

1868 - 06

Southampton County - Chancery

Johnson, William

vs

Gay, Josiah et al

" I still enjoys funds, having
reached age of maturity

Cecil C Vaughan
S. A. Gay &
J. J. Burden

Johnson.

rs. } Bill &c.

Gay, Linn. & others

1868 March Rules

To the Hon^{ble} Just^{ices} of the Sup^{re} Court of the Circuit
County of Southampton in Chancery.

Humbly conceiving, should your Honor, your
Orator William⁶ Johnson. That at the Nov^{em} Term
1865. of the County Court of Southampton Josiah P.
Gay qualified as Guardian of your Orator, then a
minor, and entered into Bond according to Law, in
the penalty of \$1800. with Sealors W. Vaughan, Silvester B.
Gay, and James T. Brown his securities. A copy of
the s^d Bond is herewith filed as a part of this bill.

That his said Guardian proposed himself
for tutor of his trust, of the whole of your Orator's
estate real personal and mixed, but how much
and what kind your Orator is not now particularly
informed.

Your Orator further states that he has attained
his full age of twenty one years, and since then, has
frequently and in a friendly way, called on his late
guardian to come to a settlement of his transactions
as such, and to pay him what ever balance
may be due to him on such settlement. but ^{with} ~~to~~
this reasonable and just request the s^d minor
Josiah Gay has declined and refused to comply,
all of which is contrary to Equity & good conscience.

In due consideration of all which, and
as much as your Orator is reminded in the
premises, and reliable only in a Court of Equity
where such matters are alone cognizable. To the
End therefore, that adequate relief may be afforded
your Orator prays your Honor to make Josiah P.
Gay, Sealors W. Vaughan, S. B. Gay, & J. T. Brown
defendants to this bill & compel them to answer the
same fully and necessarily. That Josiah P. Gay,
be compelled to render before a Court of this Court,

an account of his Transactions, as the Baron of
guine Braton; and that a decree may be rendered
in favour of guine Braton, for whatever balance may
appear due and on such settlement; and grant
such orders of general relief, the premises considered
as Equity may require, and the case requires.
May it please the Court so

Chambliss p.p.

John 1st } In
Gay 1st } Champ

Answer
of
J. P. Gay -

1868 July 20th

Contributed not filed

To the Honorable Richard H Baker Judge of
the Circuit Court for the County of Southampton
in Chancery sitting -

The Answer of David P Gay, to the bill of com-
plaint in said Court exhibited by William Johnson
as an Agent & Attorney.

This Defendant having reserved all right of
exception to the many errors and imperfections in
said bill containing for an answer thereto, says
he desires to be taken the same allegations of said
bill as to the Defendant's qualification as
guardian of the complainant, & the attainment
of his majority by the latter - That soon after this
Defendant's qualification as such guardian, this
Defendant applied to James J Bonden late
Attorney at Law of this City (May 6, 1846) John W. of the
Complainant and to say now to this Defendant & others
might be deemed such Defendant as guardian of
the complainant - That said ~~James J Bonden~~
to settle with this Defendant, he instituted in Jan 22
1846, in this Court a suit against said Bonden
for such settlement, which suit is still pending
in said Court, as will appear from a certified
copy of the records thereof marked A & for which
he takes as a part of this Answer that as yet
will appear from said record nothing has been said
by this Defendant as to his qualification from said suit
& probably nothing will be recovered from said suit,
as if he were deemed the late guardian is allowed

to discharge his indebtedness to the complainant in the
Confederate Money ready being as such guardian
of the Bank held of him as such guardian
that the defendant as guardian of the complainant
having said debt for his said marsh lands for
the years 1866 & 1867 amounting in all to ^{102.00} ~~102.00~~
which amount he has paid to said marsh, as will
appear from the receipt herewith filed. That he is
at all times ready to stand in aid of his transaction
as such guardian of the said marsh, and that he is
not indebted to him for ~~the~~
Shewing his hands for as hence to be dismissed with
his costs in this behalf most unnecessarily expended
The said case being
Signed James O. Gay

Southampton Court, to wit:

I James Holmes
a justice of the peace for the Court of said County
do hereby certify that said James O. Gay has appeared before me in said
Court made oath to the truth of the statement
contained in the foregoing and signed in my
hand this 26th day of Sep 1868 James Holmes
Signed

Executed by delivering a true copy
of the within to Josiah D. Gray
on the 28th of Feby 1868

Mills. E. Powell DS
for E. L. Eley Shbb

Johnson

to E. L. Eley

Gray & Co.
1868 March Rules

J. D. Wright

THE COMMONWEALTH OF VIRGINIA,

Isle of Wight

To the Sheriff of the County of ~~Southampton~~ — GREETING :

We command you to summon

Isaac P. Gay

if *he* be found within your bailiwick, to appear at the Clerk's office of our court of Southampton County, 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 him and others in our said Court by Wm. Johnson*

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the courthouse, this *18* day of *February* A. D., 186 *8*, in the *92nd* year of the Commonwealth.

L R Edwards

Executed by delivering a true
copy of the within to Jos. P. Gay
on the 29th of May 1868

Wm. C. Powell N.Y.
for C. L. Coley & Co.

Johnson
do.
Gay
done & witnessed

COMMISSIONER'S OFFICE,

Jerusalem, May 14th

1868

To Wm E Johnson

Against

Josiah P Gay Cecil C Vaughan S. H. Gay &

J. J. Bowden

3333

10 cts

You are hereby notified that I have fixed upon the 17 day of June next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit:

That the defendant Josiah P. Gay render an account of his transactions as late guardian of the plaintiff Wm E Johnson before one of the commissioners of this Court who is directed to audit state & report the same to court with any matters specially stated deemed pertinent by himself or required by either of the parties to be so stated

required to be taken by a decree of Southampton Circuit Court, rendered on the day of May Term 1868, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

Isa of Wigd

H. S. Howard

Commissioner.

To the Sheriff of Southampton County to execute.

E. L. Story Dept -
for S. Kello ship.

COMMISSIONER'S OFFICE,

Jerusalem, May 14th

1868

To Wm E Johnson

Plff

Against

Josiah P. Gay, Cecil C. Vaughan & A. Gay &

J. J. Bowden

3
3
2

Defts

You are hereby notified that I have fixed upon the 17 day of June next, if fair, if not, on the next fair day thereafter, (Sunday excepted,) to take and settle, at my office, the following accounts, to wit:

That the Defendant Josiah P. Gay render an account of his transactions as late guardian of the Plaintiff Wm E Johnson before one of the commissioners of this court who is directed to audit, state & report the same to court with any matters specially stated deemed pertinent by himself or required by either of the parties to be so stated

required to be taken by a decree of Southampton Circuit Court, rendered on the May Term day of 1868, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs, and defendants; at which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year first aforesaid.

H. S. Horner D

Commissioner.

To the Sheriff of Southampton County to execute.

Johnson

to } Ex. with bill

Gay Jr

Now all men by these presents that we Josiah P. Gay, Littleton A. Gay, James T. Borden, Cecil C. Vaughan are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Eighteen hundred dollars, current money of Virginia, to the payment whereof well and truly to be made, we bind ourselves, our heirs, executors and administrators jointly and severally firmly by these presents. Sealed with our Sealed with our seals and dated this 20th day of November A.D. 1865.

The Condition of the above obligation is such that if the above bound Josiah P. Gay as guardian of Wm. E. Johnson shall faithfully discharge the duties of his said office or trust according to law, then the above obligation to be void or else to remain in full force and virtue.

Signed, sealed and delivered
in the presence of the Court }

Josiah P. Gay (Seal)
Littleton A. Gay (Seal)
C. C. Vaughan (Seal)
James T. Borden (Seal)

At a Court held for the County of Southampton on the 20th day of November 1865
Wm. E. Johnson this day in open Court made choice of Josiah P. Gay for his guardian whom the Court approve, and thereupon the said Josiah P. Gay entered into a bond in the penalty of eighteen hundred dollars conditioned according to law with Littleton A. Gay, James T. Borden and Cecil C. Vaughan his securities therein (who justified on oath as to their sufficiency) and which bond being acknowledged by the obligors therein is ordered to be recorded.
A Stamp of the internal revenue of the U.S. to the amount of one dollar being affixed to the said bond -

At Copy

Teste

L. R. Edwards Cky

Johnson

& } Sums, Chy.

Gay & P

1868 March Rules

Executed Feb. 27th. 1868
on beil to Vangle and Feb.
28th. 1868 on Littleton A.
Gay by delivering a copy
to each of them.

E. L. Story Deft
for S. Kello Shff

Executed on Jas T. Bonden
Feb. 25th 1868 by delivering him
a copy. Josiah P. Gay
not a resident of my
County. W. G. Holmes de ft
for S. Kello Shff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Southampton—GREETING:

We command you to summon

& James T. Bowden

Joseph P. Gay, Cecil C. Vaughan, Littleton A. Gay

or agent

if *they* be found within your bailiwick, to appear at the Clerk's office of our court of Southampton County, 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 them in our said Court by Wm. Johnson*

And have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the courthouse, this *18* day of

February

A. D., 186*8*, in the *92* year of the Commonwealth.

L. R. Edwards *clerk*

91
164
2.55

Johnson

to } Stat. Rules

Gay Jr.

Dft J. P. Gay, bnb

bek // 2.55

Law 15.00

// 17.55

In Southampton Circuit Court.

William E Johnson

against.
Josiah P. Gay, Cecil B. Vaughan, L. A. Gay & J. T. Borden.

1868 February 18. Summons issued.

" March R. Summons ret. Executed - Bill filed - D. Nisi v. Deft.

" April .. Bill taken for confessed

" May .. Cause set for hearing of J.P.

" J. Deft. for det. leave given Deft. to answer in 90 days

" July 20 Answer of Deft. J. P. Gay

" Oct 7 Report.

1871 May T. Dumps & J. J. for W. Gay for costs

Johnson }
" }
" } Comm. Report
Gay¹⁰ }

1868 Octob. 7

William E Johnson "a Minor"

In account with Josiah P. Gay his Guardian

1865			Dr	Cr
		To paid for Stamp on Qualification	1 00	
		" " Ferrage	50	
		" " Clerk's fee	2 15	
		" " Clerk	50	
		" " do	30	
		" " do	70	
		" " do	30	
		" " do	50	
		" " Shift	1 00	
1866		By rent of Land this year		39 00
		To Commissions on \$39.00 @ 5%	1 95	
Dec	31	" balance due ward	30 10	
			39 00	39 00
1867		By balance due ward brot down		30 10
		To paid Clerk	4 09	
		" " C. B. Hayden atts	51 00	
Dec	31	By rent of Land this Year		63 00
		To Commissions on \$63.00 @ 5%	3 15	
		By interest on \$30 ¹⁰ 11 month		1 65
		To Commissions on \$1 ⁶⁵ 5%	08	
"	"	" Bal due ward	26 43	
			94 75	94 75
1868		By balance due ward brot down		36 43
Jan	6	To paid ward	102 00	
		By balance due Guardian		65 57
			102 00	102 00
"	"	To balance due Guardian brot down	65 57	
		With interest thereon from this day till paid		

Respectfully Submitted

Henry J. Howard

Comp.

Commissioners Office
Jerusalem Oct 6th 1868

In the circuit court of Southampton County

Pursuant to a decree of the circuit court of Southampton County rendered at the May term last. in a suit in chancery depending in the said court between William E. Johnson Plff and Josiah P. Gay Cecil C. Vaughan, & A. Gay & J. T. Borden Defts, the undersigned one of the commissioners of the said court to whom was referred for settlement by said decree the account to wit: That the defendant Josiah P. Gay render an account of his transactions as late guardian of the plaintiff Wm E Johnson before one of the commissioners of this court who is directed to audit state & report the same to court with any matters specially stated deemed pertinent by himself or required by either of the parties to be so stated, reports to the court that on the 14 day of May last he issued notices against the several parties aforesaid requiring them to attend the settlement of the said account before him at his said office on the 17 day of June. which were returned to your Commissioners duly executed. That the parties aforesaid appeared before the Commissioners in obedience to the said notices, and he thereupon examined the vouchers stated and settled the foregoing account. The Commissioners further reports to the court that after the completion of the said account, he retained the same in his office ten days for the examination of the parties, which with the decree and notices aforesaid are herewith returned Given under my hand as Commissioner aforesaid the day and year first aforesaid

Commissioners Fee \$15.

Henry J. Leonard
Com:

John, in the
m
Gay Chy

1868

May 1st ~~Dec~~

To be entered

R. H. Baker

Shimoda v. Roy

On motion of Defendant
by his attorney, leave is granted
him to file his answer in
twenty days, in this case.

Southampton Circuit Court, May term, 1868.

William E. Johnson

Plff.

against
Josiah T. Gay, Cecil C. Vaughan, S. A.
Gay & C. J. Borden

In
Chancery
Defts.

The bill having been taken for confessed at Rules as to all the Defts. This day this cause came on to be heard on the bill taken for confessed. Exhibit filed and was argued by counsel. On consideration whereof the Court doth adjudge, order & decree that the Deft. Josiah T. Gay render an account of his transactions as late Guardian of the Plff. Wm. E. Johnson, before one of the Commissioners of this Court, who is directed to audit, state & report the same to Court, with any matters specially stated deemed pertinent by himself, or required by either of the parties to be so stated. #

Attest

Teste

L. R. Edwards Clk

Johnson
as. { See over.
Gay &c.

May 21. 1868.
To be sent to

To be entered
R. 14. B.

Johnson

as
Gay & others.

The bill having been taken for
confessed at Rules as to all the debt. This day
this cause came on the heard on the bill
taken for confessed. exhibit filed and was or-
- given by counsel. On consideration whereof
the court with adjournment and order
that the debt. Inclosed D. Gay. Remains an ac-
- count of his transactions as late Receiver
of the Debt. Wm. E. Johnson, before one of the Courts.
of this court. who is directed to audit
state and report the same to court with
any matters specially stated, ordered per-
- tinent. by himself or represented by either. of
the parties who so stated.