

1909-43

Saunderston County - Chancery Gray, Ernest
vs Gray, Junius

Divided if possible,
if not sold, and proceeds
properly distributed.

Gray, Lily

Gray, Willie Adams

Gray, John

Gray, John

Gray, Augustus

Gray, Charles

Gray, Eliza wife

Gray, Edward

Gray, David

Ernest Gray by
J. B. P. 4
or 3 Pice 4
Gray adms. 4

✓

C

J. B. P. 4

In the Hon. Court. Judge of the Circuit
Court of Southampton Co. In Chancery.
Complaining Sheweth unto your Honor
your complainant Ernest Gray, a minor
by Lily Gray his next friends as follows.
That during the year 1843, his grand father
Miles Gray departed this life intestate
seized and possessed of a messuage
in Southampton Co. and leaving the
following heirs at law and distrib-
utees - viz. - James Gray. John Gray, Asaph
Gray, Char Gray, Eliza Gray, Edward
Gray, and David Gray, and your complain-
ant, the last five of whom, and your
complainant are minors. That the
father of your complainant, who was a
son of Miles Gray is also dead, and
your complainant is his only heir
at law. That the said James Gray has
qualified as administrator of Miles Gray's
estate, taken possession of all the personal
effects and paid off all the debts, as
far as your complainant is advised.
That your complainant is quite young,
and gets nothing from the farm, and
he very much needs all the aid he can
get now. He believes the farm is
not susceptible of partition among

the parties entitled, but if it is, he wants
it divided and his share allotted to
him, but if it is not susceptible of
partition, he desires it sold, and
the proceeds properly distributed.
In consideration whereof, and
inasmuch as your complainant
~~is~~ ^{is} entitled remedy & left in a
Court of Equity where such
matters are properly cognizable,
to the end that justice may be done,
he prays that James Roy in his own
right and as admin. of Miles Roy,
John Roy, Augustus, Charles, Eliza,
Edward, and David Roy, the last five
minors, may be made parties
defendant to this bill and Compel-
led to answer the same, but answer
under oath are waived. That some
fit and proper person may be
assigned prochein and litam
to defend the infant defendants,
that the land which Miles Roy
did seign may be sold and the
proceeds divided properly. That
all proper inquiries may be made,
and proper orders entered. and that
your Honor will grant such other
further, general & special
relief as to Equity may seem

meet on the nature of this case
may require. Notice is hereby
given that the Court will be
asked to allow a reasonable
attorneys fee to I. B. Prince
out of any fund under its
control, for services in this
cause - and as in and to be bound,
he will ever pray &c. May it please
the Court &c. -

I. B. Prince pr.

The Joint and Several Answer of
Augustus, Char, Eliza, Edward and David
Hoy, all minors by J. H. McLemore
their guardian ad litem to a bill of
Complaint exhibited in the Circuit Court
of Southampton against themselves & others
by Ernest Hoy -

These respondents, for answer to said
bill say - They are minors and
being such submit their rights to
the protection of this honorable Court -
and having answered, pray hence to
be dismissed &c.

J. H. McLemore
For ad litem

Groups Adm

ad 3

Gray by 13c

Answer of James Gray

G. L. Bain

W. H. Wilkison

F. A. Puley

The answer of James Gray both in his own right and as administrator of his father Willis Gray dec'd is a bill in chancery in the circuit court of Southampton by Edmund Gray by his next friend vs him and others

This defendant for answer to the said bill or as much thereof as he is advised it is material for him to answer, answering says that the Plaintiff does not set forth what is his father not giving any Christian name but he supposes it is George Gray as he is the only one of the children dead answering further he says his father Willis Gray was a very poor man that he left no personal estate except some household stuff or but little value which under the poor debtors law passed to the infant children and he has taken no account of it as it has now come into his hands, he had a small tract of land containing some fifty acres which he supposes is worth \$250 This is all the estate there is and Willis Grays children whom the Plaintiff has named in his

will are now living on it this
defendant says further that the plaintiff's
father George Gray under whom he
claims did indebted to his intestate
in the sum of \$50 as appears from
papers now in his hands and he is
perfectly willing that the plaintiff
in this suit shall have his interest
in the land after paying him the
debts due by his father to Will's
grape estate and having fully
answered he prays leave to be
discharged with his costs

James Gray
by Shanda & Son Jr. d.

Gray by the

3rd Stok: Rules

Gray's Admin. stals

1st Act Rules

Ernest Gray a minor
by Lily Gray his next friend. Off

Dr

Junius Gray in his
own right and Admin
of Willis Gray decd.,
John Gray, Augustus
Gray, Chas Gray, Eliza
Gray ~~Gray~~, Edward Gray,
+ David Gray the last
five minors by J.L.
McLemore their Admin
ad litem.

1894. Sept 21. Process filed to 1st Oct Rules.

" 1 Oct Rules Process noted executed
+ Bill + Ex filed J.L. McLemore
appt Admin ad litem. + decree
made in Adults.

1894 2nd Oct Rules. Bill taken for
confessed as to Adults and
Course set for hearing as
to them.

Executed Sept 29th 1854 by delivering a copy
 of this 'Lum' to James Gray one to J. L. Mc
 Lennan and John Gray not being
 found at his usual place of abode & at
 giving a copy of this 'Lum' for him to James
 Gray a member of his family of the age of sixteen
 and explaining its purpose to him.
 R. L. Williams Sept
 for J. W. Williams
 Sept

Gray by etc
 3
 3
 3
 Lum

Gray et al
 1894 Oct 29
 Rules

Lin. let.

Sept 29th

Prince p. a.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY, GREETING:

WE COMMAND YOU TO SUMMON...

*Junius Gray in his own
right and Admin of Willis Gray Decd John Gray
Augustus Gray, Charles Gray, Eliza Gray,
Edward Gray & David Gray the last five minors
by J. D. McLenore their Isdn ad litern.*

to appear at the Clerk's Office of our Circuit Court of Southampton county, at the Rules to be holden for
the said Court on the *1st* Monday in *Oct* next, to answer a Bill in Chancery

exhibited against *them* in our said Court by *Ernest Gray a minor*
by Lily Gray his next friend.

And this *They* shall in no wise omit under penalty of law. And have then there this writ.

WITNESS, T. M. HOWARD, Clerk of our said Court, at the Courthouse, this *21st* day of

Sept, 189*4*, in the 11*9*th year of the Commonwealth.

TESTE:

T. M. Howard, C. C.

Southampton Circuit Court: Nov. Term 1894.

Ernest Gray by or

vs. ^{Pl.} 3 Decees
Grays Admin & others

This day this cause came on to be heard on the complainants bill, taken for confessed as to the adults except Junius Gray the answer of Junius Gray filed during the term by leave of the Court, the answer of the infant defendants by J. L. McLenore their guardian ad litem with general replication thereto and was argued by Counsel. On consideration whereof the Court hath adjudged order and decreed that a Commissioner of this Court ascertain, first: Whether the land of which Willie Gray died seized and possessed can be divided in kind among his heirs or not - Second - Whether any of the heirs will take the whole subject matter and pay to the others a reasonable price therefor: third: - Whether partition can be more conveniently made by allotment of part and sale of the residue, and said Commissioner will return his report to Court.

It is further ordered that James Gray
 lay before one of the Commissioners
 of this Court an account of his
 transactions as Admin^r of Willis
 Gray deceased, and that a Comr. of this
 Court take an account of the debts
 against the estate of said Willis Gray,
 with their priorities, and the amount
 and absolute value of his real Estate.
 Also an account showing who are
 the heirs of Willis Gray, which ac-
 counts the said Comr. will report
 to Court, with any other matters
 specially stated deemed pertinent
 by himself or which may be required
 to be so stated by any interested party.

A Copy

Wm. T. Howard C. C.

157.08
 31
 126.68

2.50
 2.00
 19.50
 31.00

Gray by
 Dr. } Decease
 Gray's Admin^r

Wm. T. Howard

726 15/95

7 P. P.
 J. W. Bain
 G. H.

Gray, by H.
r } Spä

Gray's Arms

1895. Feb. 15

Executed Feb. 14 1895

by delivering
a copy of this Spä
to each of the Coitins
named below.

R. J. Williams do/pt.
for J. M. Williams Sggt.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *F. T. Pulley, J. W. Bain and*
Thos L. Bain

B. F. McLemore, Clerk
to appear before the ~~Judge~~ *Circuit* of our County Court of Southampton County, at the Courthouse thereof,
on the *10* day of *February* Term, 189*5*, to testify and the truth to
speak on behalf of *Ernest Gray, Jr*

in a certain matter of controversy in our said Court depending and undetermined between
Ernest Gray, Jr, plaintiff, and
Willis Gray's Admr & als, defendant.

And this *they* shall in no wise omit, under the penalty of the law. And have then there this writ.

Witness, B. F. McLEMORE, Clerk of our said Court, at the Courthouse, this *2* day
of *Feby*, 189*5*, in the *119*th year of the Commonwealth.

TESTE:

B. F. McLemore, C. C.

Gray by &c
or Notice

Gray's Admin &c

1895. Feb. 15

Executed Feb. 4th
1895 by delivering a
copy of this notice to
each of the within-
named parties

R. D. Williams left
for J. Williams diff

Commissioner's Office,

Courtland
Jerusalem, Va., Feb 1

1885

To Ernest Gray -

Junius Gray, Adm of Willis Gray, dec^d.

John Gray - Augustus Gray -

Chas Gray - Eliza Gray - Edward Gray -
and David Gray -

last five infants.

by J. S. McLemore, for ad litem.

You are hereby notified that I have fixed upon the 15 day of February
next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office,
the following accounts, to wit:

1. Whether the land of which Willis Gray died seized,
can be divided in kind among his heirs, or not.
2. Whether any of the heirs will take the entire subject
matter and pay to the others, a reasonable price
therefor.
3. Whether partition can be more conveniently made
by allotment of part and sale of residue.
4. An account of the transactions of Junius Gray
Adm^r of Willis Gray, dec^d.
5. An account of the debts against the estate of Willis
Gray, dec^d. - their dignities and priorities.
6. Who are the heirs of Willis Gray, dec^d. -
with any other matter specially stated, deemed perti-
nent &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the November
term, 1884, 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 said Court, the day and year first
aforesaid.

B. F. McLemore

Commissioner.

To the Sheriff of Southampton County to execute.

COMMISSIONER'S OFFICE,

Courthouse - 1st Jan'y 17
~~JERUSALEM,~~

1895

To the Creditors of the Estate of
Willis Gray
deceased, and all others concerned.

You are hereby notified, that ~~at the request of~~ *pursuant to decree of the Cir. Ct. of Southampton Co*
~~Administrator of the estate of the said~~ *entered at the N. T. Term 1894* deceased,
I have appointed the *15* day of *February* next, at my Office, for receiving
proof of debts or demands, against the said decedent or his estate, at which time and place you are
required to attend.

Given under my hand, as a Commissioner of the County Court of Southampton County, the day and
year first aforesaid.

B. F. McLemore
Commissioner.

The Estate of Willis Gray, dec^d
In Account with James Gray, his Administrator.

1893				
Oct	21	To Paid for Coffin for decedent	\$ 20.00	
Nov	15	" " Burial Services	2.00	
"	20	" " B. H. Linnick	10.75	
"	"	" " Taxes for 1893	4.59	
1894				
Jan	25	" " Jack Erickson, Appraiser	1.00	
Mar	12	" " W. H. Wilkinson for services re: Estate	6.00	
"	"	" " Tax on Administration Bonds	2.00	
		By Amt sales Chattel property.		
		Less poor debtors exemption		131.25
		" Cash in the house at time of sale		92.00
"	"	" To Paid "R. J. Stephenson", Appraiser	1.00	39.00
"	"	" " F. P. Tulley for Swearing Offers	.75	
Jan	25	" " A. J. Branch, Clerk at Sale	5.00	
"	"	" " Hands & Son, Attys.	20.00	
"	"	" " L. U. Holwin	1.70	
"	"	" " J. L. Bain for 1 Plow for farm	2.15	
"	"	" " Amos retained to pay bank acc: let.		
		for bills	7.84	
"	"	" " Clerk's fee for recording this acct	1.25	
1895				
Mar	1	" " Commission \$262.25 @ 5%	13.11	
		" <u>Balance</u>	\$157.08	
			\$262.25	\$262.25

1895
Mar 1 By balance due Estate \$157.08
With interest thereon from
this day till paid.

Respectfully Submitted.
B. F. McLeure
Clerk in Charge

An Account of the actual and annual
value of the real Estate of which Willis Gray
did seized and possessed. Viz:

One tract of land, containing 50 acres valued at	} Free simple Value Annual Value \$ 10000 of 2000
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Respectfully Submitted

D. F. McLenore.

Court in Chancery. Div. Ch.

Southampton Co. Va.

An Account of debts against the Estate of
Willis Gray, dec'd. - reported by B. F. M'Lemore,
Clerk in Chancery. pursuant to a decree of the Gen.
Court of Southampton County - entered at the Nov
Term 1894. Viz:

1. To Fee bills due Clerk of the
County Court.

\$ 909 / 909

Respectfully Submitted.

B. F. M'Lemore

Clerk in Chancery

A statement showing the names and number of the heirs at law of Willis Gray, dec'd., reported by B. F. McLemore, Comr in Chancery - pursuant to decree of the Circuit Court of Southampton Co. entered at the November Term 1894. in the Cause of Gray, by B. & Gray's Admrs & al: Feb 15. 1895.

James Gray - Son
John Gray - "
Charles Gray - "
Augustus Gray - "
Eliza Gray - Daughter
Edwin Gray - Son
David Gray - "
Ernest Gray - Grand Son

Respectfully Submitted.
B. F. McLemore
Comr in Chancery

1

A

James Gray one of the heirs and
distributors of Willis ^{Gray} claim The Court
Mr. Lemon to make the following
special statement to the court That his
father Willis Gray departed this life
intestate leaving no personal estate
except some household and kitchen
furniture of but little value which
will go to the infant children under
the power of the exemption he dies
owing fifty acres of land for which
he in his lifetime paid the sum of
\$230 and which is now appraised at
\$275 - That at the time of Willis Gray's
death there were four children
and one grandchild his heirs at law
and that share of the children would
amount according to this to ^{the} sum of \$344
a piece, that James Gray and one
other who has recently come of age
are the only ones of age and the others
being infants some very small That
James Gray has kept the children together
on this small piece of land his
labor and that of the others supporting
them on this small homestead
and that he is willing and desirous
to pay to the party Ernest Gray who
has brought this suit for division
the value of his interest in the
estate and take a deed and keep the

place together as a household for
his infant brother and sister he
does this on principles both of
humanity and affection and he
sees no better way of supporting
this large and helpless family of
children without father or mother
than to turn on him and the acts
charities of the world for support
and protection

Shant. 4 Nov
for James Gray

Spence Statement
to be made by the
committee as the agent
of James Gray

Gray, by J. J.
v. J. J. Report

Gray's Admin & als.

1895. Mch 6. filed

T. W. H. C. C.

The defendant James Gray admits to William Gray
except to the extent of the account for the following reasons
to wit that there were no accounts or appointments
signed by him as administrator or by the court or the
court and that the Commissioner has gathered his
information from a paper improperly filed in this paper
that and he asks that the said account may be sent
back to one of the Commissioners on this order please
take evidence of what he has owned outside or
account of sales to which he refers as there has
never been any inventory and he has been charged with
more property than he ever owned as administrator

Thomson is now J. J.

Michael Lee:
J. W. Davis \$1.14
J. P. Pullen \$1.14
J. M. Davis \$0.90

Commissioner's Office,
Cortland, Pa.

Feb 15th 1895.

To The Circuit Court of Southampton County.

In obedience to a decree of the Circuit Court of the County aforesaid - entered at the November Term 1894 in the Chancery Cause of "Ornick Gray, by H. & Gray's Adm^r & others", the undersigned, One of the Commissioners of said Court, to whom the aforesaid decree stands referred, reports to Court, that on the 17th day of January 1895, he issued Notices against the parties Plaintiff & Defendants, requiring them to appear before him, at his Office, in Cortland, on the 15th day of Feb^y 1895, at which time and place he would proceed to take the accounts required by said decree.

The Commissioner also posted Notice at the Courthouse door, requiring all parties holding claims against the estate of Willis Gray, dec^d., to present the same to said Commissioner, on or before the 15th day of Feb^y 1895. Whereupon the Commissioner proceeded to take, state and report the following accounts, viz: 1st - Whether the lands of which Willis Gray, died seized. Can be divided, in kind, among his heirs or not? - 2^d - Whether partition can be more conveniently made by allotment of part and sale of residue? - 3^d - Whether any of the heirs will take the entire subject matter, and pay to the other parties entitled, a reasonable price therefor? - In answer to the above inquiries, Your Commissioner submits the following: Willis Gray, at the time of his death, was seized of a small tract of land, containing 50 acres, situated

in Berlin & Iron District - Southampton County - that in order to partition the same, it will have to be divided into Eight shares of $6\frac{1}{4}$ acres each, this would seriously impair the value of the land - and cannot be done in such manner as to give justice ~~to~~ and satisfaction to all parties - And, in as much as no one of the parties has offered to take the whole tract, and pay a reasonable price therefor, the Commissioner recommends a sale of the entire tract and allotment of proceeds - feeling satisfied that the interest of all interested parties would be promoted thereby.

3rd - An account of the transactions of James Gray, Administrator of Willis Gray, dec^d - and finds a balance in the hands of said Administrator, due to the estate of said decedent, of \$157.⁰⁸ with interest thereon from the 1st day of March 1895 till paid.

4th - An account of the actual and annual value of the real estate whereof Willis Gray died seized - Willis Gray, at the time of his death was seized and possessed of a tract of Land, containing 60 acres, the actual value of which is estimated at \$400.⁰⁰, and the annual value of \$27.⁰⁰.

The Commissioner has prepared a statement showing the names and number of the Heirs at Law, of Willis Gray, dec^d - which is filed herewith as part of this report.

The Commissioner has made up an account of debts against the estate of said decedent, and

finds debts against said Estate amounting to \$9.09

The Commissioner states specially - that in Auditing and stating the account of the transactions of Junius Gray, Adminr of Willis Gray dec'd. he has taken from the account of sales of the Chattel Estate of decedent - all articles exempt from distress or levy under the poor debtors' exemption, and allowed him to retain same for the benefit of the infants, and charged him with the residue. The Commissioner refused to credit the Adminr with certain receipts for money expended by him, viz: R. H. Rawls \$2.50. B. C. Drew \$19.00. J. A. Stephens co. \$9.50 - said receipts being for sundry articles viz: Potatoes & Oct. and for fruit trees purchased Junius Gray, as an individual - and without reference to the Estate. If the Court ~~considers~~ ^{is} of opinion that the above are legitimate charges against the Estate of decedent - it will change the balance in the hands of the Administrator to \$126.08 instead of \$157.08 - as reported.

The Commissioner being requested by Junius Gray Adminr & one of the heirs of Willis Gray, dec'd. reports specially, that Junius Gray is anxious to purchase the interest of Ernest Gray, the Complainant - and is willing to pay him a fair price therefor.

The attention of the Court is specially directed to the written statement of Junius Gray - by Messrs. Shands & Son, Attys. filed therewith by request, marked "A".

Respectfully Submitted;

B. F. McLeary
Clerk in Charge

Comr's fee \$5.00
Ch. Fee

Inventary and Appraisement of
The personal and chattel property
of Willis Gray died possessed and as
taken by W W Wilkinson A. J. Stephen and
Capt. Pracker who being duly sworn to
Appraise the same as the Law directs
this the 25th day of Jan 1894

Articles Appraised

1 Pr Wheels	9 00
1 Lot of Plunder	10
1 " of Fadder 100 per c	
1 Buggy	25 00
1 Lot sup Points	1 25
1 Lot Stock Peas	5 00
2 Vier services	1 00
1 Ink	5
1 Lot Points 2 1/2 per lb	
1 " Carpenter Tools	1 00
1 pr Balances	75
1 Lot White Peas	2 25
1 " old Bannels	30
1 Broul Ate	1 00
1 Kettle	25
2 Pots	3 00
1 Box and contents	10
1 pr scales	10
1 Cart	15 00
1 " "	5 00
1 Cart Body	75
1 Lot Haws	25
1 " Tools	50
1 " Haws	25
1 Gray Haws	25
1 Cart Frame	25
1 Lot corn 25 per Blk	
1 half Bushel measure	25
2 Baskets	30

Account of Sales of the personal
and chattel property of Willis
Grays died as sold this 25th
day of Jan 1894 by his Admstr
pursuant to note given as the
Law directs

Capt Pricklow	9 50
S H Brattle	10
Administrator 75¢	10 50
"	17 00
" 1/4 per lb	50
"	5 00
W W Wilkinson	75
S H Brattle	1
Capt Pricklow 2 3/4 per 100	41 40
Administrator	75
"	50
" 50¢ per lb	2 40
"	5
"	40
"	10
"	1 90
"	10
J B Davis	5
Administrator	10 00
Administrator	2 50
"	50
"	10
"	15
"	15
"	10
"	1
" 200 per Blk	40 00
"	25
"	40
	140 97

Recd for \$15.00

Articles Appraised

1	lot Sheds	1 00
1	Plow	50
"	"	75
2	Single Trees	50
1	Table	10
1	lot Harness	50
1	Horse	25 00
1	work Ot	5 00
	one young Ot	4 50
	" Cow	8 00
1	stern yoke	15
1	lot Cooper's Tools	50
1	for + cuts	10
1	stand Lard	8 00
1	lot Paark & for the	40 00
	Kitchen Furniture	4 50
3	Otes	50
1	spining wheel	50
1	swing machine	10 00
1	Bed	10 00
1	Chest + Cants	2 00
1	saw	6 00
7	shouts	14 00
1	Calf	2 00
1	Band with Inst.	39 00
	To cash in hand	92 00
		275 00

W. H. Wilkinson

A. J. Crank

N. J. Stephens

Names of persons

Administrators	165
"	65
Jack Crocker	26
J. L. Davis	60
J. H. Brittle	5
Administrator	15
"	10 00
"	3 00
"	4 00
"	6 50
N. J. Stephens	15
J. L. Davis	80
J. H. Brittle	1
Administrators 6%	5 20
" 8%	40 00
"	4 50
"	50
"	12
"	5 00
"	5 00
"	2 00
"	6 00
"	14 00
J. H. Brittle	2 00

W. H. Wilkinson Clerk at

348 13

Ernest Gray by 4.

or 3 Decem.

Gray's Adver. & others

This day this cause came on to be heard
on the complainant's bill, taken on and entered
as to all the assets except Junior Gray,
the answer of Junior Gray, filed
during the term by leave of the Court,
the answer of the infants defendants
by J. L. M. Lunn, their guardian ad
litem, with general replication
thereto, and was argued by counsel.
On consideration whereof, the Court
doth adjudge order & decree that J. L. Bain
~~to wit the said Bain and J. P. P. P. P.~~
appointed special Commissioners to & this
ascertain, first, whether the land of
which Ellis Gray died seised & possessed
can be divided or kind among his heirs
or not. Second, whether any of the heirs
will take the whole subject matter
and pay to the others a reasonable
price therefor; third whether partition
can be more conveniently made by
allotment of part and sale of the residue.
And said Commissioners will return their
report to Court. It is further ordered
that Junior Gray lay before one of the
Commissioners of this Court an account
of his transactions as Adver. of Ellis

Court.

Gray deced. and that a Comr of this Court
take an account of the debts against
the Estate of said William Gray, with their
privileges. and the annual and absolute
value of his real estate. also an
account showing who are the heirs
at law of said William Gray. which
accounts the said Comr will report to Court.
with any other matters specially stated deemed
pertinent by himself or which may be
required to be so stated by any interested
party.

1909-10
Estate of Gray by the

or 3 Deced

Gray Admin &

1894 Nov Deced

To be reviewed

C. M. H.

Nov. 12

Ent 693