

1865-001

Isle of Wight County

Chancery Causes



To the worshipful justices of the County Court of
Isle of Wight County, we thy sitting truly complaining
herewith unto your worship, your Oators Edwin Gray & Amanda
his wife formerly Amanda Gaskins, Murdock Gaskins,
that one Lizzy Gaskins departed this life sometime in
the year ¹⁸⁵⁴, intestate, seized and possessed of a small
tract of land, containing about 101 acres, valued at \$300, of \$400.
situate in the County aforesaid, and bounded as follows—

That she left the following children, or her heirs at Law. viz
your Oators Amanda Gray formerly Gaskins Murdock Gas-
kins, Agnes Gaskins & Rebecca Gaskins, the last of whom
is an ^{infant} under twenty one years of age—

Your Oators further state that they said real estate is, or
they believe susceptible of partition amongst the parties entitled
thereto: but if it be not, then your Oators desire the same to
be sold, and the proceeds distributed amongst the parties
in proportion to their respective interests therein.

In consideration whereof, and for as much as your
Oators are unwilling, save by the aid of a tract of Equity,
they pray, that the said Rebecca Gaskins
be made party Respondent to this bill, and be compelled
by their said Relators, for such purpose appointed to answer
the same; that the said real estate be divided ^{between} the parties accord-
ing to their interest in the same and in case the same cannot
be divided in kind, that the same be exposed to sale, and the proceeds
thereof distributed among the parties entitled thereto: and that
such other, further & several relief may be afforded your Oators
as the nature of this case may require, or to Equity may seem meet.

D. Herkhillfield D^c

¹⁴⁶
Grafton¹⁴⁷
H. Hill
Gaskins

Augt. 6th 1860. Bill
filed & inty. decree.

Octo. 1. 1860. Rept. made
& decree for sale.

Jan'y. 9. 1861. Rept.
of sale filed.

Nov 4. 1861. Decree to
collect, distribute &c.
and Rept. &c.

Grafton
H.
Gaskins Jr.

The ~~first and separate~~ answer of
Rebecca Gaskins
by A. P. Young, ~~there~~ ^{ad litem}, to a Bill filed against
~~her~~ ^{her} by Edwin Gray & wife. in the County Court of Maryland
That as ~~per~~ ^{per} ~~into~~ ^{ad litem}, by A. P. Young. ~~her~~ ^{her} said ~~per~~ ^{ad litem}
for answer to so much of said Bill as ~~they~~ ^{she} are advised
it is material for ~~her~~ ^{her} to answer; answering says
That ~~her~~ ^{she} ~~are~~ ^{is} ~~infants~~ ^{an} under nearly one year of age
and beseech to submit ~~her~~ ^{her} interests ~~solely~~ ^{solely} to the pro
tection of this her: trust. praying ans. &c.

St. J. Sprague

$$\begin{array}{r} 502000 \\ \hline 600000 \end{array}$$

Gray & wife
of Infant care
L. A. W. W.

At a quarterly Court held for Islip wight county
On the 6th. day of August 1860 —
Edwin Gray and Amanda his wife, formerly Gaskins,
Murdoch Gaskins & Agnes Gaskins Plffs:
Against In Chancery
Rebecca Gaskins Deft.

On motion A. P. Young is appointed guardian ad litem, to defend the infant defendants. And this cause being this day docketed by consent of parties, came on this day by like consent, to be heard on the Bill, the answer of the infant defendants by N. P. Young their guardian ad litem, & replications ~~made~~, and was argued by counsel; On consideration whereof, the Court doth adjudge order and decree that Clements Battin, Hardy Chapman, Richard Chapman & Mrs. Powell, any three of whom may act, who are appointed Commissioners for such purpose, do proceed to lay off & divide the real estate of which the said Sirrzy Gaskins died seised and possessed in the said County of Isle of Wight, Containing 101. acres - & in the said proceedings mentioned, into four equal parts, having regard to quantity & quality, and assign one of said parts, Each, to Amanda Gray, Murdock Gaskins, Agnes Gaskins, and Rebecca Gaskins; or they may assign to any two or more of the said parties, their shares jointly, if they so elect if partition in such manner can be conveniently made. or the entire subject may be allotted to any party who will accept it, and pay therefor to the others parties such sums of money as their interests therein may entitle them to. But if the said Commissioners should find it impracticable to divide the said Land, among the afore parties, in manner as aforesaid; And should be of opinion that the interests of the said parties would

be promoted by a sale of the same, then they
are required to report the facts upon which their
opinion is based: also the fee simple & Annual
Value of the premises: and likewise the privy
examination of Amanda Gray, as to her willingness,
to have, or not, her interest in the premises, sold or
not, & report to Court.

Copy

Teste.

J. C. Latimer D.C.

Gray's wife

vs:

W. C. Gray & Sons

Parties to be:

Indiana to the decree an-
d that the undersigned commissioners
named in said decree have viewed
the lands in Eliza Gaskins dec'd Sur^{or}
and proposed the in our opinion
think the presumable value to
be Four Hundred dollars and
we think it worth for a few
years Thirty Dollars per annum
After which time it would
depreciate in value owing there
is no rail timber on the premises
and the division of the lands
between the parties could not
be made profitable to either one
of the parties & the parties them-
selves wishes a sale to be made
and we are of the opinion that
the interest of the parties will
be promoted by sale of the lands

All of which is most respectfully
submitted to the Court - Given
under our hands this the 28th
day of September - 1860

Clement Batten

H. Chapman

Wm P Powell

At a County Court held for Isle of Wight County on
first day of October 1860.

Edwin Gray vs wife & als.

Plffs.

Against
Rebecca Gaskins &.

vs

In chancery

Defts.

This cause came on again to be heard on the papers
formerly read - And the report of Clements Patton, Hardy
Chapman & William P. Powell. Commissioners appointed by
the order of C^t of Aug. 1860. entered herein, to which no
exceptions have been filed, and the prior examination of
Amanda Gray, wife of E. Gray. And was argued by Counsel;
on consideration whereof; the Court confirming said report,
doth adjudge - order and decree - that John R. Hollerman
who is hereby appointed a Commissioner for such purpose
after having advertised the terms - time & place of sale
for thirty days at the door of the Court house & other public
places, sell at public auction, the land in the proceedings
mentioned, being the tract whereof Lizzy Gaskins died
seized, on a credit of six months, carrying interest from
day of sale, save so much as may be required to pay
expenses of this suit & sale, including a fee of fifteen
dollars to the Counsel: And take Bond payable to himself
for the residue with interest as aforesaid, from the purchaser
with sufficient security. And retaining a lien on the
premises until the future order of this Court; And the
said Bond return, with an account of his proceedings
to Court. But the effect of this decree is to be suspended
until the said John R. Hollerman shall enter into bond in
the Clerk's Office of this Court in the penalty of \$1000. 00,
with sufficient security, payable to the Commonwealth of

Virginia, Conditioned for the faithful discharge of his duties under this - or any future order herein entered touching his said duties as Commissioner.

Attest
Teste.

J. C. Satimer, D.C.

Att. fe . . .	15.00	my fee paid R. B. [unclear]
clerk. "	5.50	my fee paid A. P. Younger
Costs	<u>\$20.50</u>	

) Amt. of Sales . . .		\$425.00
Costs of suit .	\$20.50	
Comm. .	<u>17.50</u>	<u>38.00</u>
	Nett sale	<u>\$387.00</u>

Gray wife
vs.
Gray Deceased
Gaskins vs.

Shropshire County to wit
We Thomas Hall & Hardy Chapman
Justices of the county of Shropshire do certify
That Amanda Gray the wife of Edwin
Gray personally appeared before us in our
County aforesaid and being examined by us
privily & apart from her husband and having
the matter fully explained to her, she the ^{said} Amanda
Gray acknowledged that she was willing to have
her interest in the land whereof William
Gaskins and Elizabeth Gaskins her father and
mother die seized, sold under decree of the
Court of Shropshire County and the proceeds
thereof distributed under the ~~suit~~ now pending
in said court between said Gray & wife, ~~et al~~ ^{petors}
and Rebecca Gaskins ~~et al~~ acknowledge
that she wished not to retract it.

Given under our hands this 27 day of
Sept. 1860

Thos Hall J.P.
H. Chapman J.P.

Daily Examination
of
Mr Gray

In obedience to the annexed decree, I did, after
advertising at the Court-House, on Court-day, and
other public places more than 20 days, did proceed
to sell at public auction ~~on~~ the premises 16th
day of November 1860 all the lands belonging
to Elizabeth Gaskins dec^d; which lands are ex-
plained in the above decree, on a credit of
six ^{with interest from date} months, and was purchased by Mur-
dock W. Gaskins at the sum of \$425-⁰⁰. And
after deducting expenses of decree & commissions
of \$38- and — cents — to, the said Mur-
dock W. Gaskins, entered in the bond with
Egmont Bracy —
his securities for the sum of \$387⁰⁰
dollars, that being the amount due after deduc-
ting the above expenses. All of which is
most respectfully submitted to your honora-
ble body —

Ans. R. Hollenman

Nov. 8th. 1865 Recd. of N. P. Young
Clerk of Shropshire County Court the bond
of Murdock Gaskins & Egmont Bracy returned
with the above report for \$387. 00. —
John R. Hollenman

Gray wife &

on 3 Cont. Wts. of
Sale &

Gaskin & Co.

Jan. 7. 1861 returned
& filed

Gray & wife }
Gaskins, heirs. }

On motion, Nat. P. Young is appointed guardian ad litem, to defend the infant defendants.

And this cause being this day docketed by consent of parties, came on this day by like consent to be heard on the bill, the answer, ^{of the infant defendant by N. P. Young guardian ad litem.} depositions thereto, and was argued by counsel: On consideration whereof, the Court doth adjudge, order and decree that, Clement B. Allen, Harry Chapman, Richd. Chapman & Wm Powell, any three of whom may act, who are appointed commissioners for such purpose, do proceed to lay off & divide the real estate of which the said Lizzy Gaskins died seized and possessed, situate in the said County of Isle of Wight, containing 101 Acs, & in the said proceedings mentioned - ^{from} in to ~~the~~ ^{each} equal parts, having regard to quality & quantity, and apportion of the said parts, to Amanda Gray, Murdock Gaskins, Agnes Gaskins & Rebecca Gaskins: or they may apportion to any two or more of the said parties, their shares, provided if they elect a partition in such manner can be conveniently made - or the entire subject may be allotted to any party who will accept it, and pay therefor to the other parties such sum of money as their interests therein may entitle them to. But if the said commissioners should find it impracticable to divide the said Land, among the aforesaid parties, in manner as aforesaid; and should find to be of the opinion that the interests of the said parties would be promoted by a sale of the same, then they are required to report the facts upon which their opinion is based: also the fee simple & annual value of the premises: and also under the prior examination of Amanda Gray, ~~as touching~~ as to her willingness, to have, or not, her interest in the premises, sold or not. & report to Court.

Gray & wife

lt.

Gatkins,

Second

acq. term 1860

to be entered -

~~W. H. Casey~~

Entered

Edwin Gray & wife & al. }
vs. }

Gasthuis &c.

This cause came on again to be heard on the "papers" formerly read, and the report of Clements Patton, H. Chapman & W. P. Powell, Commissioners appointed by the Order entered herein of the 6th Aug. 1860, and the prior examination of Amanda Gray, wife of E. Gray, to which no exceptions have been filed, and was argued by Counsel: On consideration whereof, the Court Confirming said report, doth adjudge, order and decree, that John R. Holloman who is hereby appointed a Commissioner for such purpose for thirty days at door of S. of F. C. Court & other public places, after having advertised the term, time & place of sale, sell at public auction, the land in the proceedings mentioned, being the tract whereof \$1377 Gasthuis will receive, on a credit of six months, from carrying interest from day of sale, save so much as may be required to pay expenses of this suit & sale, including a fee of fifteen dollars to the Clerk, and take bond ^{payable to himself,} for the residue with interest as aforesaid, from the purchaser, with sufficient security & retaining a lien on the premises until the future order of this Court; and the said bond return with an account of this proceeding to Court. But this decree is to be suspended, until the said John R. Holloman shall enter into bond in the Clerk's office of this Court, in the penalty of \$1000.00, with sufficient security payable to the Commonwealth of Virginia, conditioned for the faithful discharge of his duties under this or any future order herein entered touching his said duties as Commissioner -

Gray's Bluffs
D. Bruce

Gaskins

1880 Octo.

To be returned -

W. H. Casey

Entered.

Gray & wife & als: }

Wm. Gaskins &

Secre

This Cause came on again to be heard on the papers formerly read, and the report of John R. Holliman made in pursuance of the decree entered herein at the Octo: Term 1860, to which no exceptions have been filed, and was argued by counsel. On consideration whereof the Court, confirming said report, doth adjudge, over a decree, that John R. Holliman, on leaving his receipt therefor, receive from the clerk of this Court, ~~the~~ Bond, for \$387-00 executed by Elmer Dock M. Gaskins & Exum Bracy, to him as Comptroller & filed with his said Report, and the same collect: and the proceeds after paying any costs remaining unpaid, will divide into four equal parts: One of which parts he will pay over to Edwin Gray & Amanda his wife. One part to Murdock Gaskins. One part to Abner Gaskins: and the other part will pay to Rebecca Gaskins, or to her legally qualified Guardian if she is a minor: and that upon the payment of the said Bond, he will execute a deed, with special Warranty, conveying the said tract of 101 acs whereof Linzy Gaskins died seized, ^{to the purchaser thereof} and make report of his proceeding to Court. But this Decree is to be suspended as to the payment of the said Rebecca Gaskins portion to her said Guardian, until the said Guardian shall enter into Bond before the Clerk of this Court in the Clerk's Office payable to the born: of the in a penalty twice the amount of said portion, with sufficient security, conditioned to loan out the said ^{portion} on good & ample security or invest the same.

Gray & wife & al.
vs. Beane

Gas Rins

Nov. 1861

To be entered.

Wm. H. Casey

Entered

Know all Men by these Presents, That we John R. Holloman
and William H. Powell

are held and firmly bound unto the Commonwealth of Virginia in the sum of one
Thousand Dollars 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. As witness our Hands and Seals, this 10th day of November
in the year of our Lord, one thousand eight hundred and sixty

The Condition of the above Obligation is such, That whereas, by a Deeree of
the Circuit Court of Isle of Wight County, pronounced on the 1st day of October
in a cause depending in the said Court, in which Edwin Gray & wife

are Plaintiff, and
Rebecca Gaskins & al. are
Defendant, & the

above bound John R. Holloman was appointed a special
Commissioner to sell the land in the said decree mentioned
being the tract whereof Lizzy Gaskins died seised,
& to take bond with sufficient security payable to
himself as Comr. and return the same with
a report of his proceeding to Court. as required
by the decree of aforesaid

Now, if the above bound John R. Holloman shall faithfully discharge
his duties as Commissioner under the said Deeree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

H. C. Sumner & Co

John R. Holloman SEAL.

W. H. Powell SEAL.

SEAL.

Gray wife
vs $\frac{1}{2}$ Lem. Bond.
Garbier & Co.