

1872-041

SOUTHAMPTON COUNTY
CHANCERY PAPERS

GAY

VS. GAY val

5/1872

other surnames: Presson

Gay } Bill, answers
 vs }
 Gay } and Deere

1860 Jan. Deere as filed.

" Feb. Roberts.

" Mar. " Confm.

1861 Feb. Deere as filed.

To the worshipped County Court of Southampton
County - in Chancery sitting

Humtly complain-
ing, sheweth unto your worships, your Orator
John Gay an infant under twenty one
years of age, who sues by Cary Gay his
next friend, That sometime in the year
1858, his father Nicholas M Gay departed
this life intestate, leaving as his heirs and
distributors, a widow ~~and~~ Cora Cornelia
J Gay, and three children, To wit, your
Orator, Oswald and Walter Gay, being
sized and possessed at the time of his death of
a tract of land lying in the County of Southampton
containing by estimation ^{subject to widow's dower right} 150 acres, That the widow
is entitled to dower in this land, what she is
willing and desirous to surrender for a sum
in gross as a purchase right and whatever sum
the court may grant her out of proceeds of sale.
Your orator is advised that a partition would
be impracticable ~~if~~ that it would be
greatly to the interest of all the parties that
the said land should be sold, and proceeds
of sale equally divided among the parties entitled
after first taking out the widower's sum in
gross which shall be in lieu of her dower.
That Oswald and John Gay brothers of
your Orator are infants under the age
of twenty one - In tender consideration
whereof, and in as much as your orator is
without remedy in the premises save in
a Court of Equity, where matters of this kind
are peculiarly cognizable and relievable - To
the end therefore that justice may be done
he prays that Cornelia J Gay, Oswald and

Walter Gay may be made parties defendants
to this, and answer the allegations thereof -
That some fit and proper person may be appointed
guardian ad litem to the infant defendants, to
defend their interests in this suit, that the
court may direct the sale of said land, and the
proceeds to be divided among the parties entitled
and grant such other and general relief in the
premises, as Equity may dictate ^{on the nature of}
the case may require, and as in duty bound
your orator will ever pray &

Wm H Pullow J. G.

The answer of Cornelia J Gay widow of W. H. Gay
to the foregoing bill - This defendant saving &
says she believes the facts stated in the bill to be
true, and has no objection to the decree prayed
for, and having answered prop her to be disp

C. J. Gay
Wm H Pullow her atty

The answer of Oswald and Walter Gay by J. H. Edgus
their guardian ad litem - These defendants
saving & say that being infants, they beg leave
to submit their interests in this suit to the
care and protection of this worshipful court

Gay
vs
Gay &c } Decree

This day this cause came on to be
heard on the bill, answers thereto, and general
replications and was argued by Counsel - On
consideration whereof, the court doth adjudge order
and decree that Wm H Pullow, who is hereby ap-
pointed special Commissioner for that purpose,
after giving at least twenty days notice of time and
place, proceed to sell the said land mentioned in
the bill, ^{situated on the down right of widow Mary Gay} of which Nicholas W. Gay does assign and propose,
at public auction, to the highest bidder, and that
after allowing as must in case as may be necessary
to defray expenses of said suit and sale, and that for

the balance of proceeds of sale he take from the pur-
chaser a bond with approved security for one sixth
of that balance for Mrs Cornelia J Gay which
she is to get in time of her dower, and for the
other five sixths he take from the purchaser
three equal bonds with good security, payable
three months after date with interest from date,
and return the same bonds to the court with a
report of his proceedings under this decree, and
retain title to said land until the purchase money
is paid - But this decree is to be suspended until
the said Wm H Pullow shall give bond in the
clerk's office of this court with approved security
in the penalty of \$500. conditions faithfully
to perform the duties herein assigned him

Gay

to { Copy Received

Gay 10

Southampton County January Court 1868

John Gay an infant under 21 years of age who sues by Gary Gay his next friend Jeff.
Cornelia J. Gay widow. & Oswald & Walter Gay by L. R. Edwards their
Guardians ad litem
In Chancery
Defts.

This cause came on to be heard on the bill, answers thereto and general replications and was argued by Counsel. On consideration whereof the Court adjudges, orders and decrees that Wm. H. Pottlor who is hereby appointed Special Commissioner for that purpose, after giving at least twenty days notice of time and place, proceed to sell the said land mentioned in the bill subject to the dower right of Mary Gay of which Nicholas St. Gar died, seized and possessed, at public auction to the highest bidder, and that after receiving so much in cash as may be necessary to defray expenses of said suit and sale, and that for the balance of proceeds of sale he take from the purchaser a bond with good security for one sixth of that balance for Mrs. Cornelia J. Gay which she is to get in lieu of her dower, and that for the other five sixths he take from the purchaser three equal bonds with good security payable three months after date with interest from date and return the same bonds to the Court with a report of his proceedings under this decree and retain title to said land until the purchase money is paid.

But this decree is to be suspended until the said Wm. H. Pottlor shall give bond in the Clerk's Office of this Court with approved security in the penalty of \$500 conditioned faithfully to perform the duties herein assigned him.

Let his costs \$5.00

Attest

Teste

L. R. Edwards lcy

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Gay } Dec

1861. February Coast.

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is } Deane
Gay }

This day this cause came on again to be heard on the papers formerly read, and the report of sale of the Commissioners pursuant to the decretal order of the January term of the County Court 1860. to which there is no exception, and was argued by Counsel - On consideration whereof, the Court approving and confirming said report, doth adjudge order and decree that Wm H. Rutlow, be appointed a Special Commissioner to collect the bonds now in the Clerk's office of said Court, which bonds, the Clerk of said Court is directed to deliver to him, as John P. Boykin and Samuel B. Kells security, executed by them for the purchase of the land directed to be sold by the said decretal order, and upon payment to him of the bonds as John P. Boykin and Samuel B. Kells, to convey to the said John P. Boykin trustee for Mrs. Lucy C. Phipps and her three youngest children, Joel, James and Mary C. Phipps, with special warrants to said land, the said trustee to hold the said land for the use and benefit of Mrs. Phipps during her life, and at her death to convey it to the three children above mentioned. And it is further ordered, that when the Commissioners shall have received payment of said bonds, he shall first, out of the amount so collected, pay to the widow Cornelia J. Gay, the sum of thirty seven dollars and seventy five cents with interest from 11th day of February 1860, up to time of collection. This being the amount due her for her dower rights, and the balance he is directed to deposit in some Savings Institution, to the credit of this Court in this cause.

and file among the papers of this court a certificate
of such report - But the execution of this decree
is to be suspended, until the said Commissioner
shall have given bond with good and sufficient
security in the clerk's office of this court, payable
to the Commonwealth of Va conditioned upon
the faithful performance of the trust herein
assigned him - And the Commissioner is directed
to report his proceedings under this decree
to court -

Gay
✓
Gay

1872

May et.

Final decree

To be entered.

J. W. Maynard Judge

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Gay h

This cause came on this day & be again heard on the paper formerly read & in the report of Wm H. Pittow, Comr. made pursuant to the Order of this Court of Feb. Term 1861 - to which report there is no exception was argued by Counsel. On consideration whereat the Court doth confirm the said report & the payments made as therein stated and doth do judge, order and decree that the proceedings had in this cause be confirmed & made final & binding between the parties - and nothing more remaining to be done in the case it is ordered & be removed from the docket

Gay
is
Gay &c } Report.

1866 Feb 6th.

Gay
as
Gay &c } Report

In obedience to the decree of the County Court of Southampton County rendered at its January term 1860. Your Commissioner after having ^{given} twenty days notice of time and place and of sale, proceeded to sell the land in the proceedings mentioned, and that ^{Indefinitely by Lucy C. Deffen the children of, John, Selma L. a Person} John P. Boykin, became the purchaser for the sum of two hundred and fifty five dollars and twenty five cents, and that your Commissioner after deducting as much as was necessary to defray expenses of suit and sale, which was twenty eight dollars and seventy six cents, he took from the purchaser four bonds with Samuel B. Kells as security, one of \$37.75 which is to be paid to the widow Cornelia of Gay in line of her dower right, the remaining three of \$62.91 1/3 each, equal amounts as directed by the decree, all of which bonds together with this report are returned to the Clerk's Office of this Court, which facts will more fully appear by the following statement.

Am't of sale		\$255.25-
Costs of suit	\$15.00	
Crger	1.00	
Commissions	12.76	
Am't. of widows interest (bond)	37.75-	
.. of three bonds, \$62.91 1/3 each	188.74	
	<u>\$255.25-</u>	<u>\$255.25-</u>

all of which is respectfully submitted

W H Patton Commissioner

Received Apr. 22 1868 of the Clerk of Southampton County the four bonds mentioned & returned with the within report.

Wm H. Ricketts

Gay } Report of
v } payments
Gay
1872
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Jay &
M
Gay } loc. court.

In the County Court of Southampton
County. The undersigned reports to Court
that pursuant to the decree of Feb. Court 1861,
made in this cause, he received of the clerk
of this Court the Bonds of Mrs. P. Boykin and
Sam Kello and collected the same but
did not deposit the same in any Savings
Institution or Bank, but paid the proceeds
to the parties all having become of age.
To wit: To Mrs. Cornelia D. Gay for net \$60.03.
and to S. B. Kello guardian of
the children of A. A. Gay for net. \$11.04,
which sum, make the whole amount
of said Bonds & Interest.

My Commissioner asks that such
payments be confirmed —

He reports that ~~at the request of S. A. Prepin~~
~~and his wife, and for the said John~~
~~P. Boykin~~, he has not as yet made the
deed to said Boykin as Trustee for Mrs.
Mary A. Prepin & children as directed by said
decree of Feb. Court. 1861, but will now
proceed to do so.

Respectfully submitted
Wm H. Patton. Clerk
BK

May 1872

S. B. Keller
Glen of Glen
Michigan

Receipt
for \$311.04

Recd. April 26th 1871 of Wm A Pullen Comr.
in sum of Gay & Wm Gay the sum of Three Hundred
and eleven dollars and four cents \$ (311.04) it
being the amount due Wm Gay's children
from sale of their father's land

J. B. Keels Guard.
of W. A. Gay's children

S. B. Kelo
for C. Gay
Recd
for \$60.03

And April 26th 1871 of
Com Arthur Comptroller
in sum of Gay & W. Gay
The sum of Six Dollars
and three cents (\$6.03)
is being received from
Cornelia Gay widow
of W. W. Gay, from roll of
the husband and -

S. B. Cello
for W. W. Gay.

Know all Men by these Presents, That We *William St Prillor*
EW Mapenburg

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of
five 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 seals, and dated this *22^d* day of
April A. D., 18*68*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

*William St. Prillor Commissioner appointed by a decree of the County Court of
Southampton County on the 16 day of January 1860 in a suit thereunder pending
between John Gay on infant vs. Prillor and Cornelius J. Gay & others Defts.*

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~~.

Wm St Prillor { SEAL }

EW Mapenburg { SEAL }

{ SEAL }

{ SEAL }

Know all Men by these Presents, That We *William A Preston* &

are held firmly bound unto the Commonwealth of Virginia, in the just and full sum of _____

Five 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 seals, and dated this _____ day of

A. D., 18

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound

William A Preston as commissioner appointed for certain purposes by a decree of the County Court of Southampton County rendered at the February Term 1861 in a suit in Chancery Gay vs. Gay _____

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. }

{ SEAL }

{ SEAL }

{ SEAL }

{ SEAL }