

1882-001 Chancery Causes:
Isle of Wight County

Patrick H. Johnson, for v c vs Mary P. Day, widow of Elisha Day,

Napoleon B. Day & Elisha E. Day, by v c

Petition of N. B. Day

Petition of Irwin W. Duck

Patrick H. Johnson, for v c vs Elisha Day's estate & al

other surnames: Clements
Ballard, [M. L. Watkins & Company]
Watkins, Fulgham, Chapman,

(24) Kelly R. G.

Patrick H. Johnson &c

vs. } Bill

Elisha Gay's Executor & als.

March Decr, 1878.

Bill & expts. filed & Decree
made vs. adults - gone, addition
apptd. to infants & au. filed.

Apr. Res. Bill taken for
conf. as to adult debts.
& cause set for hearing.

Apr. Ct. 1878 De for acct

Decr Ct. 1878. Rept.
Custd & de. for same

Apr. Ct. 1879. Rept.
Custd. & de. for
same.

Oct 1879. Rept. Custd.
de. to collect payor
and make due

Apr. Ct. 1880. Claim of J. W. Dues
by petition re.

Apr. 1882 - Dinae Decree

bound. Your Complainant will
ever pray &c

Patrick H. Johnson
By Wilbur J. Kilby
Attorney

22 Feb. 1878

personal estate in the hands of said Executor, may be applied in payment of Your Complainant's claim and all other claims against said Gay or his estate according to their several priorities; that said Clements, Executor, may be required to render an account of his transactions, and of said Testator's personal estate and effects received, by him, as said Executor, before a Commissioner of this Court; that said Commissioner may be required to take and settle the following accounts:

- 1 An account of Your Complainant's lien on said land and of all other liens thereon, according to their priorities, and the amounts of said liens.
2. An account of all other debts due by said Testator or his estate according to their priorities.
- 3 An account of the real estate of which said Testator died seised and possessed, together with its fee-simple and annual values
4. An account showing who the devisees of said Gay are under his said will of his said estate.

And that all further and adequate relief may be granted consistent with Equity, and as in duty

sale of the personal estate of said Testator which came into his hands: and that said personal and real estate is subject to payment of said debts and should be so applied.

In consideration whereof, Your Complainant, being without remedy save in a Court of Equity, prays that said Mary P. Gay, widow of said Elisha Gay, and said Napoleon B. Gay and Elisha E. Gay (the last named being an infant under twenty one years of age), devisees of said Elisha Gay, may be made parties defendant to this Bill and be required to answer on oath all the allegations contained herein, the adults in their proper persons and the infant by his guardian ad litem to be appointed for him; that said widow may be required specially to answer and say whether she prefers to have her dower in said land assigned to her in kind, or whether she prefers and consents to a sale of said land free of her dower therein and to take and accept in lieu thereof a fair compensation in fee-simple in money; that said real estate may be sold and the proceeds of the sale thereof and the proceeds of the sale of said

and interest thereon as aforesaid and \$7.40 costs, and that said sheriff made return on said execution in these words, to wit: "Suspended by order of Plaintiff August 3d. 1874. L. B. Edwards Shff." -

as will appear by a certified copy of said execution, showing said return, filed herewith as part of this Bill and marked "Exhibit F." That said Execution was suspended on the promise of said Testator in his lifetime to pay the said sum of money, which, however, he never paid.

That said Testator was seized of said land at the time when said judgment was obtained, and that said judgment is a lien thereon.

That said judgment and execution have not been satisfied or paid, either in whole or in part by said Testator in his lifetime or by said Executor since his death.

That said Testator died largely indebted to various persons including your Complainant as aforesaid, which indebtedness has not been discharged.

That said Testator's personal estate is not sufficient to pay his debts, nor are the rents and profits arising from said real estate sufficient to pay the same in five years taken together with said personal estate.

That said Executor refuses to pay any of said debts out of the proceeds of the

That said Elisha Gay left a widow, Mary P. Gay, surviving him, who is entitled to dower in said land.

That said Testator died indebted to Your Complainant in the sum of \$99.25 and interest thereon from 11th day of August 1867, as evidenced by a writing obligatory executed by said Testator in his lifetime, to wit on the 10th day of August 1867, and payable to Your Complainant one day after the date thereof, as will appear by a duly certified copy of said writing obligatory filed herewith as part of this Bill and marked "Exhibit D."

That said Testator having in his lifetime neglected and refused to pay said sum of \$99.25, Your Complainant obtained judgment against him for the same in said Circuit Court on the 29th day of May 1874 and for \$7.40, costs, as will appear by a duly authenticated copy of said judgment, filed herewith as part of this Bill and marked "Exhibit E."

That execution on said judgment duly issued on the 2 day of June 1874 directed to the sheriff of said County, commanding him of the goods and chattels of said Elisha Gay to make said sum of \$99.25

will as the Executor thereof, duly qualified as said Executor in said County Court on the 5th. day of November 1877, as will appear by a duly certified copy of the order of said County Court, granting certificate of probate to said Elements on said will, filed herewith as part of this Bill and marked "Exhibit B."

That said Executor has since taken possession of, and proceeded to administer and has sold, the personal of which said Elisha Gay died possessed, but has rendered no account of his transactions and has refused, with the proceeds of said sale, to pay the debts of said Elisha Gay or any part thereof, alleging as he has and does that said proceeds are not sufficient to pay said debts.

That said Testator died seized and possessed of one hundred and seventy-four and one-half acres of land, more or less, situated on Blackwater road, near Blackwater Bridge in said County and bounded by the lands of John C. Thomas, Charles Fulgham and H. T. Morris, and valued at \$480. - as will appear by certificate of A. P. Young Clerk of said County Court filed herewith as part of this Bill and marked "Exhibit C."

To Honorable George Blow, Circuit
Court Judge in and for Isle of Wright
County, Virginia:

Humbly complaining respectfully
represents and says unto Your Honor,
Your Complainant, Patrick H. Johnson,
suing for himself and all creditors
of Elisha Gay deceased, who may
make themselves parties hereto on the
usual terms,

That said Elisha Gay of said County
died in the month of July 1877 having
first made and published his last will
and testament which was duly proven
in the County Court of said County and
admitted to record in the Clerk's Office
of said County Court on the 3d. day of Sep-
tember 1877, as will appear by a duly
certified copy of said will filed herewith
as part of this Bill and marked "Exhib-
it A"

That said Gay by said will devised
and bequeathed all his real and person-
al estate to his two sons, Napoleon B.
Gay and Elisha E. Gay, the last named
being an infant under twenty-one years
of age.

That Thomas J. Clements, named in said

John

As

Long and

Picture of
A. B. Hay

The children of A. D. Gay respectfully represent that Eliza
Gay was married to him at the time of his death in the
State of Kentucky for reasons for which he served in
the year 1876. And that at the time the account of the
death of Eliza Gay was given he did not know of it as he
knew Eliza's death. He therefore says that he allowed
to have his said claim and he promised to share in
said Eliza Gay's estate in the same manner. And
now father, all our friends

Yours by
A. D. Gay's wife

Johnson ^{vs.} } In Chy.
vs. }
Gay's Ex'or. &c

Petition of
J. W. Duck.
"
Filed Apr. 5th, 1880.
"

not reported Defated among said claims,
as the same was not before the Court, at
the time he made his Refut & your
Petitioner, ^{did not lay his claim before said Court, because he had} ~~having~~ no knowledge of said
suit, ~~and~~ having only very lately heard
of the same.

Your Petitioner prays, therefore, that
his said claim may be allowed
against said Gay and may be taken
into account in any future proceedings
in said suit, and may be allowed
to share with the other creditors of said
Gay in any distribution that may be
made of his assets in said suit.

And your Petitioner will ever pray &c.

I. W. Duck

By Wilbur J. Kilby p.g.

To the Hon. Geo. Blow, Circuit Court
Judge in and for the County of Isle
of Wight.

Your Petitioner, J. W. Duck, re-
spectfully represents unto your Honor
and says there is now pending in
the Circuit Court of said County
a suit in Chancery between P. H.
Johnson, Plaintiff and Thos. J. Clemen-
ts ~~and~~ Executor of Elisha Gay
deceased and others Defendants:
That said suit is a creditor's suit
brought by said Johnson for the benefit
of himself and all creditors of
said Elisha Gay: That a report of the
debts due by said Gay has been made
and filed in said suit, and the land
of said Gay sold to pay the same: That
said Thos. J. Clements as Exor. and
Cmr. has the Bonds of the purchaser
of said land in hand for collection
and will soon collect the same
and ^{be ready to} pay the money out to the creditors
of said Gay whose claims have been
reported and allowed in said suit:
That your Petitioner is a creditor of
said Gay holding his Bond for \$10.99
as will appear by said Bond herewith
filed: That your Petitioner's claim is

Johnson &c

vs.

Gay &als.

Answer of Infant
defendant
Elisha E. Gay.

March Rules 1848.
Filed.

The answer of Elisha E. Gay, an infant under the age of twenty-one years by A. P. Young, his guardian ad litem, assigned to defend him in this suit, to a Bill exhibited against the said Elisha E. Gay and others by Patrick H. Johnson, Complainant, in the Circuit Court of Isle of Wight County, Va.,

This Respondent for answer to said Bill, says that so far as he knows the facts and statements in said Bill are or may be true but that being under twenty-one years of age, and ignorant of his rights in the premises, he submits his rights and interests to the Court for protection and prays that no order or decree may be made in said suit to his disadvantage or injury, And having answer, he prays to be dismissed &c.

A. P. Young, Jr.

) ad litem

Calvin H. Johnson

or John in Chy

J. J. Clements Esq
of Elliptical Bay and
Ch. Esq.

" Kelly, Esq.

to March Rules 1878.

Executed by Reliving
to the within named

J. J. Clements a true
Copy of the within
File. 26th 1878.

L. B. Edwards
Shff

Not Executed by going to the meeting
of J. J. Clements. Many of us saw of
Black Bay - 13th Aug. & Black E. Bay
and not finding there the horse we saw
mountain of the meeting saw the age of 25th
years - a copy of the document was sent
on the front door of their dwelling-house
the 26th day of July 1878.
L. B. Edwards Shff

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON

Thomas J. Clummitts Executor of
the last will & testament of Elisha Gay dec'd; Mary Cousins of
said Elisha Gay, Stephen P. Gay & Elisha E. Gay, the last as being an
infant under twenty one years of age,
to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said

Court, on the first Monday in

March

next to answer

the bill in Chancery
of Patrick M. Johnson, suing for himself and all
other creditors of Elisha Gay dec'd, to subject
said Elisha Gay's estate to the payment of his debt.

of a plea of

for \$

Damages \$

And have then there this writ

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *13th* day of

February

187*8*, in the

117th

year of the Commonwealth.

N. P. Young

Elisha E. Gay being retained by
 account. In answer to question says
 In 1847 N. B. Gay lived with John
 Mulphre and accepted of three
 coins to my father & worked to the
 account of the \$1.50 which was pre-
 sented to Mr. Chase. It had nothing
 to do with the stolen money the
 first year 1846. And further dep. &
 with note.

Elisha E. ^{his} Gay
 smk

The foregoing depositions were taken
 and subscribed before me on the
 day and place mentioned in the cap-
 tion.

A. P. Young Clerk of
 the of Right Circuit Court

Received
 21 3 1848
 Elisha E. Gay
 July 22
 1847 with cash
 Young, 20, 1847
 under deo
 1847 1848
 1847

The Deposition of Thomas J. Clements
taken before the same Commissioner
on the same day in the same cause
in behalf of the Recaptors said
Black Boy.

The said Thomas J. Clements being duly
affirmed depose and say, as follows.

On the day of the Challenge made by
Charles May, Decade. It was at the
close of the sale notified by John
Napoleon D. May, as an agent to
a bidder, purchased by himself
a piece of Town, well known, fifty
acres, stating to me that it was good land,
which he wanted to sell. And
I never heard anything of a large
antiquarian, until about the
day of the Court was about to be
the Land. And Mr. D. May told
me of it. That Mr. D. May had a claim
of some five dollars. And further
deposited with me.

Test. Thomas J. Clements

Gay remained with his father said Elisha
Gay during the year 1876 at that
time for his labor. I heard of no
payments that were made to H. G. Gay.
For the year 1877 I heard him get
\$100.⁰⁰ for year work & wages.
And further depont. say the work
Elisha C. Gay was
with

Elisha C. Gay being duly sworn deposes
and says to question by Council: 1st.
I am the son of Elisha Gay dead; and
brother of H. G. Gay, & I know that my
said brother lived and worked with
father during the year 1876 for one
hundred dollars. I know that he
was to receive \$100. because I heard
my father say he would pay him that.
The only thing that was paid him
was \$5.⁰⁰ for a suit of clothes.
And further the deponent says
no more.

Elisha C. Gay

The Depositions of Charles Sulphum, and
Elisha C. Gay taken before A. C. Young a
Commissioner of the Circuit Court of said County
County to be read as evidence in the suit
of O. A. Sulphum vs. Elisha C. Gay & Co. & Co.
pending in the Circuit Court of said County
before the petition filed in said case
and in said petition, from
Gay & Sulphum vs. Gay, at his office of
said Commissioner on the 18th day of
July 1879. Pursuant to which,
The deponent Chas. Sulphum being duly
sworn, says he answers to questions
by the Commissioner, as follows:
Just about Christmas, 1878 I went
to Mr. Elisha C. Gay's house with the view
of hiring his son A. C. Gay who was then
about the age of twenty or thereabouts
offered to pay him \$100. ⁰⁰ per year
over the year or more (\$100⁰⁰), where
Mr. Gay remarked that he would
give him as much as any one else
I knew and that I would do
nothing further to pay about it. &c.

Johnson O. H. et al.
vs. $\frac{2}{3}$ In Chy.

Gay Elishas Ego. et al.

Report of Court. Young
under decree of Cpl. 1878.

August 12th. 1878.
Filed.

Fiduciary acct.

confd. recorded in
Co. Ct. W.B. No. 31. p-96.

Confirmed 22 Octo
1878

Dr The Estate of Alisha Gay, decd;
In acct. with Thomas J. Chumley his Exor.

1877

To paid R. F. Johnson Coffin	25.00
" " & appraisers of est.	3.00
" " E. F. Edwards as Crier	2.50
" " J. M. Gay, decd at sale	1.00
Deer. " " Taxes for 1877.	6.00

1878 Mar. 25.

" " ret'd to pay clerk fees for wedding with, qualified wedding appraisers & acct. sales.	5.61
" Do. to pay same for registering & and for this account	3.50
" Do. Clerk for wedding same	1.50
" " Corns, on 99.15 receipts	3.95
" " Balance per Contra	27.00

1877

Mar. 26.

To amt. sale Chum est.	79.15
	\$79.85 \$79.85

1878

Mar. 25.

To Balance due the est.	\$27.00
-------------------------	---------

May 6th 1878. The foregoing acct.
was aud. & deemed true
& correct.

Teste,
W. A. Edwards & J. M. Young clk

Accty,

Prudent
all

1
Elisha. Gay. Hancock. Estate

1876 To. Thomas, J. Cummings, Dr

Apr. To. 1/2. Bushels. Sea. Pruts @ 1.75 \$ 2.62 1/2

Sept. To. paid Subscription for Christiana Sun \$ 2.10

1877
Mar. Col^d 1/2 Sea. Pruts. @ 9/- .75

\$ 5.47 1/2

Coming of. See of. Right
To wish
This day forenoon appeared
before me. Mr. Mc. Agard in my said
Court and made oath to the
correctness of the foregoing Return
on the said Act.

Given under my hand
This 9th day of Aug. 1878

J. J. Clement
Notary Public

TERMS—CASH OR ITS EQUIVALENT.

Windsor, Va., ... 187

Mr. Elisha Gay

M. L. WATKINS, }
A. M. ELEY. }

TO M. L. WATKINS & CO., Dr.

DEALERS IN

1878 GENERAL MERCHANDISE AND COUNTRY PRODUCE

Jan 1 To Balance on a/c —

\$ 11.90

I acknowledge legal service of this
notice.
10 July 1878

John R. Kilby & Son
Atts. for the plff.

As I am now
known as the
plf. executor &
am to file
a return of
the same.
J. R. Kilby &
Son

Commissioner's Office,

Isle of Wight Co. Va., June 19th 1878.

To Patrick H. Johnson suing for himself
and all other creditors of Elisha Gay dec.
who may choose to make themselves parties
Plaintiffs,

and to Thomas J. Clements executor of Elisha
Gay dec.; Mary P. Gay widow of said Elisha
Gay dec.; & Joseph M. Gay & Elisha E. Gay the
last assigned by N. C. Young for ad litem Defendants :

You are hereby notified that I have fixed upon the ninth day
of August, 1878, to take and settle, at my office aforesaid.

the following accounts, to wit: 1st An account of the trans-
actions of Thomas J. Clements as executor of
Elisha Gay dec.; — 2nd. An account of the real estate
of which said Elisha Gay died seized & disposed showing
the fee simple & annual value, and whether Mary P.
Gay the widow of Elisha Gay, said testator, is entitled
to dower therein. 3rd. An account of the plaintiffs
claim and of all other claims that may be liens on said
real estate, according to their respective priorities.
4th. An account of all other debts due by said testator
Elisha Gay or his estate according to their priorities.
5th. An account showing who the devisees of
Elisha Gay are, under his will aforesaid.

Required to be taken by a decree of the Circuit Court of Isle of Wight County, ren-
dered on the 22nd day of April, 1878, in a suit in
Chancery depending in the 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 a Commissioner in Chancery of said Court, the day
and year first aforesaid.

N. C. Young Commissioner.

a copy.

Test, N. C. Young Com.

Commissioner's Office,

Isle of Wight C. H. Va. June 19th 1878.

To Patrick H. Johnson suing for himself &
all other creditors of Elisha Gay deceased who may
choose to make themselves parties.

Plaintiffs.

and to Thomas S. Clements Executor of Elisha Gay
deceased, Mary P. Gay widow of said Elisha Gay
deceased, Joseph B. Gay & Elisha C. Gay, the last named
by N. P. Young his attorney at law.

Defendants.

You are hereby notified that I have fixed upon the Ninth day of

August 1878 to take and settle, at my office aforesaid, the

following accounts to wit: 1st. An account of the transactions
of Thomas S. Clements as Executor of Elisha Gay deceased.
2nd. An account of the real estate of which
said Elisha Gay died seized & possessed, showing
its full market value, and whether Mary P.
Gay widow of Elisha Gay, said testator, is entitled to
dower therein. 3rd. An account of the plaintiff's claim
and of all other claims that may be liens on said estate
according to their respective priorities. 4th. An account
of all other debts due by said testator Elisha Gay, or his
estate according to their priorities. 5th. An account
showing what the devisees of said Gay are under his will
entitled to.

Required to be taken by a Decree of the Circuit Court of Isle of Wight County, rendered
on the 22nd day of April 1878 in a suit in Chancery depending
in the 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 a Commissioner in Chancery of said Court the day and year
first aforesaid.

N. P. Young Commissioner.

Johnson re ^{Stelly}
or Jacob De. of apl.
Ch. 1878.

Gay et als.
"

Notice of 19. June 1878
to 4th. of August

n
for

Some Other
for accts.

Fee for copies 50^c

4th

An account of all other debts due by said testator Elisha Gay, or his executors, according to their priorities.

5th

An account showing who the devisees of said Gay are under his said will. And said Commd. will make report to Court of his proceedings under this decree, together with such other matters as he or any of the parties to this cause may deem pertinent or may require to be so stated.

A copy

Teste

W. A. Edwards D.C. for.

Mo. Young & Co.

having given notice to the parties
in this cause, proceed to take &
swear at his office the following facts.
1st. An account of the transactions
of J. J. Clements Executor of the
last will and Testament of
Elisha Gay and: shewing the
personal estate and effects of
said Elisha Gay received by
him, what disposition has been
made of the same, and if sold,
the amt. of the proceeds thereof
now in hand.

2^d. An account of the real estate
of which said Elisha Gay
(testator) died, seized and possessed
shewing its fee simple and
annual value, and whether Mary
P. Gay widow of said testator is
entitled to dower therein.

3^d. An account of the claim
of the plaintiff Patrick H.
Johnson shewing whether the
same be a lien on said real
estate, and of all other claims
that may be liens on said
real estate according to their
respective priorities.

1

In the Circuit Court of Suffolk
County the 22^d day of April 1878.

Patrick H. Johnson suing for him-
self and all other Creditors of Elisha
Gay dec'd: to subject said Elisha
Gay's Estate to the payment of his
debts. Petffs.

Against { On the day.

Thomas J. Clements Exor. of the last will
and testament of Elisha Gay dec'd:
Mary P. widow of said Elisha Gay,
Napolean B. Gay & Elisha E. Gay of the
last one being an infant under 21 years. Defs.
This cause came on this day to be
heard on the bill of the Complain-
ant, when for Confessed as to
the admet defendants on whom
process has been duly served
they still failing to appear &
answer, and on the exhibits filed
with said bill, and on the answer
of infant defendant Elisha E.
Gay by M.D. Young & his guardian
ad. litem with general replication,
and was argued by Counsel, on
consideration whereof the Court
doth adjudge, order and decree
that a Commr. of this Court after

by said decree, a copy of which is herewith filed, and requiring them to attend. That said notice was duly served or acknowledged returned has also been filed. That on the day so fixed upon, from the evidence before him, your commission met the foregoing accounts A. B. C. D. & E.

Act. A.

This account shows that J. Clements as Executor of Elisha Gay dec'd has in his hands due the estate of \$37.15 with int. from 28th March 1848.

" B.

This account is of the real estate of Elisha Gay dec'd, and shows that, independent of the widow's dower, its full sample value is \$600.00 and assessed value is \$45.00. And that subject to her dower, said value is \$555.00.

The land consists of 1 $\frac{1}{4}$ 1/2 acres on Blackwater road in Isle of Wight County in which, Mary P. Gay, widow of Elisha Gay, is entitled to dower.

" C.

This account shows the claims of the plaintiffs to be \$143.31 and is the only lien on Elisha's lands.

" D.

This is an account of all other demands against the testator or his estate, and shows the aggregate amt. of same to be \$348.25, all of which are of same priority.

" E.

This account shows that Stephen B. Gay and Elisha P. Gay are the sole devisees of Elisha Gay dec'd. Given under my hand as a Commissioner of said court the day & year first aforesaid.

Thus employed by court.

A. P. Quincy, Comm.

10 hours - fee - \$10.00

Steff. 1.50

cell. for copies .75
\$12.25

D.

An account of all other debts due by said testator, Elisha Gay, or his estate, all of which are of the 4th class and of equal priority.

A bond held by J. F. Clements, Executor of A. W. Ballards, who was assignee of J. P. Gay, dated & due 1st. July, 1861, for	159 61
Int. thereon to 20th. Dec. 1878.	164 71 329 3 2
An account due M. A. Watkins & Co.	11 90
Int. from 1st. July, 77	1 00 12 9 0
An account due J. F. Clements	5 47
Int. from 1. Jan. 1877.	56 6 13
Total debts of 4 th class	\$348 25

E.

Devises of Elisha Gay, aforesaid Testator.

By his will, the said testator devises all his estate real & personal, to his two sons, Napoleon B. Gay and Elisha E. Gay.

Commissioners office, Ish of Wright & Brown, Aug. 9th 1878.
To the Circuit Court of said County.

Pursuant to a writ of the said Circuit Court, rendered on the 23rd day of April, 1878, in this cause of P. H. Johnson vs. Elisha Gay & Co. vs. Your Commissioners report to the court that, on the 14th day of June last, we issued notices to the parties, plaintiffs and defendants, that we had filed upon the 9th day of August, 1878, to and settle at his office, the accounts required

An account of the real estate of which the said Elisha Gay, testator, died seized and possessed, showing its fee simple and annual value, and whether Mary D. Gay widow of said Elisha Gay is entitled to dower therein.

A tract of land lying on "Black Water bridge road", in Isle of Wight county, the fee simple value of which is \$1,000 00

This tract contains $1\frac{1}{4}\frac{1}{2}$ acres and is subject to the dower of the widow Mary D. Gay.

Annual value of said tract is \$75 00

The above are the valuations free of dower.

The fee simple subject to dower is valued at \$350 00

Annual value do. do. \$35 00

C.

An account of the claims of the plaintiff, Patrick M. Johnson, showing whether there can be a lien on the real estate of said Elisha Gay testator, and of all other claims that may be liens on said real estate according to their respective priorities.

Only Lien.	Judgt. on 29 th May 1874 in favor of the	
	ptd. P. M. Johnson vs. Elisha Gay for	99 25
	Int. thereon from 11 th Augt. 1874 to the	
	20. Octo. 1878.	66 66
	Costs of suit at law.	7 40
		<u>\$173 31</u>

In the Circuit Court of Isle of Wight County,
April 22nd 1848.

Patrick M. Johnson coming for himself and
all other creditors of Elisha Gay dec'd. *vs.* *Pltff*

vs. In Chancery,
Thomas J. Clements Executor of the last will &
testament of Elisha Gay dec'd. Mary P. widow of
said Elisha Gay; Stephen B. Gay and Elisha
B. Gay, the last an infant, . . . *vs.* *Defds.*

An account of the transactions of Thomas
J. Clements Executor of the last will and
testament of Elisha Gay dec'd. *vs.*

1848.

March 25	To disbursements to date as per account made up & reported to and confirmed by county court Isle of Wight (a copy of which is herewith filed)	52 10
"	" Balance per contra	27 05

1848

Nov. 26	By amt. of receipts per same account	49 15
		\$ 79 15
		\$ 79 15

1848.

Mar. 25	Balance due the estate & in the hands of the Executor	\$ 27 15
---------	--	----------------

Johnson P. M.

vs. $\frac{3}{2}$ In Chief.

Gay, Elisha's Ego. Sub.

Report of sale
with
Bonds &c

Filed March 3^d 1879.

Recd. of the Clerk of
the of the City of Wash. D.C.
the 2 bonds of \$217⁸⁴/₁₀₀
each as directed by
Decree of Oct. 11th 1879.

J. J. Clements
Clerk

Confirmed 22^d Apr.
1879

their consent. Also paid to the parties
in title, the amount of each of the above and
returned them receipts for same, to
return with the amount of two bonds for
\$217⁸⁴/₁₀₀ each, payable to order of the
Clerk of the Court from the day of filing. 1879.
There was no any loan the 8th day
of June. 1879.

J. J. Clements,
Clerk

To the Circuit Court of the County of Wright County.

Pursuant to a decree of the said Court, rendered on the 22nd. day of Octo. 1848, in the suit in Chy: then depending, in which P. H. Johnson et al: are plaintiffs: and J. Clements Exr. of Elisha Gay decd: et al: are defendants: the undersigned, Commissioner appointed by said decree reports to the Court that, after duly advertising the time and place & terms of sale as directed, he exposed to sale, at auction, before the Court house door of said County on the 6th day of Jan'y: 1849, being Court day, the real estate of which said Elisha Gay decd: seized & possessed, "being a tract of land situated in said County on the Blackwater road near Blackwater bridge, containing $1\frac{1}{4}\frac{1}{2}$ acres, more or less, bounded by the land of Mr. C. Thomas, to them as described in said decree. That at said sale Mary P. Gay, being the highest bidder, became the purchaser of said land at the price of

\$508.00

From which he deducted the costs & fees of sale, to wit:

Costs of suit taxed on the decree \$38.61

For printing hand bills of sale & recds: 3.50

" crying up land at sale " 10.00

Comm. on \$508.⁰⁰ of sale 15.00

Do. on \$208.⁰⁰ balance " 4.16 71.27

Leaving a new balance of \$436.73

For which he has taken two bonds of said

Mary P. Gay with sufficient surety, for \$217.⁸⁴ per

each, - nothing 3 435.69

Leaving in the hands of your comm. \$1.04

P. H. Johnson et al.

Copy De. of
Acct. Jan 1878.

Eliza Davis Esq et al.

Paid to

Costs of trial

Att. for days 16. 00 Paid William J. Kelly, atty,

Wm. Co. Court 10. 00 Paid J. D. Denny

Att. at Ct 10. 00 Paid J. D. Denny

Att. 3. 00 Paid J. D. Denny

General Denny 10. 00 Paid Denny

6 38. 00

from that day. And that said
Commr. before proceeding to
sell as aforesaid, advertise
the time, place & terms thereof
by written or printed notices
posted at the Court door of
said County & in the neigh-
borhood of the lands to be sold
& at several conspicuous places
in said County for at least
thirty days before the day of
sale, and otherwise to give general
notice of the sale. And said Commr.
Clements before proceeding to sell
as aforesaid, will execute before the
Clerk of the Court in his office
a bond in the penalty of \$500.00
with good personal security payable
to the Commonwealth of Virginia,
and conditioned for the faithful
execution of this decree & all other
decrees he may be required to
execute in this cause, and make
report to Court of his proceedings
under this decree.

A copy

Filed

W. A. Edwards Deft
L. F. Young & Co

5084
e. 5116

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$
 $\frac{1}{4} \times \frac{1}{4} = \frac{1}{16}$
 $\frac{1}{16} \times \frac{1}{16} = \frac{1}{256}$
 $\frac{1}{256} \times \frac{1}{256} = \frac{1}{65536}$
 $\frac{1}{65536} \times \frac{1}{65536} = \frac{1}{4294967296}$

In Isaac Wright County Cir. Ct. Court
October 22^d 1878.

Patience H. Johnson et al. Credits.
vs. The Day.

Elisha Hays Executor et al. Defts.

This cause this day came on to be again heard on the papers formerly read therein, and on the report of Commr. J. P. Yancey being a report of the estate made in pursuance of a decree of this Court pronounced at the April term thereof in the year 1878. in this cause, and was argued by counsel on consideration whereof the Court doth confirm the said report to which no exception has been filed, and doth adjudge, order and decree that Thomas J. Yancey who is hereby appointed special Commr. for that purpose present to see before the Court, doer of Isaac Wright County Va. at public auction on some Court day, the real estate of which the said Elisha Hays died seized & possessed, being a tract of lands situated in

508.	300	B
300	3	
2.08	15.00	
2 1/2	3.20	
2.16	20.20	
1.04		
5.20		

508.00
68.81
.89

T. J. Cummings Denver

1879

To. L. J. Edwards.

Dr

Jan. 6th To Orins for salary of Fish & Land \$10 00

Rec'd

L. J. Edwards

Orins

508.

88.61

350

10.00

20.25-

72.36

508.20

72.36

435.64

7-1) 217.52

300
5-

1500
5.25-

20.25-

208
2 1/2

416

104

5.20

BOOK AND JOB PRINTING, PLAIN OR COLORED, CHEAPLY EXECUTED.

SUFFOLK, Va., Dec 5th 1878
Mr Thos J Clements, Comr

CO DUNBAR & WHITLEY, Jr

PUBLISHERS OF

THE CHRISTIAN SUN.

To ad in sum vol of
Mr Gay's est. & handbills \$ 2 00
Rec'd Part of J J Clements, 1 3 50
Comr.

Dunbar & Whitley

Lemma?

Auct. sale of Land Jan 6th 1879- \$508.00

Comm. Commission on 300 ff @ 5% ch. ff 15.00

" " " 208. @ 2.2% " 5.20

Auctioneer's fee. \$10.00

Cost of. Court atty for Day. atts. Shff. & Law

Map & fee 38.61

Paid Drmbar. & Whitty Printing fee 3.50

\$72.31

\$72.31
435.69
217.84

3) 72.31

\$24.10
15.00
9.11- R. J. Davis

68.00
24.11
40.89
24.11
65.00

James H. H. H.

or { cases of
X Deere

Gay's Enr. at all

"

April 24. 1847

Jan 7 - 1847
Notes to 100 July

For a cts

Am I make a part to sent. of his claim sitting
with his about week long as to his claim
I will make take or leave necessary or find out
at 100 by
List. with. Enr. as 1847
Wm. H. H. H.

In the circuit Court of the District of Columbia
April 22nd 1879

P. H. Johnson & Sons Defts

Against in Chancery

Elisha Gay's Executors and others Defts
^{who again move}
This cause came on this day, on the
papers formally ~~ad~~ therein and on the report
of Special Comr J. A. Blumens being a
report of sale of land made in pursuance
of a decree of this Court pronounced at
the October term of the Court 1878 in this
cause and on the petition of N. B. Gay
this day filed ~~this day~~ by consent of the Court
and was argued by Council on Consideration
whereof the Court doth confirm said report
to which no exceptions has been filed and
doth adjudge order and decree that a
Comr of this Court proceed to inquire into and
ascertain the facts upon which a claim
of said petitioner N. B. Gay is based as set
forth in his said petition or any other
claim ^{that} may be known to him against
said Elisha Gay decd or his estate

Notice to creditors

Commissioners Office Isle of Wight
Court House, ~~June~~ 18th July 1879.

The creditors of Elisha Gay have been duly notified that in pursuance of an order of the Circuit Court of said county rendered in the suit of Johnson et al. vs. the personal estate of said Gay decd. et al.; I have fixed upon the 18th day of July 1879, to take & settle at my said office an account of the debts and demands against said Gay or his estate, at which time and place you are requested to attend and prove their respective demands.

Given under my hand as Commissioner of said court the day and year first above said.

A. S. Young Clerk

1879

Oct 1

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Dec 18-
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" 65-75-

Elisha Gay
in ap -
with
W. S. Chapman

all

6575-
19225-
65275-
8,5475-

Mr Elisha Gay

W. S. Chapman Dr

1873

May	23	To visit to self & Mrs	2 50
"	30	" " " " "	2 50
June	29	" pre: & Mrs: for daughter, Jane	1 00
May	18	" visit to self & Mrs	2 50
"	20	" " " " "	2 50
"	"	" 1 Porous Plaster	2 50
Augt	16	" visit to son, Toby & Mrs	2 50
"	17	" " " " "	2 50
Sept	23	" pre: & Mrs for " "	1 00
Octo	22	" " " " daughter, Jane	1 00
Nov	13	" " " " self	1 00
May	26	" " " " daughter, Jane	1 00
"	30	" visit to " " & Mrs	2 50
June	3	" " " " " "	2 50
"	4	" " " " " "	2 50
"	6	" " " " " "	2 50
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Mar	4	" " " " self	2 50
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May	11	" " " " " "	2 50
"	25	" pre: & Mrs: for "	1 00
June	1	" visit to " & Mrs	2 50
"	27	" " " " " "	2 50
July	24	" pre: & Mrs: for "	1 00
"	27	" visit to " "	2 50
Augt	10	" " " " " "	2 50

Am't Carried over

\$647 50

July 28th 1879

Mr H. P. Gormay
 Sec of W. C. H. - Va

Dear Sir - enclosed please
 find our account against Elisha
 Gay - for your consideration as
 Commissioner. I have also, a bond
 against said Gay for \$59⁶⁷ dated
 January, 1st 1867 - subject to a credit of
 \$24⁵⁰ dated May 9th 1872 - No affirmation
 to the account is necessary, as the
 administrator is aware that I
 was the family physician of deceased.
 I should have sent you my account
 sooner but did not know until a
 day or two ago that the transactions
 of the adm - had been placed in your hands.
 A. S.

Very truly yours
 W. S. Chapman

I have not calculated
 the interest on the
 account, for the reason
 that I did not know
 what interest you would
 allow

W. S. C.

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 44 32 7/8

111111-1111/3
 44 44 2 1/5

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17901	
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Johnson P. H.
n. $\frac{3}{2}$ Inch.

Sayó Ego. et als.

Report of com. Henry
under direction of Capt.
ten 1849.

Filed July 20th
1849.

Confirmed 20th
Oct 1879

of the said court, this day and
year first aforesaid.

A. P. Young Esq.

Court fee for notes,	
taking dep. sh. &	
making & returning out	\$10.00
Sh. fee	2.50
Deputy sh. fee: wts.	.50
Gay Elisha &	.50
Cert. dep. court.	\$13.50

estate and make report. Your commissioner
reports to the Court that on the ^{17th} day
of June last, he issued notices to the parties
Plaintiff & Defendants, which notices
were duly executed and returned to your
commissioner. That, notice to the creditors
said, Elisha Gay was posted at the
Court house door according to law. That
on the 18th day of July, 1849, being the day
upon which the parties were required by the
notice to appear, the said petitioner &
the deft. Clements appeared, appeared
before your commissioner & the depositions
of Charles Fuldham, Elisha E. Gay &
J. J. Clements were taken touching
the claims of said petitioner N. B. Gay -
which are herewith filed marked D. Upon
consideration of which depositions your
commissioner is of opinion that the claim
of the petitioner is just, and he recollects
the same. To enable the other parties
holding claims against said Gay or
his estate, ^{to prove their claims} the said survey & account
was continued until the date of this
report, when C. S. Chapman, having
found his claims, ^{and the being presented by} your commissioner
made the foregoing account, showing
the debts of the petitioner and other
debts proved to be \$240. 54 with
interest included on cash to 20th Oct.
1849, all of same priority & dignity.

Given under my hand as a commissioner

An account of the demand of the petitioner
or Nathaniel B. Gay, and of the demands of
other creditors of Elisha Gay decd.

Claim of the petitioners for Interest thereon from 1 st of Jan'y. 1844 to 20. Octo. 1849	45 00			
A Bond due to Wm. S. Approved on 1 st Aug. 1847. for \$50. 00 subject to a credit of \$24. 50 as of the 9 th May 1847. Leaving a bal. on that day of	54 36			
Int. on said bal. to 20. Octo. 1849	24 29	8	65	
An account due same	64 75			
Int. thereon from 1. Octo. 1849	8 55	4	30	
			240	57

Commissioner's Office, Ashcroft, N.H.
 Southwestern July 29th 1849.
 To the Circuit Court of said county.
 Pursuant to a decree of the said
 court rendered at the Phil. Term 1849,
 in the suit in Chancery therein pending
 between P. A. Johnson, Pettr. and Thos. J.
 Clements Exor. of Elisha Gay Decd: at
 al: depts: directing a commissioner of
 the court to enquire into the facts
 upon which the claim of the petitioner
 A. P. Gay is based, or any other claim
 that may be known to your commissioner
 against said Elisha Gay decd: or his

1879; to Wm J. Schafeman \$74.35
 with interest as per above names
 on \$45.75 past due, and that
 said Commissioner Clements make
 report to court of his proceedings
 under this decree and file therein
 the receipts for all payments he
 may make hereunder, and make
 to said Wm J. Gay after payment
 of said notes in full, a deed with
 special warranty in the name
 from conveying to her the real estate
 purchased by her under proceedings
 had in this cause.

Acopy

add: att. July 10. 00 Debt

Do. cts. " " 3.46
 Do. cont. " " 10.00
 Do. diff. " " 2.50
 Wm. Schafeman 1875: .58
 Wm. J. Gay " " .58
 32.12

Wm. J. Gay, Clerk of the

John P. St. Charles

in Aug
 Copy Decm

Goye C. Fox & Co

Oct. 1879

his judgment lien, And that said
commissioner (Thos. J. Clements) pay
out and distribute the residue of the
proceeds of said Bonds together with
the balance of \$1.04 in his hands as
appears by said Report of sale and
the sum of \$27.15 in his hands as
Executor of Elisha Gay with interest
thereon from the 25th day of March
1878, pro rata to and among the
creditors of said Elisha Gay deceased
whose claims have been proven in
this cause as follows to wit; To A.
W. Ballards Executor, whose claim
amounts to \$329.32, with interest
on \$159.61, past thereof from 20th
day of Oct-1878; to W. L. Watkins
Dec. \$12.90 with interest on \$11.90
past thereof as above, to P. J. Clements
\$6.03 with interest on \$5.47 past
thereof as above; to Napoleon B. Gay
\$87.62 with interest on \$75.00 past
thereof from the 20th day of October

and take of him a receipt for the two Bonds of Mary P. Gay each for the sum of \$217.84½ with R. J. Davis, Napoleon B. Gay, Elisha E. Gay and Charles Pulgham as her securities filed with the Report of said sale in this cause on the 3rd day of March 1879, and payable to said Commissioner, Clements, six and twelve months after the date thereof with interest from date and dated the 6th day of January 1879, and that said Commissioner (Thos. J. Clements) proceed to collect the said Bonds and out of the proceeds pay first all unpaid costs ^{of this cause,} including a fee of \$15⁰⁰ for the defendants attorney to a final decree to be taxed by the clerk of this court, and pay out of the residue in full to P. H. Johnson the Plaintiff, the sum of \$173.31 with interest on \$99.25 part thereof from the 20th day of October 1878 till paid being the amount of

In the Circuit Court of Superior
County - October 20th 1879.

P. H. Johnson et als. Plffs.
vs Indy.

J. Clements et als Exor &c. Defts.

This cause came on this day to
be again heard on the papers formerly
read therein and on the Report of Com-
missioner A. P. Young, being a further
Report of debts filed in this cause
on the 30th day of July 1879 and on
the examinations of witnesses filed with
said Report, and was argued by coun-
sel. On consideration whereof the court
doth confirm the said Report to which
no exception has been filed and doth
adjudge, order and decree that (thos J.
Clements, the commissioner who made
sale of the real estate of Elisha Gay
deceased under proceedings had in
this cause, receive of the clerk of this
court who will deliver to him and

Recd March. 2 1881 of T. J. Clements
Special Comr. Sale of the Elsie
Gay Land. Suit styled R. J. Thomson
vs. J. J. Gay & Co. Forty Dollars & Twenty
five Cents in full of my claim & a
said receipt.

\$40. ²/₁₀₀
(Paid)

R. J. Davis

Wm
T. J. Gay
Mark

Recd July 11th 1880 of J. J. Clements special
commr. Sale of The Land belonging to
the Estate of Elisha Gay deceased, under a
warrant issued R. H. Johnson & others vs.
Elisha Gay. Exrs. Fifty eight cents each as
witnesses in favor of N. B. Gay vs. Said
deceased Estate Total amt \$11.16

To wit
R. H. Davis,

Charles ^{W. H.} Johnson
vs.
E. Gay
Exrs.

1880 Jan. 5th. Received of Thos. J.
Clements fifteen dollars fee
for ~~for~~ me as attorney for
defendants in case of P.
H. Johnson vs. Elisha Gay's
Admr. Sal. in Isle of Wight
County ~~Cour~~ Circuit Court
\$15⁰⁰ Wilbur J. Kilby
Attorney

1880 Jan. 5th. Received of Thos.
J. Clements Comr. Ninety eight
dollars in part of a judg-
ment in favor of P. H. John-
son against Elisha Gay
\$98⁰⁰ Wilbur J. Kilby
Atty.
15
113

83
98

181.00

Received of Thos. J. Clements Court,
Eighty three dollars balance
in free of judgment against
Elisha Gay in favor of Patrick
H. Johnson docketed in Isle
of Wight County.
\$83 ⁰⁰/₁₀₀

Wilbur J. Kilby
Atty. for P. H. Johnson

1880 May 3d.

October term, 1879, he has been
 directed to pay out of the
 funds which may come into
 his hands by virtue of the said
 last named decree and that
 he, allowing and paying to
 said J. W. Deek on his claim
 aforesaid the same pro rata
 share in the distribution
 of said funds as to the other
 creditors of said Olisha Bay,
 except, after the payment in full
 of the judgment of Patrick
 St. Johnsen.

A copy Teste.

W. A. Edwards D.C.

Date of Partition 12. Apr. 1880

Abb. fee 2.85

Comm. 5.00
 27.85

for H. P. Younger

Johnson & Co.
 3 copies Dec.
 10-11 Apr. 1880

George's Office

W. A. Edwards

In the Circuit Court of Islip.
Wright County - April 21st 1880

P. H. Johnson &c.

Comptes

v. $\frac{3}{4}$ In Chy. Aspy Dec.

Elisba Gay's Exrs. & als.

Defts

This cause came on this
day to be again heard on
the papers formerly read therein
and on the petition of I. W. Dreck
(a creditor of said Elisba
Gay decd.) filed on the 5th of Apr.
A.D. 1880, and was argued
by counsel, on consideration
whereof, the Court doth adjudge,
order and decree that the
claim of I. W. Dreck petitioner
of \$25²⁹/₁₀₀ with int. on \$105⁹⁹/₁₀₀ part
thereof from 1st Decr. 1879.
being paid. be, and the same
is hereby allowed as a good &
valid claim against the estate
of said Elisba Gay decd. and
that Thomas J. Clements Comr.
in the cause, include said
claim of I. W. Dreck petitioner
in the list of Debts which by
decree in this cause of - the

Johnson P. H. et als.
vs. $\frac{2}{3}$ In Chap.

Gay's Exor. et als.

Report of collections
& payments by com.
T. J. Clements, under
decree of Octo. 1879
& April 1880.

Filed 21. April 1881.
=

Confirmed 20th.
April 1882

To the Circuit Court of Isle of Wight county.

Your commissioner acting under and in pursuance of the decrees of the October term, 1879, and April term, 1880, in the suit of P. H. Johnson vs. the Executor of Elisha Gay dec. et al. pending in said court, respectfully reports to the court that he has made the collections and payments required to be made by him under said decrees as will be seen by the foregoing statement A and the receipts of the parties attached, thereunder written & other certificates.

Given under my hand this 21 day of April, 1881.

Wm. H. Bennett Commissioner

By amt. for distribution but on

272 39

Amt. debt. Per cent.

To Amt. debt due S. W.

Ballard's Ep. with amt. \$350 17 143 71 V

To Dr. Dr. M. & W. W. H. Co. \$1445 6 26 V

To Dr. Dr. J. J. Clements \$ 5 74 2 92 V

To Dr. Dr. A. B. Gay \$9742 40 21 V

To Dr. Dr. W. S. Chapman \$85 75 35 15 V

To Dr. Dr. Same \$82 88 33 90 V

To Dr. Dr. I. W. Duck \$25 98 10 24 V

\$663 39 272 39 \$272 39

The undersigned, creditors of Elisha Gay
decd., and others entitled to distribution and
payments as shown by the foregoing state-
ment, acknowledge to have received from
J. J. Clements commissioneer, the amt. due
and respective shares.

Wilbur J. Kilby Atty. for W. S. Chapman \$ 35 15

Wilbur J. Kilby Atty. for Same 33 90

Wilbur J. Kilby Atty. for I. W. Duck 10 24

J. A. H. & T. King heirs. Rights of wife & M. S. 143 71

The widow of A. M. Ballard

deceased

Teste.

J. E. Kellogg

M. & W. W. H. Co.

6 26

J. J. Clements

2 92

A. B. Gay

40 21

A. P. Young clk.

5 31

A. P. Young count.

18 00

L. O. Ballard off

2 50

A statement of the amount of assets in the hands of Thomas J. Clements commissioner in the suit of P. H. Johnson et al. vs. Elisha Gay's Executor et al. and of the distribution thereof under decrees of the circuit court of Isle of Wight county, of Octo. term, 1879, and April term, 1880. To wit:

1880

May 4	By this acct. on the two bonds of Mary P. Gay each for \$217.84 each, with interest from the 1 st day of January, 1879, on each	461 70	
	To paid W. J. Kilby atty. for plff. P. H. Johnson the amt. of his debt of \$173.31 with interest on \$99.25 from thereof from 20 th Octo. 1878.	✓ 181 00	
		280 70	
	By this acct. left in the hands of Comm. for cash	1 04	
	" this acct. from T. J. Clements Exor. of Elisha Gay decd.	27 15	
	" Interest thereon from the 20 th day of March 1878	3 47	
	To paid addl. atty. fee for def.	✓ 15 00	312 36
	To paid addl. Clerk's fees	6 31 ✓	
	" " " Shff. "	2 50 ✓	
	" " " Court. in Chy. "	15 00 ✓	
	" " Chs. Fulgham writings	58 Paid ✓	
	" " E. E. Gay "	58 Paid ✓	
	" Bal. for general distribution	272 39	
		✓ 312 36	312 36

\$13,215 in Hardy's hands

and, if sold, the ~~for~~ amount of the proceeds thereof now in hand.

2. An account of the real estate of which said Elisha Gay (Testator) died seised and possessed, shewing its fee-simple and annual values, and whether Mary P. Gay, widow of said Testator is entitled to dower therein.

3. An account of the claim of the Plaintiff, Patrick H. Johnson, shewing whether the same be a lien on said real estate, and of all other claims that may be liens on said real estate according to their respective priorities.

4. An account of all other debts due by said Testator, Elisha Gay, or his estate according to their priorities.

5. An account shewing who the devisees of said Gay are under his said will.

And said Commissioner will make report to Court of his proceedings under this decree together with such other matters as he or any of the parties to this cause may deem pertinent or may require to be stated.

Johnson & Co.

vs.

Gay & als.

Isle of Wight County

Superior Court

April Term 1878.

Decree

To be entered.

Geo. B. Sloan

Entered 20

P. H. Johnson Jr

vs,

Gay & als.

This cause came on this day to be heard on the Bill of the Complainant taken for confessed as to the adult defendants, on whom process had been duly executed, they still failing to appear and answer, and on the Exhibits filed with said Bill and on the answer of the infant defendant, ^{Elisha E. Gay} by W. P. Young, his guardian ad litem with general replication and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court after having given notice to the parties to this cause, proceed to take and settle at his office the following accounts:

1 An Account of the transactions of T. J. Clements, Executor of the last will and Testament of Elisha Gay deceased, shewing the personal estate and effects ^{of said Elisha Gay} received by him, what disposition has been made of the same

P. H. Johnson &c,
vs. } Chy.
Gay's Ex'or. Jal

Oct. Term 1878
Sale of Wright Cir. Ct.
Decree
To be entered.
Geo. B. Blod.

Entered 24

sale ~~for at least thirty days~~ by
written or printed notices posted
at the Courthouse door of said
County and in the neighborhood of
the ~~place~~^{land} to be sold and at several
conspicuous places in said County
for at least thirty days before the
day of sale, and otherwise to give
general notice of the sale.

And said Commissioner Clements
before proceeding to sell as aforesaid,
will execute before the Clerk of this
Court in his office, a Bond in the
penalty of ^{with good personal security} \$600, payable to the
Commonwealth of Virginia and
conditioned for the faithful ex-
ecution of this decree and
all other decrees he may be
required to execute in this cause,
and make report to Court of
his proceedings under this decree.

one hundred and seventy-four and one-half acres, more or less and bounded by the lands of John C. Thomas, Charles Fulgham and H. T. Morris, and that said Commissioner Clements sell said land subject to the dower therein of Mary P. Gay, widow of said Elisha Gay deceased, and ~~for~~ ~~as~~ on a credit of six and twelve months, except as to a sufficient part of the purchase money to pay the costs of this suit and the expenses of the sale, which said Commissioner, will require, in cash and apply in payment of said costs and expenses and for the residue of the purchase money, will take of the purchaser of the said land two separate Bonds, with good personal security, waiving the benefit of the homestead exemption and payable to himself, six and twelve months from and after the day of sale with interest from that day. And that said Commissioner before proceeding to sell as aforesaid, advertise the time, place and terms of

Patrick H. Johnson &c.

^{vs.}
Elisha Gay's Executor &als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner, A. P. Young, being a Report of debts &c. made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1878 in this cause, and was argued by counsel,

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree that Thomas J. Elements, who is hereby appointed Special Commissioner for that purpose, proceed to sell before the Courthouse door of Isle of Wight County, Va. at public auction on some court day, the real estate of which ^{said} Elisha Gay died seized and possessed, being a tract of land situated in said county on the Blackwater road and near Blackwater River Bridge, and containing

P. H. Johnson
vs. } chy.
Elisha Gay's Ex'or & al

Isle of Wight County
Circuit Court
April Term 1879

Decree
To be entered

Geo. B. Snow.

Entered 23

P. H. Johnson &c

vs.

Elisba Gay's Exors &c.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner, Thos. J. Clements, being a Report of sale of land made in pursuance of a decree of this Court pronounced at the October Term thereof in the year 1878 ~~and~~ in this cause and on the Petition of A. B. Gay this day filed by consent of Court and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree that the Commissioner of this Court proceed to inquire into and ascertain the facts upon which the claim of said Petitioner, A. B. Gay is based, as set forth in his said Petition, ^{or any other claims that may be made by him or his} against said Elisba Gay deceased or his estate and make Report to Court ^{of said claim} ~~thereof~~ filing with his Report such proof as to said claim as he may think, or deem necessary or pertinent.

make report to Court of his pro-
ceedings under this deed and
file ~~therein~~ the receipts ~~for~~ all
payments he may make hereun-
der. and make to said Mary
D. Gay after payment of said Bonds
in full, a deed with special war-
ranty in the usual form con-
veying to her the real estate here-
shaded by her under proceedings
had in this cause

Johnson
vs.
Gay

Oct Term 1879

To be entered

Geo. B. Stone

Entered

X^a
1

and the sum of \$27.15 in his hands as Executor of Elisha Gay with interest thereon from the 2nd day of March 1878, pro rata to and among the creditors of said Elisha Gay deceased whose claims have been proven in this cause as follows: to wit: To A. W. Ballard's Executor, whose claim amounts to \$329.32, ~~with interest to M. L. Watkins & Co. whose claim amounts to \$12.90, and to Thos. J. Clements, whose claim amounts to \$6.03 with interest on each sum~~ with interest on \$159.61 part thereof from 20th. October 1878; to M. L. Watkins & Co. \$12.90 with interest on \$11.90 part thereof as above, to T. J. Clements \$6.03 with interest on \$5.47 part thereof as above; to Napoleon B. Gay \$87.62 with interest on \$75. part thereof from the 20th. day of October 1879; to W^m S. Chapman \$78.65 with interest on \$54.36 part thereof from the 20th. day of October 1879, and to W^m S. Chapman \$74.30 with interest as last above-named on \$65.75 part thereof, and that said Commissioner Clements

Fulgham as her securities filed
with the Refut of said sale in
this cause on the 3d. day of
March 1879 and payable to
said Commissioner, Clements,
six and twelve months after
the date thereof with interest
from date and dated the 6th,
day of January 1879, and that
said Commissioner Thos. J. Clem-
ents proceed to collect the said
Bonds and out of the proceeds
pay first all unpaid costs
^{including a fee of \$15.00 for the defendants' attorney}
of this cause, to a final de-
cree to be taxed by the Clerk
of this Court, and pay
~~the~~ out of the residue in full to
P. H. Johnson the Plaintiff, the
sum of \$173.31 with interest on
\$99.25 part thereof from the 20th
day of October 1878 till paid being
the amount of his judgment
lien, and that said Commis-
sioner Thos. J. Clements ^{out and distribute} pay the
residue of the proceeds of said
Bonds together with the balance
of \$1.04 in his hands as ap-
pears by ~~his~~ said Refut of sale

Johnson P. H.

N.

Gay's Exor. & al.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Commissioner N. P. Young, being a further Report of debts filed in this cause on the 30th. day of July 1879 and on the examinations of witnesses filed with said Report, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge order and decree that Thos. J. Clements, the Commissioner who made sale of the real estate of Elisha Gay deceased under proceedings had in this cause, receive of the Clerk of this Court who will deliver to him and take of him a receipt for, the two Bonds of Mary P. Gay each for the sum of \$217.84 1/2 with R. J. Davis, Nathaniel B. Gay, Elisha E. Gay and Chas.

the year 1879, he has been directed
to pay out of the funds which
may come into his ^{hands} by notice, ~~and~~
of said last named decree ~~and~~
~~allowing~~ ~~and~~ paying to said
J. W. Dick on his claim above =
said the same pro rata share
in the ~~aided~~ ^{aiding} ~~aiding~~ ~~aiding~~
~~and~~ ~~aiding~~ ~~aiding~~ of said funds as
to the other creditors of said Eliza
Gay, except after the payment ~~at~~
in full of the judgment of Patrick
H. Johnson

Johnson &c

vs

Gay's Ex'or. &c

Aft. Term 1880

Decree

To be entered

Geo. B. Shaw,

(Entered &)

Johnson &c

vs.

Gay's Ex'or &al.

This cause came on this day to be again heard on the papers formerly read therein and on the Petition of J. W. Duck, (a creditor of said Elisha Gay deceased), filed on the 5th day of April A.D. 1880, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the claim of said J. W. Duck, ^{Petitioner,} ~~Ex'or~~ of ~~the~~ twenty five and $29/100$ dollars with interest on \$10.99 part thereof from the 10th day of December 1879 till paid, be and the same is hereby allowed as a good and valid claim against ~~said~~ the estate of said Elisha Gay deceased, and that Thos. J. Clements, Commissioner in this cause, include said claim of J. W. Duck, Petitioner, in the list of debts, which by decree in this cause of the ~~April~~ ^{October} Term of this Court in

P. H. Johnson & al
vs. } In Chy.
Gay's Ex'or & al

Judge of Wright County
Circuit Court

20th April 1882

Final decree

To be entered

Geo. B. Sloan, J.

Entered

30.

P. H. Johnson & al.

vs.

Gay's Ex'or. & al.

This cause came on this day to be again heard on the papers formerly read therein and on the ~~the~~ Report of collections and distributions as made by Thos. J. Clements Commissioner filed the 21st. day of April A.D. 1881 and was argued by counsel.

On consideration whereof the Court doth confirm the above-mentioned report to which no exception has been filed and doth adjudge order and decree that the proceedings had in this cause be and they are hereby declared to be final and binding between the parties, and nothing more remaining to be done in this cause, doth order that it be, and it is hereby removed from the docket.

In the County Court of Seabright
County the 3^d day of September 1877.
The last will and testament of
Elisha May decd. was proved by the
oath of J. J. Clements & Emanuel
Turner two of the witnesses and same
to be recorded.

Teste

J. P. Young att.

Attest

Teste

W. A. Edwards D. C.

China says will

at copy

"Exhibit A"

In the name of God Amen, I
Elisha Gay, of the County of Ashcroft
and State of Va., being of sound
mind, but very infirm in body, do
hereby ordain this paper and writing
to be my last will and testament, &
revoking all others if any by me made.
Item 1st. I do hereby ordain & desire my
just debts to be paid.

Item 2^d. I do hereby give and bequeath unto
my 2 sons Napoleon J. Gay & Elisha E. Gay an
of my real and personal est. to them and
to their heirs forever, by the said Napoleon
J. Gay and Elisha E. Gay taking care of,
and providing for my wife their
mother Mary Gay during her life time,
and it is hereby expressly understood
that in the event they fail to comply
with this condition, this item 2^d of
gift shall be null and void.

I do hereby constitute and appoint
Thomas J. Clements my whole sole
executor. Witness my hand and
seal in the presence of the subscribing
witnesses, this 18th April 1877.

Witnesses

Elisha ^{his} Gay

J. Clements

Amos J. Turner

Carrie A. Clements

Johnson P. S.

vs. Z. Chy.

Gay et al.

Cust. of Chm. co's gulph.
as Rep. of B. Gay.

Cobb.

"Exhibit B."

In the County Court of Sale of Maglar County
November 5th 1847.

On the motion of Thomas J. Clements, who
made oath and together with A. P. Young and
John C. Thomas his securities, who testified,
entered into and acknowledged a bond in
the penalty of two hundred dollars, with
condition according to law, certificate of
probate is granted him on the 10th of
October 1847.
Attest. Clerk.

A. P. Young att^{est}

Johnson P. A.

v. $\frac{3}{4}$ Chap.

Gay et al.

Cert. of quantity
of C. Gay's bond

E. C. C.

"Exhibit C."

I, J. P. Young Clerk of said Allegany County Court
do certify that there is charge on the Land
book of said County for the 18th of
Elisha Taylor in gr. 174 1/2 acres of land
valued at \$480.00 and described as
lying on "Black Water Road."

Given under my hand this 19th
day of Nov. 1847.

(J. P. Young Clk.)
)

Johnson P. V.

vs. $\frac{2}{3}$ Chap.

Gag S.

Copy Bond upon
which suit was
instituted & judgment
rendered &c.

Exct.

"^p Exhibit D."

\$99.²⁵/₁₀₀

One day after date and for value received I
promise to pay or cause to be paid unto Patrick
H. Johnson or bearer, the just and full sum of Ninety
Nine Dollars and twenty five cents. For the true
payment of which I bind myself, my heirs, executors
& administrators and assigns, firmly by these
present. Witness my hand and seal this 10th day
of August 1864.

Witness

John H. Zealor

Elisha Gay (seal)

The above is a copy of the bond upon which
suit was brought & judgment rendered for
said P. H. Johnson v. said Elisha Gay, in
the Circuit Court of Isle of Wight County, the
29th day of May, 1864.

Teste

J. P. Young Clerk

I, M. P. Gray, clerk of the county court of Shelby County, do
certify that the within judgment of P. H. Johnson, against Elisha
Gay was docketed in the judgment docket of said county
on the 4th day of June 1874.

Given under my hand this 19th Nov. 1874.
M. P. Gray clk.

Johnson P. H.

vs.
Chf.

Elisha Gay

Costly judgment & cost of
it being docketed

Costly

"
Exhibit &c."

VIRGINIA:

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, *May 29th* 187*4*

Patrick H. Johnson

, Plaintiffs,

against

Elisha Gay

Defendants.

Judgment was granted the Plaintiff against the Defendant for the sum of
Twenty Nine Dollars and *twenty five* cents,
with interest thereon, to be computed after the rate of *6* per centum per annum,
from the *11th* day of *August*, 18*67*, till payment.

and the costs.

Plaintiff's costs, \$ *7.40*

An Extract.

Teste:

A. S. Young

Clerk.

The Sheriff will suspend this execution
till further orders. Augt. 3^d 1874.

J. W. Bealor
Agt. for the plaintiff

Cit. Ct. p. 15.
P. H. Johnson
vs } copy of Tifa. +
 } Sheriff's Return

Elisha Gay
To Augt. 1874
Gilbey & Son per

Suspended by order
of Plaintiff. Augt.
3^d 1874.
L. J. Edwards Shff

Attor & Tax \$ 3.50
clk. fees — 3.40
Shff " \$ ⁵⁰7.⁴⁰

"Exhibit F."

The Commonwealth of Virginia,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT—GREETING:

We command you that of the goods and chattels of Elisha Gay

late in your bailiwick. you cause to be made the sum of Ninety nine dollars & twenty five
Cents with interest thereon from the 11th day
of August 1867, the payment, which
Patrick H. Johnson

lately in our Circuit Court of the County of Isle of Wight, recovered against him
for debt, also the sum of Seven Dollars and 40^c Cents,
which to the said Johnson in the same Court were adjudged
for his damages, as well by reason of detaining the said debt, as for
cost in that suit expended, whereof said Gay is convicted as appears to us
of record; and that you have the said debt and damages before the Judge of our Circuit
Court, at the Courthouse, on the first Monday in August next, to render unto the
said P. H. Johnson of the debt and damages aforesaid.
And have then there this writ

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, this 2nd day of

June A. D. 1874, and in the 98th year of the Commonwealth.

a copy

W. A. Edwards D.C.

N. P. Young clk.

Charles Gay

#10,99

~~\$10.99~~

On demand I am man this after date
with in trust from date in the subscribers
and each of us did bind our selves our
heirs Ex^{ors} adm^{rs} &c to pay or cause to be paid
unto John W. Duck Trustee for Robt. D
Marshall his heirs or assigns the just and
full sum of ten dollars and ninety nine
cents good and lawful money of
Virginia for value received. given under
our hands and seals this 10th day of
Dec^r 1837

Test

Ja^s W. Corbitt

Elwth Seal
Wm. J. Beaton Seal
Seal

Elisha Gay to J. W. Duck.

To amt. of Bond
" Int. from 10 Dec. 1857 to
10 Dec. 1879 - 22 years.

\$	10	99
	14	30
\$	25	29

Johnson P. H. et al.

copy of
Annals. 1811

copy of Error. et al.

copy of

Know all Men by these Presents, That we T. J. Clements

and M. P. Young
are held and firmly bound unto the Commonwealth of Virginia in the sum of six
Hundred 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 4th day of November
in the year of our Lord, one thousand eight hundred and seventy eight

The Condition of the above Obligation is such, That whereas, by a Decree of the Circuit
Court of Isle of Wight County, pronounced on the 22^d day of October
in a cause depending in the said Court, in which Eliza H. Johnson
et al.

Plaintiff, and

Eliza Hays Exor. et al.

Defendant, the

above bound

T. J. Clements

was appointed a special

Commissioner to

sell the land of Eliza Hays decd:
in the proceedings mentioned, and
report of his proceedings to court
etc.

Now, if the above bound T. J. Clements shall faithfully discharge
his duties as Commissioner under the said Decree, or any future Decree in said cause, then the above
Obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

T. J. Clements

[SEAL.]

M. P. Young

[SEAL.]

[SEAL.]

In the Clerk's Office of the Circuit Court
of Isle of Wight County, this 4th day of
Nov. 1878. This Bond was signed and
acknowledged by the obligors and
admitted to record.

Attest

John W. Edwards

Recorder

M. P. Young

Johnson P. H. star,
Corr. Card

Gary's Corr. card

Star. H. 1878,
red. card

Records in air, et.
Bonds Books, p. 50.
used a copy filed
in Chap. papers

Know all Men by these Presents, That we *T. J. Clements*
and A. P. Young

are held and firmly bound unto the Commonwealth of Virginia in the sum of *Six*
Hundred 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 *4th* day of *October*
in the year of our Lord, one thousand eight hundred and *seventy eight*

The Condition of the above Obligation is such, That whereas, by a Decree of the Circuit
Court of Isle of Wight County, pronounced on the *22^d* day of *October*
in a cause depending in the said Court, in which *Patricia H. Johnson*
et al

Plaintiff, and

Elisha Bay's Exor. et al Defendant, the

above bound *T. J. Clements* was appointed a special

Commissioner to *see the lands of Elisha Bay decd.*
in the several dees mentioned, make
report of his proceedings to Court
&c

Now, if the above bound *T. J. Clements* shall faithfully discharge
his duties as Commissioner under the said Decree, or any future Decree in said cause, then the above
Obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

T. J. Clements [SEAL.]

A. P. Young [SEAL.]

In the Clerk's office of the Circuit Court [SEAL.]
of Isle of Wight County, the *14th* day of *Nov.*
1878 this bond was signed & acknowledged by
its obligors & admitted to record.

Teste A. P. Young

Johnson D. H.

vs. $\left\{ \begin{array}{l} \text{Court} \\ \text{notice} \end{array} \right.$

Gay's Ego. talr.
To 18th July 1879.

Received by delivery
to J. Clements, Mary
D. Gay, Mrs. Gay
Eliza E. Gay and
W. D. Kelly, atts for
D. H. Johnson a true
(copy of the written
notice July
1879-

L. D. Edmund
Shiff

Acknowledged legal service of the
written notice, William D. Kelly
att. for the plaintiff.

Commissioner's Office,

Isle of Wight Co. Va., *June 7th* 1879.

To *Patrick D. Johnson* being for himself
and others creditors of *Elisha Gay* decd.

Plaintiffs,

and to *Thomas D. Clements* Executor of *Elisha Gay*
decd; *Mary C. Gay* widow of *Elisha Gay* decd.
Napoleon B. Gay & *Elisha C. Gay*

Defendants :

You are hereby notified that I have fixed upon the *18th* day
of *July*, 1879, to take and settle, at my office aforesaid.
the following accounts, to wit: *To enquire into and ascertain*
the facts upon which a claim of said
petitioner N. B. Gay is based as set forth
in his said petition or any other claim
that may be brought in against said
Elisha Gay decd or his estate.

Required to be taken by a decree of the Circuit Court of Isle of Wight County, ren-
dered on the *22nd* day of *April*, 1879, in a suit in
Chancery depending in the 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 a Commissioner in Chancery of said Court, the day
and year first aforesaid.

A. B. Young

Commissioner.