of November 1830 -

J. R. Gray

I assign the within to Jacob H. Duck for value received this 16th of April 1832

Teste

J. R. Strong

James Murdaugh

-10-

Recd May 18/1830 from Thomas R. Gray for Thomas Gray the sum of Fifty five dollars & 96/100 in part of an execution in favour of Wm B. Shaw Augt -
 Charles Thos D. Heath Wm J. Henry Briggs, Edwards Buell James Rochelle
 Warren Gray & James Dillard also Four dollars & 70/100 in full of the bal
 Balance \$4.70 -
 J. R. Gray

Stephen Murdaugh Dy of
 Clements Rochelle Shff

November 20th 1830. I assign the within to J. R. Strong for value received

Teste

J. R. Gray

~~James Murdaugh~~

I assign the within to Jacob H. Duck for value received this 16th of April 1832

Teste

J. R. Strong

James Murdaugh

-11-

In the Name of God amen: I Thomas Gray of the County of Southampton and State of Virginia being awake and free in body best of sound Mind and Memory do Make and ordain this writing as and for My last will and Testament in manner and form as followeth hereby revoking any or all other wills by Me made

Item: It is My will and desire that all My just debts shall be paid for the purpose of doing which I devote and subject all My Estate real and

personal of every Nature and kind as well bonds and accounts as all and every claim and claims to which I am entitled of every Nature and kind whatsoever
Item 1st It is my will and desire that my Executors shall or may act in the same manner as if they were in the discharge of their own personal affairs giving them full and ample power to act in the disposal of my Estate so that it shall not be made a sacrifice to speculation nor disposed of materially below its intrinsic worth: by this clause or Item I wish it to be understood that my Executors shall have and possess the discretionary power of disposing at private sale of my lands or other property if the value can be obtained or had for it

Item 2^d It is my will and desire that the residue and remainder of my Estate after my just debts are paid or adjusted shall be equally divided between my son Edwin Gray my daughter Ann Gray and my Grand daughter Ellen Douglass Gray or their heirs or legal representatives but if either of them shall die intestate and without lawful issue it is in that case my will and desire that the survivors of them shall inherit the rights and emoluments of the other so living

Item 3^d Whereas Mr Joseph Ruffin died by his last will left among my children some Negroes to each one which will appear by his will reference to which will show some of which Negroes so bequeathed I made sale of but I did so believing that it was by the free and voluntary consent of the legatees entitled to the same and as some of my children may think proper after my death to put in a claim against my Estate for the amount of sale of such as were bequeathed them with interest on the same or for the use or profits of them such as were not sold Now I do desire desire and wish ^{that} whichever of them may make claim against my Estate on account of the said Negroes or any account of any Nature or kind whatsoever that in that case I give and bequeath to such one either or all to each the sum of one dollar as and for his her or their full portion of my Estate:

Item 4th Should my son Thomas R Gray to whose daughter one third part of my Estate is given bring any claim against my Estate of any kind whatsoever it is my desire that the portion of my Estate bequeathed to my Granddaughter Ellen Douglass Gray may be equally divided between my son Edwin Gray and my daughter Ann Gray

Item 5th I wish it to be expressly understood that I leave no claims of any kind

against either of my children or against my Grand daughter Ellen D Gray Nor to having become the joint security of my son Thomas R Gray to Lewis W Kiefer of the town of Portsmouth for a debt due the said Kiefer and having given a deed of trust to be secure the payment of the said debt or a part thereof I hereby relinquish and bequeath to the said Thomas R Gray all claim that I may have against him on account of the said security and make the bulk of my Estate liable for the payment of the said debt or such portion of it as I may be bound to discharge as security:

Item 6th I hereby nominate and appoint my sons Thomas R Gray and Edwin Gray and my friend Gilbert Gustavus S. Gray and my daughter Ann Gray Executors of this my last will and Testament. In testimony of the foregoing being my wish and desire and last will and Testament I do hereunto subscribe my Name and affix my seal this sixth day of September in the year of our Lord one thousand eight hundred and thirty one

signed sealed and delivered Thomas Gray

in presence of
Orvis A Brown
John O Donnelly
Henry H Pond
At a Court held for the County of Southampton on the 19 day of September 1831. This Last will and Testament of Thomas Gray de^d was proved by the oath of Orvis A Brown John O Donnelly Henry H Pond the witnesses thereto and ordered to be Recorded And at a Court held for the County aforesaid the 17 day of October 1831 on Motion of Orvis A Brown (the Executors and Executrix therein named refused to take upon themselves the burden of the execution thereof) who made oath and together with Alexander P Fries & Lafayette Brown his brethren entered into & took a bond in the penalty of Four Thousand dollars conditioned as the law directs Certificate is granted the said Orvis A Brown for obtaining letters of administration on the Estate of said Thomas Gray with this will aforesaid annexed in due form

Teste James Rochelle Clk
Abby Leavitt JH Edwards Clk

At a Court held for the County of Southampton the 20 day of May 1833 on the Motion of Lafayette Brown the unadministered Estate of Thomas Gray de^d is committed to the hands of Lewis Brown Sheriff of this County for administration according to law
Teste JH Edwards Clk

[9]

At a Court held for the County of Southampton on the 11th day of May 1856.
An authenticated copy of the last will and Testament of Seth R. Strong dec'd.
was produced in Court and ordered to be Recorded and on the Motion of Nathan
Parsons one of the Executors therein named who made oath and entered into bond
in the penalty of Thirty Thousand dollars conditioned as the law directs
certificate is granted him for obtaining a probat of the said will in due form the
will directing that no security should be given and the Court requiring none-
time is allowed for the other Executors to qualify when they think fit
Seth R. Edwards Ck

And thereupon a subpoena and decree nisi was awarded against the defendant
Thomas R. Gray which subpoena and decree nisi together with the return thereon
made is in these words and figures following to wit
"The Commonwealth of Virginia

To the Sheriff of Southampton County
Greeting: We command you that you summon Thomas R. Gray to appear
at the Clerk's office of our Circuit Superior Court of Law and Chancery for the
County of Southampton at the rules to be holden for the said Court on the
first Monday in October next to answer a bill in chancery exhibited against
him & others in the said Court by Jacob H. Duck and unless he shall answer
the said bill within four months thereafter the Court will take the same
for confessed and decree accordingly and this he shall in no wise omit under
the penalty of \$100 and have shown this writ Witness William R.
Edwards Clerk of our said Court at the Court house the 20 day of September
1856 in the 61st year of the Commonwealth

JR Edwards Ck

Sheriff's Return: Executed: Wm J. Schell-Deputy of Brng Griffin shiff

And at another day to wit at Rules held in the Clerk's office aforesaid
on the first ^{Monday in} November 1856. The defendant Edwin Gray
Not having entered his appearance and given security according to the act of
assembly and the rules of this Court and it appearing by satisfactory evidence
that he is not an inhabitant of this County: It is ordered that the said
defendant do appear here on the first day of the next Term and answer
the bill of the plaintiff and that a copy of this order be forthwith entered in

Some Newspaper published in the Town of Petersburg for two Months successively and posted at the front door of the Court house of this County: and a subpoena and decree nisi was awarded against Carr Bowers late Sheriff, adm^r of Thomas Gray dec^d Ann Gray ^{and} Natham Parsons dec^d Fred^r R. Strong dec^d which subpoena and decree nisi is signed with the return thereon is in these words and figures following to wit

"The Commonwealth of Virginia

To the Sheriff of Southampton County
Freeling) We Command you that you summon Carr Bowers late Sheriff, adm^r of Thomas Gray dec^d Ann Gray, Natham Parsons dec^d Fred^r R. Strong dec^d to appear at the Clerk's office of our Circuit Superior Court of Law and Chancery for the County of Southampton at rules to be holden for the said Court on the first Monday in December Next to answer a bill in Chancery exhibited against them others in the said Court by Jacob St. Duch and unless they shall answer the said bill within Four Months thereafter the Court will take the same for confessed and decree accordingly and thus they shall in no wise omit under the penalty of \$100 And have them there this writ Witness Guilston R. Edwards Clerk of our said Court at the Court house the 7 day of November 1836 in the 61st of the Commonwealth

JR Edwards Clk

Sheriff's Return: "Executed on Carr Bowers and Natham Parsons by delivering to each a true copy Ann Gray Not found."

W. J. Sobell - Depy.
of St. Griffin Shff

At another day to wit at Rules held in the Clerk's office aforesaid on the first ~~day~~ ^{Monday in} December 1836: Came the defendant Carr Bowers late Sheriff of the County of Southampton and committee of and administrator of the estate of Thomas Gray dec^d by his Counsel and filed his answer to the plaintiffs bill in the following words to wit

To the Honble Richard St. Baker Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton: The Answer of Carr Bowers late Sheriff of the County of Southampton and committee and adm^r of the estate of Thomas Gray dec^d to the bill of complaint against him and others in the said Court exhibited by Jacob St. Duch. This Respondent now and at all times hereafter saving and reserving to himself all manner

of benefit and advantage of exception to the manifold errors imperfections
insufficiency and false allegations in the said bill contained for answer there
unto or unto so much thereof as he is advised it is material to make answer
unto for answer says that he in no wise is bound for the amount of money
or any part thereof sought by the complainant to be recovered out of the estate
of the late Thos Gray to his hands committed and that if there was proof
that Thomas Gray dec^d was ever indebted to the said Thos^R Gray as charged in
the bill or to any person to whom he had transferred his accounts Your
Respondent is forbidden by the laws of the land to pay the same because
the cause of action if it ever existed arose and accrued more than five
years before the institution of the suit of the complainant and the
defendant therefore pleads in bar if the complainant demands the act of the
general assembly of Virginia entitled an act for limitation of actions for
preventing frivolous and vexatious suits concerning debts and certain proce-
dings in civil cases passed 25th of January 1819. and prays to have the benefit
thereof and Your Respondent further there denies that the said Thomas Gray
dec^d was in any wise indebted to the said Thomas R Gray or Thos R Gray or
to the complainant at the time of his death as charged in the bill of the
complainant and calls for strict and legal proof that the said Thos R Gray
did pay say out and expended for to the use of the Testator Thos Gray at his
request the sum so as aforesaid stated or any part thereof: and the respondent is
advised that it is not competent to any person by a voluntary payment of the debt
of another to make himself that man's creditor and recover from him or his estate or adm^r
the amount of the debt so paid. and this Deft for further answer says that the said Thomas
R Gray was a son of the said Thos Gray that the latter for a considerable time before
his death was in the practice as this defendant understands of transacting his business
through the said son who was probably better qualified to settle his accounts and
to do such business than any member of his family or any other of his children
that the old man the Father was in the possession of a good estate and it is fair
to suppose that ~~the~~^{all} sums paid by Thos R Gray on account of the debts of his
Father were paid out of the money furnished by the latter for that purpose
and that this presumption is strengthened by the fact that the old Mr Gray
lived until about the month of September 1831 and had never acknowledged
himself indebted to the said Thos R Gray on account of the claims now brought
to be recovered: and this defendant for further answer says that the said

Thos Gray by his last will and Testament a copy whereof is filed with the
bill of the complainant and is now referred to as part of this answer in the
3^d clause of said will gives the residue and remainder of his estate after his
just debts are paid to be equally divided between his son Edwin Gray his
daughter Ann Gray and his grand daughter Ellen Douglass Gray and he also
provides that should his son Thomas Gray to whose daughter one third part of his
estate is given bring any claim against his estate of any kind what so ever
that portion of his estate bequeathed to his Grand daughter Ellen Douglass
Gray shall be equally divided between his son Edwin Gray and daughter
Ann Gray and the said Thomas R Gray mentioned in the will of the Testator
Thomas Gray is the same Thomas R Gray in whose right the complainant seeks to
recover his demands against this defendant And the defendant further
answering says that sometime in the month of AD 1831 or the
latter part of the year 1830 an execution issued from the office of the Clerk
of the Superior Court of — for Southampton County in favour of one Lewis Reifer
against the goods and chattels of the aforesaid Thomas R Gray Thomas Gray
the father and the Testator aforesaid and James B. Urquhart for the sum of
\$1988 with legal interest thereon from the 11th of March 1838 till paid
and the costs subject to a credit for \$120 paid 26th of May 1839 directed
according to law and Your Respondent charges that the said execution was
paid and discharged by the said James B. Urquhart who called upon the
said Thomas Gray the elder in his lifetime who was security for the said Thomas
R Gray with the James B. Urquhart and thereupon he the said Thomas Gray
senior in his lifetime satisfied his part of the said suretyship to the said
James B. Urquhart by paying the money to him or by executing bond and a
 deed of trust to secure the payment of the said bond so as aforesaid given
to the said James B. Urquhart to satisfy the due proportion of the said Thomas
Gray senior as security for the said Thomas R Gray. And this respondent
refers the Court to an office copy of the said execution whereby the facts
will appear as before stated which copy is herewith filed and prayed to be
taken as part of this bill and the defendant charges and expects to prove
that all the time the said Thomas R Gray paid the receipts or claims
which are made the foundation of this suit he the said Thomas R Gray was
largely indebted to the said Testator Thomas Gray the elder to wit the sum
of \$ — and upwards much more than equal to the amounts claimed

on the receipts aforesaid: And Your Respondent for further answer denies that upon the death of his testator he was in any way indebted to the said Thomas R. Gray and calls for strict proof of the validity of the aforesaid receipts purporting to have been transferred as aforesaid and of all other allegations in the bill: And this defendant for further answer ^{insists} that the said Jacob B. Duck has any right to sue in this case and that the said Thomas R. Gray ought to be a party says that the proper parties are not before the Court and that the complainant's bill ought to be dismissed with costs and having answered he prays hence to be dismissed with his reasonable costs in this behalf unjustly sustained without that &c

Southampton County It: This day before the subscriber a Justice for said County came Carl Bowers, committee of the estate of Thomas Gray junior and who made oath that the foregoing answer is true so far as it depends on his own knowledge and that so far as it depends on the knowledge of others he believes to be true Given under my hand and seal this 21st day of November 1836

Wm A Sparks J.P.

The following Exhibit was filed with the foregoing answer
The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting we Command you that of the goods and chattels of Thomas R. Gray Thomas Gray Sr and James B. Abbequest late in your bailiwick you cause to be Made the sum of Nineteen hundred and eighty eight dollars with legal interest thereon from the 14 day of March 1828 till paid which Lois Roefor lately in our Superior Court of Law of Southampton County has recovered against them for debt also Ten dollars 59 cents for her costs in that suit responded whereof they are convicted as appears to us of Record: and how you shall have executed this writ Make known at the Clerk's office of our Superior Court at rules to be holden for said Court on the first Monday in February next: and have them then this writ Witness James Rochelle Clerk of our said Court at the Court house the 4 day of November 1836 in the 55 year of the Commonwealth

James Rochelle Clk

This Execution is to be credited for one hundred

and twenty dollars paid May the 26 1836

J. Rochelle Esq

Shiffs Return.

Satisfied.

Edwards Butts Depty of

Clements Rochelle Shiff

Attest Teste J. R. Edwards Esq

To the foregoing answer the plaintiff replied generally —
And thereupon another Subpoena and decree nisi was ^{awarded} ~~granted~~
against the defendant Ann Gray which subpoena and decree nisi is in these
words and figures to wit —

"The Commonwealth of Virginia

To The Sheriff of ^{Super} Southampton County, Greeting

We Command you that you summon Ann Gray to appear at the Clerks office
of our Circuit Superior Court of law and chancery for the County of Southampton
at Rules to be holden for the said Court on the first Monday in January
next to answer a bill in chancery exhibited against herself & others in the
said Court by Jacob B. Duck and unless she shall answer the said
bill within Four Months thereafter the Court will take the same for
confessed and decree accordingly: and this she shall in no wise omit under
the penalty of £100. and have then shew this writ: Witness Luitlon R.
Edwards Clerk of our said Court at the Court house the 5 day of December
1836 in the 1st year of the Commonwealth

J. R. Edwards Esq

Sherriffs Return: The within Ann Gray is not an inhabitant of my County

W. B. Jamad Deputy of
Thomas Mason Sheriff

At Rules held in the Clerks office aforesaid on the first ^{Monday} day of February
1837 ON Motion of the plaintiff by Counsel: This cause was set for hearing
as to the defendant Thomas R. Gray: And another subpoena and decree nisi
was awarded against the defendant Ann Gray which subpoena and decree nisi
together with the return thereon is in these words and figures following to wit —
The Commonwealth of Virginia

To The Sheriff of Henry County, Greeting

We Command you that you summon Ann Gray to appear at the Clerks

Office of our Circuit Superior Court of Law and Chancery for the County of Southampton at the Rules to be holden for the said Court on the first Monday in March Next to answer a bill in Chancery exhibited against herself & others in the said Court by Jacob H. Duch and unless she shall answer the said bill within Four Months thereafter the Court will take the same for confessed and decree accordingly and this she shall in no wise omit under the penalty of \$100 and have them there this writ. Witness Littleton R. Edwards Clerk of our said Court at the Court house the 6 day of February 1837 in the 61st year of the Commonwealth

JR Edwards Clk

Sherriff's Return. At True Copy delivered. At Davis Depty for Wm. B. Ruffin Shff

At Rules held in the Clerk's office on the first ^{Monday} of April 1837 on Motion of the plaintiff by Counsel. This cause was set for hearing to the defendants Carr Bowers committee & administrator of Thomas Gray and Nathan Parsons executor of Seth R. Strong &c.

At Rules held in the Clerk's office on the first ^{Monday} of July 1837. On Motion of the plaintiff by Counsel this cause was set for hearing as to the defendant Ann Gray.

And at another day to wit At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 30 day of October 1837 On Motion of the plaintiff by Counsel leave ^{was} given him to amend his bill and the cause ^{was} sent to the rules for that purpose and on the further Motion of the complainant by Counsel Littleton R. Edwards ^{was} assigned guardian ad litem to the infant defendant Ellen D. Gray to defend her in this suit.

At Rules held in the Clerk's office on the first ^{Monday} of January 1838 came the plaintiff by his Counsel and filed his amended bill in the following words and figures to wit:

"To The Honorable Richard H. Baker Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton in Chancery sitting humbly complaining sheweth unto Your honor your orator Jacob H. Duch that he did on or about the day of last Exhibit his original bill of complaint in this honorable Court against Carr Bowers late Sherriff and also with the will annexed of Thomas Gray deceased

and others thereby stating as is therein particularly stated and praying that the said Carr Bowers be required to state particularly what property real and personal came to his hands as aum as aforesaid and whether any and how much of the same remains unappropriated in his hands and that if there were not a sufficiency of Money or other personal property in his hands belonging to the said Estate to satisfy your orators claims that he be decreed to sell so much of the real Estate as might be sufficient for the purpose as in and by the said bill of complaint now remaining as of Record in this honorable Court reference being thereto had will more fully appear and Your Orator by way of supplement and amendment to his original bill files herewith certain Exhibits Marked A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. respectively being attested copies of the several judgments and executions referred to in his original bill and therein alleged to have been discharged by a certain Thomas R. Gray at the request and for the benefit of his Father the beforementioned Thomas Gray as appeared by the several receipts therein filed Marked A. B. C. D. E. F. G. H. I. J. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. all of which Exhibits your orator prays May be taken as a part of this his amended bill and Your Orator represents that the receipts referred to and Exhibited in his original bill having been assigned by the said Thomas R. Gray to a certain Seth R. Strong as is also therein stated were afterwards assigned to your orator by Seth R. Strong &c. which company as your orator believes and therefore alleges was composed of the said Seth R. Strong and a certain Nathan Parsons now of the County of Greenville who were Merchants trading under the style and firm of Seth R. Strong &c. To the end therefore that the said Nathan Parsons in his own person May be made a party hereto and May be required upon his corporal oath to make true and perfect answer to all the allegations herein as well as in the original bill contained and that your orator May have such other and the same relief against the said Nathan Parsons as in and by the said original bill is prayed against the several defendants thereto as well as such other and further relief as May be deemed rightful and proper under the circumstances of of the case May it please &c

The following are the Exhibits filed with the amended bill
- H -
Southampton County April Court 1838

Arthur & William Johnson
against

Thomas Gray & George S. Gray

This day came the plaintiffs by their attorney and it appearing to the Court that the defendants have had legal notice of this motion they were solemnly called but came not. Therefore it is considered by the Court that the plaintiffs may have execution against the defendants for the sum of one hundred & forty one dollars the penalty of said bond and the cost by him in this behalf expended: and the said defendants in Murrey &c. But this execution is to be discharged by the payment of seventy dollars and fifty cents with legal interest thereon from the 13th day of December 1827 till paid & the costs. Cost \$5.54

Plffs } A Motion upon a bond
taken for the forthcoming
Deft } of property at the day of sale

The Commonwealth of Virginia

To The Sheriff of Southampton

County, Greeting: We Command you that if the goods & chattels of Thomas Gray and George S. Gray late in your bailiwick you cause to be made the sum of one hundred and forty one dollars which Arthur Johnson & William Johnson Merchants & Partners trading under the firm and style of A & W Johnson lately in our County Court of Southampton have recovered against them on A. C. bond for debt, also five dollars and 94 cents for cost in that suit expended whereof they are convict as appears to us of Record: and that you have the same before the justices of our said County Court at the Court house on the first day of November Court next to render to the said A & W Johnson the debt and cost aforesaid: and have them there this writ Witness James Rochelle Clerk of our said Court at the Court house this 23rd day of November 1829 in the 53rd year of the Commonwealth

James Rochelle Clk

Memo This execution may be discharged by the payment of seventy one dollars and fifty cents with legal interest from 13th December 1827 till paid & the cost

Test J Rochelle Clk

No Security to be taken: J Rochelle Clk. This execution is for the benefit of Mills & Lamorne

J Rochelle Clk

Return: Satisfied to my satisfaction Nov 16/1829. Mills & Lamorne
Copies Seal J R Edwards Clk

J

Southampton County Circuit Superior Court October Term 1828
Jesse Denny Executor of Samuel Denny for the benefit of Robert Denny Plaintiff
against

Thomas Gray Thomas R Gray and Stephen Mundaugh
upon a bond for the forthcoming of passport taken upon the service of
a writ of Fieri Facias issued out of this Court by the plaintiff against the
defendants Thomas and Thomas R Gray

This day came the plaintiff by his attorney and it appearing to the Court
that the defendants have had legal notice of this motion they were solemnly
called but came not. Therefore it is considered by the Court that the
plaintiff may have execution against the defendants for three hundred and forty
five dollars and sixty cents the penalty of the said bond and his cost by him
about his motion in this behalf expended and the said defendants in money &c
But this execution may be discharged by the payment of one hundred
and seventy two dollars and eighty cents with interest thereon to be computed
after the rate of six per centum per annum from the 16th day of July 1828 till
paid and the costs.

The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting

We command you that of the goods & chattels of Thomas Gray Thomas R Gray and Stephen
Mundaugh ^{late in your bailwick} you cause to be made the sum of Three hundred and forty five
dollars and sixty cents which Jesse Denny Executor of Samuel Denny
for Robert Denny lately in our Superior Court of Law of Southampton County
has recovered against them by motion on J. C. B. for debt also six dollars and
four cents for his cost in that motion expended: whereof they are convicted as
appears to us of Record and how you shall have executed this writ make
known at the Clerk's office of our Circuit Superior Court at the Rules to be
holden for said Court on the first Monday in January next and have them
thence this writ: Witness James Rochelle Clerk of our said Court at the Court
house this 4 day of November 1828 in the 53 year of the Commonwealth

James Rochelle Clk

Memo: This execution may be discharged by the payment of one hundred
& seventy two dollars and eighty cents with legal interest thereon from the
16 day of July 1828 till paid and the costs

Jest J Rochelle Clk

No Security to be taken: of Rochelle clg:

Debt due July 16 1828 \$172.80

Int till Jan'y 19 1828 1.27

Cost 1.05

Shffs com

185.11

9.25

\$194.36

Rec'd July 17 1829 from Stephen Mordaugh Depy of Silas Sumner Shff
the sum of one hundred & eighty five dollars & 11/100 in full of the within execution
Robert Denny

Sheriffs Return " Satisfied

S Sumner Shff

Copies Into LR Edwards clg

- H -

Southampton County Circuit Superior Court November Term 1829

William Blair called trustee in a certain deed executed by Edwin Gray Plaintiff
against Thomas Gray & Thomas R Gray

Defendants

upon a bond for the forthcoming of property taken upon the service of a writ
of Fieri Facias sued out of this Court by the plaintiff against the defendant -

Thomas Gray

This day came the plaintiff by his attorney and it appearing to the Court that
the defendants have had legal notice of this motion: they were solemnly called
but came not: Therefore it is considered by the Court that the plaintiff may
have execution against the defendants for one Thousand and seventy dollars
and fifty four cents the penalty of said bond and his costs by him about his
motion in this behalf expended: and the said defendants in Money &c But
this execution may be discharged by the payment of Five hundred and
thirty five dollars and twenty seven cents with interest thereon to be computed
after the rate of six per centum per annum from the 21st day of September 1829
till paid & the costs

The Commonwealth of Virginia

To the Sheriff of Southampton County

Greeting: We Command you that of the goods & chattels of Thomas Gray & Thomas
R Gray late in your bailiwick you cause to be made the sum of one
thousand and seventy dollars fifty four cents which William Blair called

trustee in a certain deed executed by Edwin Gray lately in our Superior
Court of Law of Southampton County have recovered against them on Fieri Facias
for debt - also five dollars and 54 cents for his cost in that suit expended
whereof they are convicted - as appears to us of record: and how you shall have
executed this writ make known at the Clerk's office of our Superior Court at
Rules to be holden for said Court on the first Monday in February next and
have them there this writ Witness James Rochelle Clerk of our said Court
at the Courthouse this 9 day of November 1829 in the 54th year of the Commonwealth
in

James Rochelle clg

Notice This execution may be discharged by the payment of five hundred & thirty
five dollars and twenty seven cents with legal interest thereon from the 21st day
of September 1829 till paid and the costs

Into of Rochelle clg

No Security of any kind to be taken: of Rochelle cc

Debt due Sept 21 1829 555.27

Int till January 18 1830 10.43

Cost 5.54

Shffs com 551.24

\$ 571.24

Sheriffs Return: Satisfied:

Silas Sumner Shff

Copies Into LR Edwards clg

Whereupon a subpoena and deere nisi was awarded against the defendant
Nathan Parsons which subpoena and deere nisi is in these words and figures
to wit

The Commonwealth of Virginia

To the Sheriff of ^{Granville} Southampton County Greeting

We Command you that you summon Nathan Parsons to appear at the Clerk's
office of our Circuit Superior Court of Law and Chancery for the County of
Southampton at the Rules to be holden for the said Court on the first Monday
in February next to answer an original and amended bill in Chancery
exhibited against him and others in the said Court by Jacob St. Denis
and unless he shall answer the said bill within four months thereafter

The Court will take the same for confided, and decree accordingly and thus he
shall in no wise omit under the penalty of £100 and have there three
this writ Witness Litchton R Edwards Clerk of our said Court at the Court
house the 1st day of January 1838 in the 6th year of the Commonwealth

Sherriffs Return - 1838 January 31st Executed by delivering a true copy of the
within & pa to Nathan Parsons

Daniel Robinson D^y
for Dury Matthews Shff

And at Rules held in the Clerk's office as aforesaid on the first ^{Monday} ~~day~~ in
February in the year 1838 came the defendant William D Gray by Litchton
R Edwards her guardian ad litem and filed her answer to the plaintiffs bill
in these words and figures to wit

The Separate answer of William D Gray by Litchton R Edwards her
Guardian ad litem specially appointed to defendant her in this suit

This defendant saving and reserving all manner of advantage &c to the
many others &c in the bill of the complainants contained for answer thereto
says that he knows nothing of the matters and things alleged in the said
bill: and therefore so far as he is concerned requires proof thereof and
as the said William D Gray is an infant of tender years he submits her
rights and interests in the premises to the protection of the Court and this
defendant having answered &c prays to be hence discharged with his costs
in this suit sustained

L R Edwards Solicitor

Southampton County to wit

This day Litchton R Edwards personally
appeared before me a Justice of the peace for the County aforesaid and made
oath that the facts contained in the foregoing answer are true so far
as he knows or believes Given under my hand this 3 day February 1838

R M Pirell J^r

To which answer the plaintiff replied generally -

And at Rules held in the Clerk's office aforesaid on the first ^{Monday} ~~day~~ in
the year 1838: on the Motion of the plaintiff by counsel the cause was set for
hearing as to the defendants Nathan Parsons and William D Gray.

And at another day to wit: At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 19 day of December 1838 the Defendant Warren Gray who is out of this country and against whom the plaintiff has proceeded in the mode prescribed by law against absent defendants having failed to appear and file his answer and as to Nathan Parsons Thomas R. Gray ^{and} Ann Gray on whom the subpoena appears to have been executed more than four months and they still failing to answer on motion of the plaintiff the bill as to these defendants is taken for confessed and the cause came on to be heard on the original and amended bills the answers of said Parsons administrator of Thomas Gray dec^d and of the infant defendant Ellen D Gray replications thereto exhibits filed and examination of witnesses and was argued by counsel on consideration whereof the Court with advice order and decree that the Commissioner of this Court take the following accounts: 1st an account showing the amount of the plaintiffs demand 2nd an account of Parsons administration of Thomas Grays estate 3rd an account of the private transactions referred to in the cause between Thomas Gray and his son Thomas R. Gray showing at what time the former paid for the latter his part of his debt and the amount so paid as well as any other debts due to him from said Thomas R. Gray: and Lastly an account of Parsons transactions as executor of Strong unless he admits assets sufficient to pay the plaintiffs demands: and the Commissioner is directed to examine state and settle the said accounts and report the same to this Court with any matters specially stated deemed pertinent by himself or which may be required by the parties to be so stated

And at another day to wit: At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 2 day of April 1839: This cause was continued till the next Term

And on the 1st day of October 1839 The Commissioner returned his report made up pursuant to the order of the 19 December 1838 which report is in these words and figures to wit:

Jacob Duck

against

Warren Gray & Ann Gray & others

The Court is first directed to take an account of the plaintiffs demand which is done in the following form

Plff

Def

In Chancery

1832 April 16: To amt of amt execution paid by Thos. R. Gray }
for Thos Gray to S. Munday's Deputy shiff } \$ 83. 18
in favour of Arthur M. Johnson (B)

1829 Jan 16: To ditto paid by ditto for ditto in favour of B }
1830 May 18: To ditto paid by ditto for ditto in part for } 193. 31
Thos. B. Johnson (B) Thos. D. Johnson (B) 55. 26
and the further sum of in full 4. 70
336. 43

To Interest on \$ 83. 18 from April 16/1832 }
to Dec 31/1838 - 37. 49

" Interest on \$ 193. 31 from Jan 13/1829 }
to Dec 31/1838 113. 56

" Interest on \$ 57. 96 from May 18/1830 }
to Dec 31/1838 31. 01

Interest \$ 182. 06

1836 To paid clerk's tickets 21. 51

" Interest two years on ditto 2. 58

1838 To paid \$ 5. 50 in 1839 \$ 7. 50 13. 00

370. 96

To Interest acct 184. 64

1838 Dec 31 To balance due the plaintiff \$ 555. 60

with interest on \$ 570. 96 part thereof

from this date till paid

The Comr. in the 3^d place is directed to make up Bonds
administration on Thos Gray's Estate

The Estate of Thomas Gray dec in acct with Court Records shiff Commellu

		Dr	Cr	Int
1835	To paid tax acct for 1833 & 1834	11	75	
June	By sales of part of the Cobb tract land		207 00	
	To paid M. H. Holmes in part of James B. B.			
	Wright's bond	100	00	
	" paid Thad Boykin in part his bond	50	00	
	" " Shiff M. Broumes of fee for Henry			
	Clark surviving partner of Cotton	40	29	
	L. Clark & Son			

1836 May 28 " " M. Davis Engr

" Come on Receipts 10 35

" " Come fee 1 00

" " retained for clerk's fees 1 00

To balance due the acct. 1c 9 39

216 39 216 39

To balance brought down 9 39

" paid tax acct for 1835 & 1836 9 26

" " clerk's tickets 1 01

Dec 31 To balance due the committee 1c \$ 32 66

" Interest on the balance of 1835 56

1836 To paid tax acct 4 63

" Handling com to Jerusalem 3 00

" paid M. Davis engr 2 00

Nov 20 By sales of 5 barrels corn acct of Jno. O'Donoghue 15 00

By sale of the kitchen tract land 100 00

To Come on receipts 5 75

115 00

38 60

Dec 31 By balance due the estate \$ 76 40

1838 To paid tax acct 9 00

" " M. D. Howard county surveyor fees 18 87 27 87

Dec 31 By balance due the estate \$ 48 53

By interest on the balance of 1837 4 58

and forward 53 11

By balance due the estate \$ 53. 11 with interest on \$ 48. 53 part thereof
from this date till paid

The Comr in the 3^d place is directed to make up an account of the private
transactions referred to in the cause between Thomas Gray and his son Thomas
R. Gray showing at what time the former paid for the latter his part of
Reiford's debt: and the amount so paid as well as any other debts due to
him from from Thos. R. Gray: It appears from a copy of the execution
and the Sheriff's statement: a copy which is herewith filed (A) that
the whole amount of the Reiford debt and interest including the cost &
commission up to the 16th day of May 1831 was \$ 2315. 34. The

Execution issued against Thos R. Gray, Thomas Gray and James B. Unquist: and James B. Unquist in his deposition filed in the cause states that himself and Thomas Gray paid it in equal proportions which would make their proportions equal to \$1157.67 The Com. has not been able to obtain any books or papers relating to the private transactions between Thomas Gray and Thos R. Gray: and lastly the Com was directed to make up an account of Parsons transactions as executor of Strong: unless he admits assets sufficient to pay the plaintiffs demand:

The Comt has been unable to get Mr Parsons before him he sent two notices to Savannah: and the Sheriff has either neglected to return them or is waiting for Mr Parsons to return from the North where he has been for a considerable time past as Mr Chambliss informed me by letter to whom I had written upon this subject. I saw Mr Parsons in Jerusalem Magdell the day before this case was to come before the Comt and requested him to attend or admit assets. he replied he could not attend, and the executor Strong's estate was able to pay its just debts

after purgating thus far with this report the Comt finds a memorandum of a further credit to the estate of Thomas Gray for brandy in 1838 amounting to \$22.33 which will make the balance due after deducting the Comd. \$74.33 with Interest on \$69.73 from the said 31st day of Dec 1838 till paid

Shadrach Boykin presents his demand against the estate of Thomas Gray founded on a bond which bind the heirs upon which his suit was instituted and judgment obtained to wit B

Debt due 21 Mar 1831	\$312.00
Interest to May 18 th 1833	43.19
By payment & judgt	50.00
	43.19
costs	6.73
	318.73
Interest	43.19
	361.92

also a judgt in favour of the same for \$20.00
due April 21, 1829 Interest to May 18th 1833 7.50

costs

30

27. 60

To balance due Thad Boykin

\$ 389. 52

with interest on

\$ 339. 03 from May 18th 1835 till paid

James B. Willons has a judgment against the same for \$7.00 these two last judgments are in the hands of a constable and will be filed in time comes for Feb 19th 3 hrs March 4th 3 hrs

Respectfully Submitted

May 21st 3 hours Sept 1st has \$15.00

John Cobb Com^r

charged to the Deft

Com for \$15.00 Deft as Gray adm^t

The above was sworn to before this 1st day of October 1839

J. P. Nicholson J. P.

The following ^{documents were} ~~also submitted~~ filed with the foregoing report

- A -

The Commonwealth of Virginia

To the Sheriff of Southampton County

We Command you that of the goods and chattels Thomas R Gray Thomas Gray sr and James B. Urquhart late in your bailiwicks you cause to be made the sum of Nineteen hundred and eighty eight dollars with legal interest thereon from the 14th day of March 1828 till paid which Louis Raiffert lately in our Superior Court of Law of Southampton County hath recovered against them for debt also Ten dollars and 59 cents for his costs in that suit expended whereof they are convicted as appears to us of Record; and how you shall have executed this writ make known at the clerks office of our said Superior Court at Rules to be holden for said Court on the first Monday in February next and to have them return this writ: Witness James Rochelle Clerk of our said Court at the Court house this 9th day of November 1830 in the 55 year of the Commonwealth

James Rochelle cl^k

This execution is to be credited for one hundred and twenty dollars paid May the 24th 1829

Dr^t due March 14/ 1828

J. Rochelle cl^k
\$1988. 00

Int till May 26th 1829

143. 13

Int till Feb 21st 1831 on \$19.88

207. 09

Cost

10. 59

2348. 81

Exp Execution

120. 00

2468. 81

Shiffs Com

53. 57

St. G. Bond

63

54. 20

2523. 00

Int till May 16/1831

52. 33

2575. 33

Shiffs Return Satisfied

Wm. B. Depp of

Thomas Rochelle Shiff

Attest

John R. Edwards Secy

-B-

(Here insert it)

And at another day to wit At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 3^d day of April 1840 this cause this day again came on to be heard on the papers formerly read and the report of Commissioner Cobb made pursuant to the order of the 19th of December 1838 and it appearing to the Court that in making up the transactions of Wm. Bowers committee of Thomas Gray it is proper to take an account of the outstanding judgments against Thomas Gray's estate the Court therefore doth order that the report be recommended to the Commissioner who is directed to credit the administrator with any sum of Money paid by him and not credited in the account and to make a statement of the judgments for which the estate of Thomas Gray is responsible and report with any remarks deemed pertinent by himself or required by the parties to be so stated.

And on the 1st day of June 1840 the Commissioner returned his report made up pursuant to the order of the 3^d of April 1840 which report is in these words and figures to wit

Duch

as

Gray adm

In Chancery

The Court doth order that the report heretofore made be recommended to the Com^r who is directed to credit the administrator with

any sums of Money paid by him and not credited in the account and to make a statement of the judgments for which the estate of Thomas Gray is responsible

1838 Dec 31st

By the balance found due the estate as per former report

69.75

Int 4.58

To paid A. Atkinson etc

25.00

44.75

By Int amt down

1.58

By Balance due the estate

\$49.33 with interest

on \$44.75 paid thereof from this date till paid

In Making a statement of a judgment in favour of Phadwick Baykin against the estate on the former report the Com^r mistook the date of 1821 from which time interest should have been calculated for 1831 Making Ten years interest too little that error is now corrected by the following statement

Debt due the 26 day of May 1821 \$312.00

Interest to the 18th day of May 1835 \$240.52

By payment for judgment

50.00

260.52

Costs

6.73

Net bal due on this judgment

\$529.25

To amt of 2^d judgment as stated in the former report

27.60

By balance due Phad Baykin

556.85

with interest on \$532, paid thereof from the 18th day of May 1835 till paid Philip St George Locke & Sally his wife

vs

Judgt

Wm Bowers late Shiff's com^r of the Gray

Debt \$100 with interest on \$20 paid thereof from the 1st day of January 1829 till paid with interest on \$20 paid thereof the 1st day January 1830 till paid with interest on \$20 paid thereof the 1st day of January 1831 till paid with interest on \$20 paid thereof from the 1st day of January 1832 till paid and on \$20 paid thereof (the balance) from the 1st day of January 1833 till paid see a copy of the judgment

Statement: Interest on \$20 from Jan 1/1829 to Jan 1/1839 \$12.00

" " 20 " " 1830 " " 1839 10.80

"	"	20.	"	"	1831	"	"	1839	9- 60
"	"	20	"	"	1832	"	"	1839	8- 40
"	"	20	"	"	1833	"	"	1839	4- 20
Principal		\$100. 00							47 00
Interest		47 00							

To balance due 147 00 with interest on \$100 from the 1st day of

January 1839 till paid
 Comrs for \$5.00 for 5 hours
 charged to the Plff of Duck
 J. C.

Respectfully Submitted

Jerel Cobb Com

The following Document was filed with the foregoing Report

Serthamptons County Court August 20/1840 -

Philip St George Cooke and Sally his wife
 against

Plffs

In Case

Carri Brown the Plffs come vs Thomas Gray d.c.

Def

This day came the parties by their attorneys and thereupon came a jury to
 wit John M. Scammell John Edwards ^{John M. Guley} Theodore Ingham Darden M.
 Bigham - Elias Vick William D. Clarke William Jackson James J.
 Newson Josiah Murray William B. Bell and James McLeure who being
 directed to read and sworn the truth to speak upon the issues joined upon
 their oaths returned a verdict in the following words to wit - We the
 jury find for the plffs the sum of one hundred dollars with interest on
 \$20 part thereof from the 1st day of January 1829 till paid with interest
 on \$20 part thereof from 1st January 1830 till paid with interest on
 \$20 part thereof from 1st January 1831 till paid with interest on
 \$20 part thereof from 1st January 1832 till paid with interest on
 \$20 the balance from the 1st January 1833 till paid. Therefore it is
 considered by the Court that the plffs recover against the defts their damages
 as aforesaid with interest as aforesaid and their costs by them
 about their suit in this behalf expended: To be Levied of the goods
 and chattels of the defendant in the hands of the defendant to be administered
 and the said defendant in Murray &c

Plffs cost \$8.44

Copy Test. J. M. Edwards Clk

And at another day to wit - At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 6th day of April 1841

On Motion of the plaintiff by counsel leave ^{was} given him to amend his bill he praying to the defendants the cost occasioned them by such amendment and the cause ^{was} sent to the rules for that purpose.

And at another day to wit - At a Circuit Superior Court of Law and Chancery held for the County aforesaid on the 29th day of October 1841 On Motion of the Plaintiff by counsel leave ^{was} given him to amend his bill and to make him parties he praying to the defendants the costs occasioned them by such amendment and the cause ^{was} sent to the rules for that purpose

And at another day to wit - At Rules held in the Clerk's office aforesaid on the first ~~day~~ ^{Monday} of December 1841: Came the Plaintiff by his attorney and filed his amended bill in the following words and figures to wit - To Judge Rich^d H Baker Judge of the Circuit Superior Court of Law and Chancery for the County of Southampton in h^y sitting Humbly complaining shews to the Court Your Orator Jacob H Duck of the County of Isle of Wight: that he did on or about the day of A.D. exhibit his original bill of complaint in this Court against Court Bowers adm^r with the will annexed of Thomas Gray ad^r Thomas R Gray and others and that on the day of A.D. he filed in same Court and annexed or supplemental bill ag^t said Bowers Nathan Parsons & others praying among other things that the said Bowers adm^r of Thos Gray or some other of the defendants should be decreed to pay to him several sums of Money due to him on papers & evidences of debt that were assigned by Thomas R Gray to Fredk R Strong and which came to the possession of Fredk R Strong & Co and which for a valuable consideration were afterwards transferred assigned and paid over to your orator by Fredk R Strong & Company the said company then consisting of Fredk R Strong & Nathan Parsons Merchants and partners trading under the style of Fredk R Strong & Co and for which transfer the said Company are of Your orator at valuable consideration all which proceedings will now fully and at large appear by reference to the said original and amended bills which are filed in said Court with the various Exhibits and all of which are prayed to be taken and considered part of

of this amended bill and your orator further charges by way of further amendment and supplement to said original & amended bills that the said Seth R. Strong is dead and Nathan Parsons is his administrator or executor and that he has reduced into his possession a valuable estate more than enough to pay the just debts of said Seth R. Strong & the said Nathan Parsons is now the surviving partner of himself & the said Seth R. Strong the latter dead and as surviving partner a large estate is in the hands of the said Parsons that when the said Parsons became adm^r of Seth R. Strong he entered into a bond in the County Court of Southampton in the penalty of \$30,000 without security as well appear by a copy of said bond herewith filed & prayed to be taken as part of this bill that the said Thomas Gray (who assigned the aforesaid papers and evidences or pretended evidences of debt and which were afterwards assigned as aforesaid to your orator is notoriously insolvent as well appear by a paper herewith filed marked D. and prayed to be taken as part of this bill so that if the Court shall be of opinion that the estate of Thos Gray ad^r is not responsible to your orator then it will not be available to have a decree agst the first assignor Thomas Gray who is unable to pay and therefore the decree might properly be first made against the representative of Seth R. Strong ad^r or against the said Nathan Parsons surviving partner as aforesaid for the whole amt due your orator on the papers assigned to him by Seth R. Strong & so to the end that justice be done your orator prays that the said Nathan Parsons in his own right and as surviving partner of Seth R. Strong & so and also as exec^r of Seth R. Strong ad^r and Thomas R. Gray may be made defendants to this amended bill & that they answer the same upon their corporal oaths fully and unequivocally that the said Nathan Parsons is out of this County and it is prayed that your orator may have leave to proceed agst him as an individual & as surviving partner of Seth R. Strong & so and in the several characters in which he is a party in the mode prescribed by law against absent defendants and that... the premises considered your honor will grant such other and further relief as the nature of his case may require & as in duty bound he will pray &c

The following are the exhibits filed with the foregoing bill. to wit
Known all men by these presents that we Nathan Parsons are held

and firmly bound unto Benjamin Parnum George A. B. Barnum Jesse Darden & William Briggs Gentlemen Justices of the peace for the County of Southampton now sitting in the sum of Thirty Thousand Dollars to the payment whereof well and truly to be made unto the said Justices and their successors our heirs our assigns and each of us our and each of our heirs Executors and administrators jointly and severally firmly by these presents sealed with our seals and dated the 16 day of May 1836

The Condition of the above obligation is such that if the said Nathan Parsons Executor of Seth R. Strong deceased do make a true and perfect inventory of all and singular the goods chattels and credits of the said deceased together with an inventory of the real estate within the Commonwealth which by the said Will may be subject to the authority of the said Court of which have or shall come into the hands possession or knowledge of him the said Court or into the hands or possession of any other person or persons for him: and the same so made do exhibit to the County Court of Southampton at such time as he shall be thereto required by the said Court and the same goods chattels and credits & real estate do well and truly administer according to law and make a just and true account of his doings and doings therein when thereunto required by the said Court and further do well and truly pay and deliver all the legacies contained and specified in the said Will as far as the said goods chattels and credits and real estate will extend according to the values thereof and as the law shall charge then this obligation to be void or else remain in full force

Nathan Parsons (Seal)

Attest Testes J. R. Edwards Clk

The Commonwealth of Virginia

To the Sheriff of Southampton County Greeting
We Command you that you take Thomas R. Gray if he be found within your bailiwick and him safely keep so that you have his body before the Justices of our County Court of Southampton at the Court house on the first day of March Court Next to satisfy William St. Nicholson Executor of John Nicholson de^d the sum of seven hundred and ninety nine dollars and thirty six cents with legal interest thereon from the 3^d day of January 1833 till paid which the said Court lately in our said Court hath recovered against the said Gray by Motion also four dollars and seventy

Eight cents for his costs in that behalf expended whereof the said Gray is
convict as appears to us of Record and have them there this writ - Witness
James Rochelle Clerk of our said Court at the Courthouse this 11th day of
January 1835 in the 59 year of the Commonwealth

James Rochelle Clk
came to hand January 29/1835

assisted the defendant Thomas R. Gray who
took the oath of insolvency

Williams J. Schell Deputy of
Bong Dwaney Sheriff

amount of sales of the interest delivered up in the schedule of the defendant
to James B. Mergant

\$1.00

Shff come off

1.3

37

Williams J. Schell Deputy of Benjamin Dwaney
Shff
Attest J. R. Edwards Clk

And the defendant Nathan Parsons not having entered his appearance
and given security according to the act of assembly and the Rules of this
Court and it appearing by satisfactory evidence that he is not an inhabitant
of this County: It is ordered that the said defendant do appear here on the
first day of the next Term and answer the bill of the plaintiff and that
a copy of this order be forthwith inserted in some news paper published in
the Town of Petersburg for two months successively and posted at the front
door of the Courthouse of this County: And a Subpoena and decree nisi was
awarded against the defendant Thomas R. Gray ^{to appear the said defendant here to the next Rules} ~~(which subpoena and decree nisi)~~
~~And together with the return thereon is in the following words and figures to wit~~
And at another day to wit At Rules held in the Clerk's office aforesaid on the
1st Monday in
January 1842 the Subpoena and decree ^{nisi} awarded at the last rules
against the defendant Thomas R. Gray not being returned, another subpoena
and decree nisi was awarded against the said defendant - which subpoena and
decree nisi together with the return thereon is in the following words and figures
to wit:

The Commonwealth of Virginia

To the Sheriff of Norfolk County Greeting

We Command you that you summon Thomas R. Gray to appear at the Clerk's office of our Circuit Superior Court of Law and Chancery for the County of Southampton at the Rules to be holden for the said Court on the first Monday in February Next to answer a bill in Chancery exhibited against him and others in the said Court by Jacob H. Duck and unless he shall answer the said bill within two Months thereafter the Court will take the same for confessed and decree accordingly and this he shall in the wise omit under the penalty of \$100 and have then there this writ Witness Littleton R. Edwards Clerk of our said Court at the Court house the 3 day of January 1842 in the 16 year of the Commonwealth: J. R. Edwards Clk

Sheriff's Return: "The Deft' Tho R. Gray is at this time in the western - County: R. S. Bazler Shff:
And at another day to wit: at Rules held in the Clerk's office aforesaid on the first Monday of February 1842 another subpoena and decree nisi was awarded against the defendant Thomas R. Gray -
* And at another day to wit At Rules held in the Clerk's office aforesaid on the first Monday in May 1842: The Subpoena and decree nisi awarded at February Rules against the defendant Thomas R. Gray not being returned: another Subpoena and decree nisi was awarded against the said defendant -
And at another day to wit: At Rules held in the Clerk's office aforesaid on the first Monday of July 1842 the Subpoena and decree nisi awarded at May Rules last against the defendant Thomas R. Gray not being returned: another Subpoena and decree nisi was awarded against the said defendant which Subpoena and decree nisi is in the following words and figures to wit: -

The Commonwealth of Virginia

To The Sheriff of Norfolk County Greeting
We Command you that you summon Thomas R. Gray to appear at the Clerk's office of our Circuit Superior Court of Law and Chancery for the County of Southampton at the Rules to be holden for the said Court on the first Monday in August Next to answer a bill in Chancery exhibited against him and others in the said Court by Jacob H. Duck and unless he shall answer the said bill within two Months thereafter the Court will take the same for confessed and decree accordingly: and this he shall in the wise omit under the penalty of \$100: and have then there this writ Witness Littleton R. Edwards

Clerks of our said Court at the Court house: the 4 day of July 1841 the 6th
year of the Commonwealth: J. R. Edwards Esq: Sheriff's Return: Executed:

E. J. Eagle Esq of R. F. Bayler Shiff

And at another day to wit - At Rules held in the Clerk's office aforesaid
on the first ^{Monday} of October 1842: ON Motion of the plaintiff by Counsel this
cause was set for hearing as to the defendant Thomas R. Gray:

At another day to wit - At a Circuit Superior Court of Law and
Chancery held for the County aforesaid on the 8 day of April 1842

It appears to the Court that the defendant Edwin Gray is dead
And ^{nor} at ^{this} another day to wit - At a Circuit Superior Court of Law
and Chancery held for the County aforesaid ^{on the day and year first herein aforesaid} and the 31st day of October 1842
The Defendant Nathan Parsons who is out of this Country and
against whom the plaintiff appears to have proceeded in the mode prescribed
by Law against absent defendants still failing to appear, on Motion of the
plaintiff by Counsel: the Court doth take his bill for confessed as to that
defendant and the Subpoena in this cause having been executed and the
amended bill filed more than two months the same is taken for confessed
as to the defendant Thomas R. Gray and the said cause as to the other
defendants come on again to be heard on the papers formerly read and the
reports of the Commissioner Made in ~~the~~ pursuance of the orders Made on the
19th of December 1838 and the 5th of April 1840 to which no exception has
been filed and was argued by Counsel ON Consideration whereof the
Court confirming said Reports doth adjudge order and decree that the bills
of the Complainant as to Carr Brown administrator of Thomas Gray deceased
Thomas R. Gray Edwin Gray Abner Gray and Ellen Douglass Gray legates
and devisees of said Thomas Gray be dismissed and that the plaintiff pay
to them their costs in this behalf expended: And the Court doth
further adjudge order and decree that the defendant Nathan Parsons surviving
partner of Seth R. Strong do pay to the plaintiff Jacob H. Duck the
sum of Five hundred and fifty four dollars and sixty cents with interest on
Three hundred and seventy dollars ninety six cents part thereof from the
31st day of December 1838 till paid and that he pay to the said plaintiff
his costs in this behalf expended: But this decree is not to prejudice
Seth R. Strong & Co nor the said Nathan Parsons surviving partner of Seth
R. Strong & Co in the prosecution of any suit which may be hereafter

brought against the defendant Thomas R. Gray assignor in the manner
charged in the original bill: And Liberty is reserved hereby to the creditors of
Thomas Gray and to prosecute and recover their claims by another suit out of the
real and personal estate of which the said Thos Gray died entitled
The following are the Depositions taken and filed in this cause
The Deposition of Stephens Muddough of Lawful age who being first duly
sworn at the Court house of the County of Southampton & Town of Jerusalem
on the 19th of Sept^r 1837 in pursuance to the annexed Notices the parties being
present by their Counsel deposes & saith as follows:

Quest 1st By Shiff Counsel will you examine the Receipt filed in the papers
in this cause marked as Exhibit A and purporting to be in your hand
writing as Deputy Shiff of Tides Summerell Sheriff of Southampton County and
say whether or not it is your hand writing? Whether Thos R. Gray one of the
defendants in this suit paid the sum of Eighty three dollars & eighteen cents
on the 16th June 1838 as represented by the said Receipt to you in discharge
of the execution against Thomas Gray as mentioned in the said receipt &
whether he paid the same for the benefit of the said Thos Gray.

Ans^r It is a Receipt given by me as it represents to be & the money was
paid by Thos R. Gray as the receipt purports for his father Thomas Gray
Quest 2^d Do you know of any money transactions between Thomas ^R Gray
and his father Thos Gray?

Ans^r I frequently had executions against Thos Gray about the time of
the date of this receipt and which were discharged by Thos Gray for him
he further says that when he called on Thos Gray to satisfy debts &c
that he most always referred me to Thos R. Gray who he said owed him
a considerable sum and that the said Thos Gray frequently showed me his
books showing accounts due him from the said Thos Gray and Edwin Gray
his sons he says that Thos Gray was most always pestered for money

Quest 3^d By the same: Examine the assignment on the back of the
said receipt and say whether the assignment purporting to be in the hands
of Thos Gray is in the hand writing of the said Gray?

Ans^r I believe the hand writing to be in the hand writing of Thos ^R Gray
and have no doubt that the signature is his:

Quest 4th By the same: Will you examine the assignment on the said
not purporting to be that of Seth R. Strong & Co to Jacob H. Duck the plaintiff?

and attested by James Murdaugh & say where the said James Murdaugh
now is whether the attestation is his hand writing & whether the signature of
Ireth R. Strong Esq is the signature of that firm:

ANSW James Murdaugh is removed & now in Mississippi and I believe the
attestation is in the hand writing of James Murdaugh: and thinks the
assignment is in the hand writing of Ireth R. Strong Esq

QUEST By the same Will you examine Receipts BtH also filed with
the bill as exhibits their contents and the several assignments thereon as in
case of Exhibit A and say whether or no they are what they purport to be

ANSW I have examined them they are all in my hand writing as they
purport to be and the facts they state are true as represented by them
and the assignments are the same as in Exhibit A and further this deponent
saith Not

Stephen Murdaugh

Taken sworn to and subscribed this 19 day of Septe 1837 before Me
Jesse Cobb JP.

The Depositions of James B. Urquhart taken by consent of parties at Jerusalem
at the Court house in the County of Southampton on the twenty first day of August
1838 between the hours of 6 in the Morning and 2 P M of the same day to be
read as evidence in the suit in the Circuit Superior Court of Law and Chancery
in which Jacob B. Duck is plaintiff and Carr Bowers late Sheriff & committee
of Thomas Gray and others ^{are} defendants: The deponent being duly sworn deposeth
and saith:

That Thomas R. Gray executed his bond to Lois Rafter on the 14 of March
1828 for the sum of \$1288. and gave Thomas Gray his Father John Nicholson
and Myself as his Securities: that shortly after that period Nicholson died
and his personal representative notified the obligee to bring suit on the bond
which she failed to do within the requisite time: that suit was afterwards
brought on the said bond against the remaining obligors judgment recovered
and the sum of \$1315. 3/4. Made thereon in the way of principal interest
and costs that the said sum of Money was paid under execution by the
said Thomas Gray and Myself each paying an equal proportion thereof.
Further than this deponent saith Not.

Sompton County to wit

Jas. B. Urquhart

This day James B. Urquhart Made oath before Me

[10]

a Justice for said County to the truth of the foregoing deposition: Given
under my hand this 21st day of Aug^r 1838

Wm. A. Sparks S^r.

The Deposition of Stephen Mordaugh taken this 21st day of August
in the year 1838 in the Court house of the County of Southampton between
the hours of 8 o'clock in the Morning and six o'clock in the Evening and in
pursuance of the annexed Notices all the parties being present by their
Counsel to be read as evidence in a ~~case~~ now pending and undetermined
in the Circuit Superior Court of Law and Chancery for the said County in
which Jacob H. Duche is complainant and Thomas R. Gray and others
respondants.

The Depo^{nt} - being first ~~and~~ sworn deposes as followeth in reply
to the interrogatories propounded to him:

Questions by the plaintiff Took upon the papers now exhibited to you
marked A. B. & C purporting to be receipts executed by Stephen Mordaugh
deputy of Clements Rochelle and Stephen Mordaugh deputy of Silas
Summrell Sheriff and say whether the said papers were in fact signed
and executed to you whether the facts they declare are true as represented
and whether the writing purporting to be the attestation of James Mordaugh
to the assignments on each of the aforesaid papers is in fact the signature
of James Mordaugh and have you frequently seen James Mordaugh write
his Name Make true answers to the above questions: ANSWER of the deponent
to the foregoing questions: I have examined the papers referred to in the
question and know them to be in my hand writing and that the facts
therein stated are true I am well acquainted with the signature of James
Mordaugh and have no doubt that the attestations to the assignments referred to
are in his own proper hand writing:

Will You also examine the same papers filed in this cause and say
whether the writings endorsed on the same purporting to be assignments of the
same to Seth R. Strong by Thomas R. Gray and in the proper hand writing
of the said Thomas R. Gray and whether you have seen the said Gray
frequently write: I have frequently seen Thomas R. Gray write and believe
that the assignments referred to as well as the signatures thereto affixed are in
the proper hand writing of the said Gray:

Be good enough to state if you know the fact of whom and of what persons

the firm of Seth R. Strong & Co by whom the first mentioned assignments
purport to have been made was composed. I know that the firm was
composed of Seth R. Strong now dead and Nathan Parsons one of the defendants
in this cause: were they partners doing business under that firm and style
on the 14 of April 1839. I know that they were and further this deponent
saith not.

Stephen Murdaugh

The Deposition of James H. Schrell taken in like manner after having
been duly sworn:

Question: Plaintiff Will you be good enough to state of what persons
the firm of Strong and Co was composed about the 14 of April 1839

Answer: I know that Seth R. Strong and Nathan Parsons were trading as
partners in the County of Southampton under the style and firm of Seth R.
Strong & Co about that time and further this deponent saith not.

Jas H Schrell

The above depositions were taken before me as Justice of the Peace for the
County of Southampton in manner as aforesaid: In Witness whereof I have
hereunto set my hand this day and year above written.

Jos. S. Cloud Jr.

Peffer Costs \$91.37 cents.

The Commonwealth of Virginia: To The Sheriff of Southampton
County: Greeting: We Command you that of the goods and chattels of
Nathan Parsons surviving partner of Seth R. Strong the late in your
bailiwick you cause to be made the sum of Five hundred and fifty five
dollars and sixty cents with interest on Three hundred and seventy
dollars ninety six cents part thereof from the 31st day of December 1838 till
paid which Jacob H. Duck lately in our Circuit Superior Court of law
and Chancery for Southampton County, he recovered against the said Parsons
by judgment as aforesaid by a decree of the said Court also Ninety one dollars and
thirty seven cents which to the said Duck in the same Court were
adjudged for his costs by him about his suit in that behalf expended:
whereof the said Parsons by judgment as aforesaid is convicted as appears to us of
Record: And how you shall have executed this writ, make known at
the Clerk's Office of our said, Circuit Superior Court of law and Chancery
at the Rules to be holden for the said Court on the first Monday in February
next: And have them there this writ: Witness Littleton R. Edwards
Clerk of our said Court at the Court house this 5 day of December 1842 in
the 67th Year of the Commonwealth.

JR Edwards Clk

Sheriff's Return: No Effect: Wm. A. Schrell Dy of Wm. L. Everett Shff

The Commonwealth of Virginia: To The Sheriff of Greenville
County: Greeting: We Command you that you take Nathan Parsons
surviving partner of Seth R. Strong the if he be found within your bailiwick
and him safely keep until he shall satisfy Jacob H. Duck the sum of
Five hundred and fifty five dollars and sixty cents with interest on Three
hundred and seventy dollars ninety six cents part thereof from the 31st day
of December 1838 till paid which the said Jacob H. Duck lately in our
Circuit Superior Court of law and Chancery for Southampton County hath
recovered against the said Nathan Parsons surviving partner of Seth R.
Strong the by a decree of the said Court also Ninety two dollars and seven
cents which to the said Jacob H. Duck in the same Court were adjudged
for his costs by him about his suit in that behalf expended: whereof the
said Nathan Parsons surviving partner as aforesaid is convicted as appears
to us of Record: And how you shall have executed this writ, make known

at the Clerk's Office of our said Circuit Superior Court of Law and Chancery, at the Rules to be holden for the said Court on the First Monday in April next And have there this writ Witness Littleton R. Edwards Clerk of our said Court at the Court house this 17 day of January 1844 in the 68 Year of the Commonwealth

L.R. Edwards Clk

Sheriff's Return: Executed by arresting defendant the following property to wit Two Negroes to wit Gilbert & Isaac delivered in discharge of his person and forthcoming bond taken with Wm H. Walker security: forfeited and returned.

Wm H. Spradley Dy. M. H.
Hobbs Shff

The forthcoming bond referred to in the foregoing Return is in the following words and figures to wit:

Know All men by these presents: that we Nathaniel Parsons & Wm H. Walker are held and firmly bound unto Jacob H. Duch in the just and full sum of fifteen hundred fifty six dollars & 60/100 to be paid to the said — as aforesaid, his certain attorney, his heirs, executors, administrators, or assigns to which payment, well and truly to be made, we bind ourselves jointly and severally, and each of our joint and several heirs executors and administrators jointly by these presents sealed with our seals and dated this 6 day of Feb'y in the Year of our Lord one thousand eight hundred and Forty. 4

The Condition of the above obligation is such that whereas Jacob H. Duch hath sued out of the Circuit Superior Court of Law and Chancery for Southampton County a writ of Capias ad satisfaciendum against the body of the above bound Nathaniel Parsons for the sum of seven hundred seventy eight dollars & 50/100 including interest cost and commissions which writ hath been duly executed by Wm H. Spradley D Shff for M H Hobbs Shff of the County of Greenville on the following property to wit: Two Negroes Gilbert & Isaac ^{being} delivered up in discharge of his body and the said Parsons being desirous of keeping the aforesaid property in possession until the day of sale of the same hath tendered the above bound Wm H. Walker as security for the forthcoming and delivery of the said property, at the place and on the day of sale agreeable

to law: Now if the said Nathaniel Parsons and Wm H. Walker either of them do and shall deliver the aforesaid property to the said Wm H. Spradley Dy as aforesaid, at the Court house in the said County of Greenville on the First Monday in April next, that being Court day, then and there to be disposed of according to law for the discharge of the writ of Fieri Facias: then and in that case the above obligation to be void or else to remain in full force and virtue signed, sealed and delivered,

Nathaniel Parsons (read)

Wm H. Walker (read)

in the presence of
And Now at this day, to wit: At a Circuit Superior Court of Law and Chancery held for the County of Southampton on the 1st day of May, 1844

Jacob H. Duch

against

Wm H. Walker

Plff } A Motion upon
Def } a bond taken

for the forthcoming of property at the day of sale
This day came the plaintiff by his attorney and it appearing to the Court that the defendants have had legal notice of this motion they were solemnly called but came not: Therefore it is considered by the Court that the Plaintiff may have execution against the defendants for fifteen hundred fifty six dollars sixty cents the penalty of the said bond and his costs by him about his motion in this behalf expended And the said defendants in Meroy &c But this execution may be discharged by the payment of seven hundred & seventy eight dollars and thirty cents with legal interest thereon from the 6 day of February 1844 till paid and the costs

Plff Costs \$2.54

Ducks

~ } Appeal bond

Persons

Know all men by these presents: That we Robert
H. Collier as principal and John Pollard and
Francis Major as securities are held and firmly
bound unto Jacob H. Duck in the just and full
sum of seventeen Hundred Dollars Current Money
of the United States, to which payment well and truly
to be made unto the said Duck his certain attorney
his heirs, executors, administrators and assigns - we
bind ourselves, our heirs, executors and administra-
tors jointly and severally, firmly by these presents.
Sealed with our seals and dated this 16th day
of October A.D. 1847.

The Condition of the above obligation is
such, that whereas Nathan Parsons hath obtained
from the Court of Appeals a writ of Supersedeas to a
decree rendered by the Circuit Superior Court of
Law and Chancery held for the County of Southamp-
ton on the 31st day of October 1842 in favour of the
said Duck against the said N. Parsons the said
appellant for Five Hundred and fifty five Dollars
and sixty cents with interest on three hundred
and seventy Dollars and Ninety Six cents from
the 31st day of December 1838 till payment and for
costs of suit and under which decree a Ca Sa has
been issued, a delivery bond taken under it and
forfeited and a decree rendered thereon - to stay all
further proceedings thereon. and whereas by reason
of the admitted failure of the security to the
former bond in the said Appeal, the Court of
appeals have ordered that the said appeal
be dismissed, unless other sufficient security be
given in conformity to the said order. Now if the
said Nathan Parsons shall prosecute his said
writ with effect, and shall well and truly pay

and satisfy the said decrees (and costs aforesaid, and all such Damages (and costs as shall be awarded against him, in case the said decrees shall be affirmed and his writ aforesaid be dismissed, then the above obligation to be void, or else to remain in full force and effect.

Teste

N. H. Collier

Seal

H. B. Gaines

John Pollard

Seal

Francis Major

Seal

Town of Petersburg: to wit:

John Pollard and Francis Major the securities to the within bond, this day made oath before me an Alderman in and for the said Town that they are each with seventeen Hundred Dollars the penalty of the within bond after the payment of their just debts. Given under my hand and seal this 16th October A.D. 1847.

Wm. C. Canfield

Seal

Town of Petersburg to wit:

Harry B. Gaines the witness to the within bond this day made oath before me an Alderman in and for the said Town that N. H. Collier, John Pollard and Francis Major the obligors to the within bond, this day severally acknowledged the same before him the said witness, to be their act and deed. Given under my hand (and seal this 16th October A.D. 1847.

Wm. C. Canfield

Seal

Town of Petersburg to wit:

James H. Williamson the security to the within
bond this day made oath before me an Alderman in and for the said
Town that he is worth five hundred dollars the penalty of the within
bond after the payment of his just debts. Given under my hand and
seal this 29th day June 1844. ~~at D.~~

James B. Cogbill Recorder *(Seal)*

Town of Petersburg to wit:

Wm. M. Townes the witness to the within
bond this day made oath before me an Alderman in and for the
said Town that R. P. Collins & James H. Williamson, the obligors to
the within bond, this day severally acknowledged the same before
him the said witness, to be their acts and deeds. Given under
my hand and seal this 29th day of June 1844.

James B. Cogbill Recorder *(Seal)*

Collins & Williamson
R. P. Collins
James H. Williamson
seal. M. Black.

KNOW ALL MEN BY THESE PRESENTS, THAT WE *Ro. R. Collier*
as principal and *James H. Williamson* as security — are held and firmly
bound unto *Jacob. H. Duck* — in the just and full sum of
Seventeen Hundred Dollars — current money of the United States,
to which payment well and truly to be made unto the said *Duck* —

his — certain attorney, *his* heirs, executors, administrators and
assigns, *we* bind ourselves, our heirs, executors and administrators, jointly and
severally, firmly by these presents. Sealed with our seals, and dated this *29th*
— day of *June* — A. D. 1844

The condition of the above is such, that whereas ~~the said~~ *Nathan Parsons*
— hath obtained from the Court of Appeals, a Writ of Super-
sedeas to a ~~decree~~ rendered by the Circuit Superior Court of Law and Chancery
held for the ~~town of Petersburg~~ ^{County Southampton}, on the *31st* day of *October*
1842 in favour of the said *Duck* — against the said
N. Parsons, the said *Appellant* — for *Five*
Hundred and Fifty five Dollars and fifty cents with Int. on three Hundred and
seventy Dollars and ninety five cents from the 31st day of December 1838 till
payment and for costs of suit, and under which decree a Cafar has been issued, a delivery bond taken
under it and forfeited and a decree rendered thereon —

~~till payment and the costs of said~~ to stay all further pro-
ceedings thereon. Now, if the said *Nathan Parsons* —
shall prosecute his said writ with effect, and shall well and truly pay and satisfy the
said *Decrees* — and costs aforesaid, and all such damages and costs as shall be
awarded against him, in case the said *Decree* — shall be affirmed, and his
writ aforesaid be dismissed, then the above obligation to be void, or else to remain in
full force, virtue and effect.

Teste —

William W. Jones

R. R. Collier
J. H. Williamson

* SEAL. *

* SEAL. *

Parsons

vs & Co: order

Duck

Virginia: At a Court of Appeals, held at the capitol
in the City of Richmond on Tuesday May 4th 1847.

Nathan Parsons

appet.

against

Jacob H. Duck

appet:

} upon an
appeal from

a decree pronounced by the circuit superior court of
law and chancery held for Southampton county.

The appellee alleging that the surety who executed the
appeal bond has become insufficient, and this being
admitted to be true by the counsel for the appellant:
On the motion of the appellee by counsel, the court
doth order, that unless other sufficient security be
given on or before the first day of the next term, or
sufficient cause be then shewn to the contrary, the
said appeal shall stand dismissed: provided the
counsel for the appellant be served with a copy of
this order one month before that time -

A Copy
Teste. J. Allen, C.C.
m m

As to the acct of Lewis: see 2^d Slackie 895, Lewis is
Bacon 38 on 4m? 89 - Chandler in Maud 2 on 4m?
124 - Brown & Griffiths 5 muns 450 - Powell is.
Mack 6 John - Ch. Ref: 293 - Park & Sons 2 Dec: 8
Barn 275 - Jones & Scott 4 Ing: C. C. Ref: 413 -

Duck
" ^{seems}
Grayson: ¹¹

Notes by Council
for Gray
~~and~~
the ~~large~~

1. an acc.^t showing the amt of the ~~settled~~ ^{Bowling} debt.
2. an acc.^t of ~~the~~ ^{Bowling} account of Tho. Gray's estate.
3. an acc.^t of the private transactions referred to between Tho. Gray & his son Tho. R. Gray showing at what times the former paid for the latter his part of Kieffer's debt & the amt so paid.
4. an acc.^t of Parron's transactions as agent of Strong & Co's agents to be admitted.

Decker Gray. The peff: claims under an
assignment of strong & who were claimants
under Tho. H. Gray - alleging that the
testator Thomas Gray was indebted
to Thomas H. Gray for \$83.18 pd. by him
for his father to the shff: or an exon:
10th June 1828 - also for \$193.31 pd. to the
shff: for same on 15th Jan'y: 1829; also
for \$60.66 pd. to shff: on the 18 May 1830 -
~~he then and forth on 18th May 1830~~
that the representative ought to pay
out of the real estate the peff: amount
- This claim is resisted for the following
reasons - 1st More than 5 years elapsed
from the cause of action to the insti-
tution of this suit - and if it be said
that the death of the intestate inter-
dicts that fact can't help the peff: because
he did not institute the suit in a
year after ~~the~~ the death of Tho. Gray
but remained a passive till Sept. 3. 1830.
- 2^d Because there is no evidence that
Tho. Gray paid the money by the agent
of old Mr. Gray, unless you take the
first deposition of Stephen McManis
and that evidence he's taken altogether
it shows that Thomas Gray was indebted to her

father - if the confession of Oliver Gray
is to be received it must be all received
and not a part. and the law is that
no person can by a voluntary payment
of the debt of another person, make such
other person his creditor, and receive the
amount of the debt so paid. 8th Term
report, 813. *Stokeley v. Leavis* - 1 R. & 2 Espinasse
v. *Leavis* 17 Q. B. 177. with authorities.

3. It distinctly appears from the exposition
of *James B. Leighant* filed in this case,
that he and Thomas Gray the elder
had for Thomas R. Gray \$2315. 34, on
his securities on an error: 9th Nov. 1830
and the sum of thirty thousand is more than
the poss. amount, - the apt. Bowers as
agent of Thos. Gray would ask for an
ape of the transactions between the father
and son, but that no hope remains
of making anything out of R. Gray.
Again the presumption is that the son
had the entire actions, with the families
of the father against whom they are.

4. The will of Thomas Gray, gives to the
daughter of Thomas R. Gray, an equal
share in his estate with Oliver R. Gray
but provides that if Thos. R. Gray the father

should have any any claim agt. his
estate - the portion of the estate bequeathed
to her shall be divided equally
between Oliver and her Gray. Now
this gift is intended to benefit the daughter
of the said Thos. R. Gray, if he
has a just claim agt. the estate it
ought to be paid (if at all it is to
be paid) out of the portion given to
the daughter Ellen Gray -

5. Again if Thos. ^R Gray claims under
the will of his father, a discharge
from the Raper debt, he is barred
from enforcing his claim in the
testator, because the gift or discharge
is more than the claim itself -
the apt. therefore ask that the Bill
be dismissed as to him & that he
as error. receive costs &c.

A. Atkinson for
Bowers and R. Gray

I assigned the within to
Jacob H Buck for value
received this 16th of April 1832

Teste
James Munday

Leah R Strong &c

Shuff's receipt

Pro J. Gray

Paid by m

\$

Ducks

3 Ex: with bill

Gray &

1832

2

612

I assigned the within to J. R.
Strong for value received this
20th of November 1830.

J. R. May

This day Thomas R Gray paid for Thomas
Gray the sum of eighty Three Dollars and
Eighteen Cents in full of an Execution in
favour of Arthur & William Solon on \$6.⁰⁰
against said Thomas Gray given under my hand
the 16th day of June 1828 Stephen Church Deputy of
Silas Sumner

I assign the within to
Jacob H. D. for a receipt
this 16th of April 1832
Lester Strong
James M. Clark

and by me for
Capt. Gray

Henry

Post Office near 24th
St. N.Y. 1830
and in clubs office

Walter Peasey,
Esq of N. D. County.

3

Black
or 3 Ex: with bill y.

May 18
1860

۱۰۰

I assign the within to S. K. Stearns
for value received this 20th of No-
vember 1835. W. B. C.

J. B. Gray

Rec^d Jan^y 15/ 1829 from Thos. & Gray the sum
of one hundred & ninety three dollars & 31/100
in full of execution in favour of
Jesse Drury Exor. of James Drury for
the benefit of Robert Drury against
Capt. Thos. Gray

Stephen Churchman Dy of
Silas Sammell

1193.31
35.73
229.04

59.96
 4.20
 60.66

November 20th 1830. I apgn the
 within to S. R. Strong for value
 received.

J. R. May

I apgn the within to Jacob
 H. Buck for value received this
 16th of April 1832 -

in
 James Mendenhall Seth R. Strong &

D.

Recd

23 Ex. with 1831

May 14

Oct 4

Recd. May 18/1830 from Thomas R Gray for Thomas Gray
The sum of fifty ~~five~~ Dollars & 26/100 in part of
An Execution in favour of Wm Blow, Aug^r Claiborne, Thos
A Heath, Wm & Henry Briggs, Edwards Butts, James Rockhill,
Edwin Gray, & James Dillard also four Dollars & 70/100 in full
of the bal.

Stephen Munday Dy of
Clements Rockhill & Co

Bal Due \$ 170
T. R. Gray

Shot Gray's Mill

a body

(D)

Duck

2 { Ex: with bill

Gray 1/2

Capit
5

In the name of God Amen! I Thomas Gray of the County of Southampton and State of Virginia being weak and feeble in body, but of sound mind and memory, do make and ordain this writing as and for my last Will and Testament in manner and form as followeth: hereby revoking any or all other Wills by me made.

Imprimis. It is my Will and desire that all my just debts shall be paid for the purpose of doing which, I devote and subject all my estate, real and personal, of every nature and kind as well bonds and accounts, as all and every claim, and claims to which I am entitled of every nature and kind whatsoever.

Item 1st. It is my Will and desire that my executors shall (or may) act in the same manner as if they were in the discharge of their own personal affairs giving them full and ample power to act in the disposal of my estate so that it shall not be made a sacrifice to speculation, nor disposed of materially below its intrinsic worth - By this clause or Item I wish it to be understood that my executors shall have and possess the discretionary power of disposing at private sale of my lands or other property if the value can be obtained or had for it.

Item 2nd. It is my Will and desire that the residue, and remainder of my estate after my just debts are paid or adjusted, shall be equally divided between my son Edwin Gray, my daughter Ann Gray and my Grand daughter Ellen Douglass Gray, or their heirs or legal representatives; but if either of them shall die intestate and without lawful issue, it is in that case my Will and desire, that the survivors of these three shall inherit the rights and emoluments of the other so dying.

Item 3rd. Whereas Mr Joseph Ruffin died by his last will left among my children some negroes, to each, one, which will appear by his Will, references to which will show; some of which negroes so bequeathed, I made sale of but I did so believing that it was by the free, and voluntary consent of the legatees entitled to the same, - and as some of my children may think proper after my death to put in a claim against my estate for the amount of sale of such as were bequeathed them, with interest on the same or for the use or services of them (such as were not sold) now I do decree, ~~and~~ desire and wish, that whichever of them may make claim against my estate on account of the said negroes, or any account of any nature or kind whatsoever; that in that case I give and bequeath to such one, either or all to each the sum of one dollar as and for his, her or their full portions of all my estate.

Item 4th. Should my son Thomas R. Gray, to whose daughter one third part of my estate is given, bring any claim against my estate of any kind whatsoever it is my desire, that the portions of my estate bequeathed to my Granddaughter Ellen

Douglas Gray may be equally divided between my son Edwin Gray and my daughter Ann Gray.

Item 5. I wish it to be expressly understood that I have no claims of any kind against either of my children or against my grand daughter Ellen D. Gray.

Item 6th. Having become the joint security of my son Thomas R. Gray to Lewis H. Kleifer of the town of Portsmouth for a debt due the said Kleifer and having given a deed of Trust to same to secure the payment of the said debt or a part thereof I hereby relinquish and bequeath to the said Thomas R. Gray all claim that I may have against him on account of the said security and make the bulk of my estate liable for the payment of the said Note or such portion of it as I may be bound to discharge as security.

Item 7th I hereby nominate and appoint my sons Thomas R. Gray and Edwin Gray and ~~my~~ friend Gilbert Gustavus G. Gray executors and my daughter Ann Gray Co-executors of this my last Will and Testament.

In Witness testimony of the foregoing being my wish and desire and last Will and Testament I do hereunto subscribe my name and affix my seal this sixth day of September in the year of our Lord one thousand eight and thirty one

Signed sealed and delivered,

in presents of

Boris A. Browne

John ^{his} O'Donelly

Henry ^{his} A. Pond

Thomas Gray 

E

At a Court held for the County of Southampton on the 19th day of September 1831-

This last Will and Testament of Thomas Gray aforesaid was proved by the oath of Boris A. Browne John O'Donelly, Henry A. Pond the Witnesses thereto and ordered to be recorded. And at a Court held for the County aforesaid the 17th day of October 1831. On motion of Boris A. Browne (the Executors and Co-executors therein named) refused to take upon themselves the burden of the Execution thereof who made oath and together with Alexander P. Pette & Lafayette Browne his securities entered into & acknowledged a Bond in the penalty of Four thousand dollars conditioned as the Law directs Certificate is granted the said Boris A. Browne for obtaining letters of administration on the estate of said Thomas Gray with his Will aforesaid annexed in due form.

Teste James Rochelle C. C.

A copy Teste L. R. Edwards C. C.

(F)

At a Court held for Southampton County the 20th day of May 1833-

On the motion of Lafayette Browne aforesaid. The unadministered estate of Thomas Gray aforesaid is committed to the hands of Carr Bowers Sheriff of this County for administration according to Law.

Teste L. R. Edwards C. C.

Duck

to } Eakb. with anna do
bill.
Gray & Helen. 4/5

(B)

The Commonwealth of Virginia: To the Sheriff of Southampton County - Greeting
 We command you that you take Thomas R Gray if he be found within your jurisdiction
 and him safely keep so that you have his body before the justices of our County Court
 of Southampton, at the Court House on the first day of March Court next to satisfy
 William Richardson Executor of John Richardson dec^d. The sum of seven hundred
 and ninety nine dollars and thirty six Cents with legal interest thereon from
 the 3^d day of January 1833. till paid which the said Exec^r lately in our said Court
 hath recovered against the said Gray by Motion - Also four dollars and seventy
 eight Cents for his Costs in that behalf expended - Whereof the said Gray is convicted
 as appearing to us of Record - And have them there this writ. Witness James Rockwell
 Clerk of our said Court at the Courthouse this 26th day of January 1835 - in the 59th
 year of the Commonwealth - James Rockwell Ck

Came to hand January 29th 1835.

Arrested the defendant Thomas R Gray who took the oath of insolvency

William J. Petrell Deputy of

Benjⁿ Swamy Sheriff

Amount of value of the interest delivered up in the Schedule of the defendant
 to James B. Vignart

off 1.00

Shiffs Corn off

63

37

William J. Petrell Deputy of

Benjamin Swamy Shiff

Attest Teste L. B. Edwards Ck

Duck

2 } Carb: with amended
bill

Gray's bones &c

(L)

KNOW ALL MEN BY THESE PRESENTS, That we

Nathan Parsons

are held and firmly bound unto Benjamin Downy, George A C Barham, Jephth
Darden & William Briggs

gentlemen justices of the Peace for the County of Southampton, now sitting, in the sum of
thirty thousand dollars; to the payment whereof,
well and truly to be made unto the said justices and their successors, we bind ourselves, and each
of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by
these presents: sealed with our seals, and dated this 16th day of May 1836

The condition of the above obligation is such, That if the said

Nathan Parsons

Executor of

Seth R Strong

deceased, do make a true and perfect inventory of all, and singular the goods, chattels and credits of
the said deceased together within an Inventory of the real Estate within
the Commonwealth which by the said will may be subject to the authority
of the said Exor: and

which have or shall come into the hands, possession or knowledge of him the
said Exor or into the hands or possession of any other person or per-
sons, for him and the same so made, do exhibit to the County Court of Southampton, at
such time as he shall be thereto required by the said Court, and the same
goods, chattels and credits & real estate do well and truly ad-
minister according to Law, and make a just and true account of his actings and doings
therein, when thereunto required by the said Court, and further, do well and truly pay and deliver
all the legacies contained and specified in the said Will, as far as the said goods, chattels and cre-
dits and real estate will extend, according to the value thereof,
and as the Law shall charge—then this obligation to be void, or else to remain in full force.

Signed, Sealed and delivered }
in open Court.

Nathan Parsons

SEAL

SEAL

SEAL

Attest Jephth Darden

SEAL

SEAL

g

Duck

~ { Ex. mch ble

Gray H?

Corbett

✓

At a Court held for the County of Southampton on the 16th day of May 1836-

An authenticated copy of the last Will and Testament of Seth R Strong deceased was produced in Court and ordered to be recorded. And on the motion of Nathan Parsons one of the Executors therein named who made oath and together with entered into bond in the penalty of thirty thousand dollars conditioned as the law directs Certificate is granted him for obtaining a probat of the said Will in due form - the Will directing that no security should be given and the Court requiring more time is allowed for the other executors to qualify when they think fit.

Teste L. R. Edwards *clerk*

Johnson }
as } Just of Econ.
Gray }
for }

Quack }
" } Ex. with amended
Gray's as bill.
H.

Capit.
8

Southampton County. April Court 1828.

Arthur & William Johnson

against

Thomas Gray & George G. Gray

Plffs

Def. } A motion upon a bond
taken for the forthcoming
of property at the day of sale

This day came the plaintiffs by their attorney and it appearing to the court that the defendants have had legal notice of this motion, they were solemnly called but came not: Therefore it is considered by the court that the plaintiffs may have execution against the defendants for the sum of one hundred & forty one dollars the penalty of said bond and the cost by him in this behalf expended. and the said defendants in mercy &c.

But this execution is to be discharged by the payment of seventy dollars and fifty cents with legal interest thereon from the 13th day of December 1827 till paid & the costs.

Cost \$5.54

The Commonwealth of Virginia - To the Sheriff of Southampton County Greeting.

We command you that of the Goods & Chattels of Thomas Gray and George G. Gray late in your Bailiwick, you cause to be made the sum of One hundred and forty one dollars which Arthur Johnson & William Johnson merchants & partners trading under the firm and style of A. & W. Johnson, lately in our County Court of Southampton have recovered against them on F. b. bond for debt, also five dollars and 94 cents for cost in that suit expended, whereof they are convicted as appears to us of records, and that you have the same before the Justices of our said County Court, at the Courthouse, on the first day November Court next to render to the said A. & W. Johnson the debt and cost aforesaid, and have them there this Writ. Witness James Rochelle Clerk of our said Court, at the Courthouse, this 22nd day of September 1829 in the 53^d year of the Commonwealth

James Rochelle C. C.

Memo. This Execution may be discharged by the payment of seventy-one dollars and fifty cents with legal interest from 13th December 1827 till paid and the cost.

Teste J. Rochelle C. C.

No security to be taken J. Rochelle C. C. This Execution is for the benefit of Mills Laurence.

J. Rochelle C. C.

Returns "Satisfied to myself in full Nov. 16. 1829.

Mills & Laurence"

Copies

Teste J. R. Edwards C. C.

Dewey
or } Judt & Brown
Grays & Co

Duck } Alpy
or } Exht. with amended
Grays & Co. } bill
J.

Oct. 2
9

Southampton County Circuit Superior Court October Term 1828.

Jesse Drewry Executor of Samuel Drewry, for the benefit of Robert Drewry Plaintiff

against

Thomas Gray, Thomas R. Gray and Stephen Mordaugh

Defds. Upon a bond for the forthcoming of property taken upon the service of a writ of Fieri Facias issued out of this Court by the plaintiff against the defendants Thomas and Thomas R. Gray.

This day came the plaintiff, by his attorney, and it appearing to the Court, that the defendants have had legal notice of this motion, they were solemnly called but came not; Therefore it is considered by the Court that the plaintiff may have execution against the defendants for three hundred and forty five dollars and sixty cents the penalty of the said bond and his cost by him about his motion in this behalf expended. And the said defendants in mercy &c. But this execution may be discharged by the payment of one hundred and seventy two dollars and eighty cents with interest thereon to be computed after the rate of six per centum per annum from the 16th day of July 1828 till paid and the costs.

The Commonwealth of Virginia. To the Sheriff of Southampton County - Greeting

We command you that of the Goods & Chattels of Thomas Gray, Thomas R. Gray, and Stephen Mordaugh late in your bailiwick, you cause to be made the sum of Three hundred and forty five dollars and sixty cents which Jesse Drewry Executor of Samuel Drewry, for Robert Drewry, lately in our Superior Court of Law of Southampton County, hath recovered against them by motion on T.C.B. for debt, also Six dollars and four cents for his cost in that motion expended, whereof they are convicted, as appears to us of record, and how you shall have executed this writ make known at the Clerk's Office of our Superior Court, at the Rules to be holden for said Court on the first Monday in January next and have them there this writ. Witness James Rochelle, Clerk of our said Court, at the Court house this 24th day of November 1828 in the 53rd year of the Commonwealth.

James Rochelle clk

Memo. This Execution may be discharged by the payment of one hundred & seventy-two dollars and eighty cents with legal interest thereon from the 16th day of July 1828 till paid and the costs

Teste J. Rochelle clk

Deb't due July 16. 1828

\$ 172.80

No Security to be taken.

J. Rochelle clk

Int. till Jan'y 19. 1828

6.27

Cost.

6.04

Shffs lemd.

18.57.11

\$ 197.35

Recd. July 17. 1829. from Stephen Mordaugh Depty of Silas Sumnerell Shff. the sum of one hundred & eighty five dollars & 11/100 in full of the within Execution.

Robert Drewry

Sheriff's Return

"Satisfied"

S. Sumnerell Shff."

Copies - Teste J. R. Edwards clk

Blow Trustee
vs } Leo Judt & Exors.
Gray & Co

Duck
n } Exht. with amended
bill
Grays adv & Co
H.

Exd.
10

Southampton County Circuit Superior Court November Term 1829.

William Blow called trustee in a certain Deed executed by Edwin Gray. Plaintiff

against
Thomas Gray & Thomas R. Gray

Defendants } upon a bond for
the forthcoming

of property taken upon the service of a Writ of Fieri Facias sued out of this Court by the Plaintiff against the defendants Thomas Gray

This day came the Plaintiff by his attorney, and it appearing to the Court that the defendants have had legal notice of this motion, they were solemnly called but came not. Therefore it is considered by the Court that the Plaintiff may have execution against the defendants for one thousand and seventy dollars and fifty four cents, the penalty of said bond and his costs by him about his motion in this behalf expended. And the said defendants in mercy &c. But this Execution may be discharged by the payment of five hundred and thirty five dollars and twenty seven cents with interest thereon, to be computed after the rate of six per centum per annum from the 21st day of September 1829 till paid & the costs.

The Commonwealth of Virginia To the Sheriff of Southampton County Greeting

We command you that of the goods & chattels of Thomas Gray & Thomas R. Gray late in your bailiwick, you cause to be made the sum of one thousand and seventy dollars fifty four cents which William Blow (called trustee in a certain Deed executed by Edwin Gray) lately in our Superior Court of Law of Southampton County hath recovered against them on a Bond for debt, also five dollars and 54 cents for his cost in that suit expended, whereof they are convict as appears to us of record, and how you shall have executed this Writ make known at the clerk's office of our Superior Court at Rules to be holden for said Court, on the first Monday in February next, and have them there this Writ. Witness, James Rochelle, Clerk of our said Court at the Courthouse this 9th day of November 1829 in the 54th year of the Commonwealth

James Rochelle clk

Memo. This execution may be discharged by the payment of five hundred & thirty five dollars and twenty seven cents with legal interest thereon from the 21st day of September 1829 till paid and the costs

Teste J. Rochelle clk.

No Security of any kind to be taken. J. Rochelle clk

Debt due Sept 21. 1829

535.27

Int. till January 18. 1830

10.43

lost

5.54

Shff's Comd

\$551.24

20.02

\$571.26

Sheriff's Return

"Satisfied"

Silas Summerell Shff

Copied Teste J. R. Edwards clk

Duck

"

} Exhibit with Powers and
Gray's Comtee. &c

copied
12

The Commonwealth of Virginia. To the Sheriff of Southampton County greeting

We command you, that of the goods and chattels of Thomas P. Gray, Thomas Gray Sr. and James B. Arguhart, late in your bailiwick, you cause to be made the sum of ~~one~~ ^{nineteen} hundred and eighty eight dollars with with legal interest thereon from the 14th day of March 1838 till paid which said debt is in our Superior Court of Law of Southampton County hath recovered against them for debt also ten dollars 59 cents for her cost in that suit ~~whereof~~ ^{whereof} they are convicted as appears to us of record; and how you shall have executed this writ, make known at the clerks Office of our Superior Court, at rules, to be holden for said Court on the first Monday in February next and to have them there this writ.

Witness James Rochelle, clerk of our said Court, at the Court House this 9th day of November 1839 in the 55th year of the Commonwealth.

James Rochelle cl

This Execution is to be credited for one hundred and twenty dollars paid May the 26th 1839

Sheriff's Return

Satisfied

Caude Butts depy of
Clements Rochelle Sheriff

A copy. Teste, L. H. Edwards cl

Deck

fray adun.

for the Judge

In the case of such a pay, a donor: if it
shall appear to the Court that the assign-
-ments were made before the ~~assignment~~
~~assignment~~ payment of the debt by or to the
pay for Thomas R. Gray (which I do not
think will appear to be the fact), still
it no where appears that Thomas Gray
has notice of the assignment or transfer
to Gray - and the debtor is allowed to
make any payments to the assignor or
debtor before notice of the assignments.
If therefore the receipts of the debt: could
be assigned, the payt. in nature of
asset is good upon the above principle.

A. Alkier for
Gray, a donor:

Dear B.

2 3/4 miles
Beverly to

for the Court

in Oct.

If any decree is to
be entered as to Partners
it sh^d. be as suc^{rs}.
partners, & I do not
perceive that he is
before the court in
that character.

R. H. B.

Oct. '42

Sucker pay - ch:

Thomas R Gray assigned st. fr. rec'dt
filed in his name, to Seth R. Strong,
and Seth R. Strong He. assigned the
same to Jacob H. Duck - the firm of
Seth R. Strong He. consisted of Seth
R. Strong and Nathan Parsons.

Duck is, it is said, making Thomas
R. Gray the assignee of Seth R. Strong, &
the said Seth R. Strong He. who
passed the claims to him, parties in
this case - as also the representatives
and heirs and devisees of Thomas
Gray senior. - The Court sometime
ago expressed the opinion that the
estate of Thomas R. Gray was not
responsible to the peff: and the
peff: now ask a decree aft. Strong
He. who passed the claims to him
that have proved worthless against
Thomas Gray estate. - Seth R. Strong
is dead and Nathan Parsons is the
surviving partner -

Parsons as adv. of Strong has admitted
st. fr. as appears by Com. Cobbs report -
and by same report, the amt. of the
peff: amount is \$555.60
with int'l on \$370.96 paid
thru from the 31 Dec. 1838 to the
peff: ask a decree for that sum as the
said Parsons surviving partner &
adv. of Seth R. Strong, who he
have or have's propriety

It appears that strong H.C. recd. from Bank
the 1st of the consideration of the
transferred claims, & as they can't
be made, strong H.C. ought to pay
-directly, unless the Court shall deem
it proper to award first against
Thomas or Gray which I trust will not
be done, as the said strong H.C. are
the persons responsible to the Ch -