1899-001 Chancery Causes: John M. Gay, for & c Vs Maggie I. Gay, admx of James A. Gay & al
Isle of Wight County

other surnames: Baily, Bailey [Oberndorfer & Company], Oberndorfer [Farmers Bank of Nansemond], Folk Younger, Thomas Barrett, Darden [Whitley & Darden], [Warren & Guy] Whitley, Warren Guy, Ferrant [J. L. Ferrant & Company], Eley, Beaton

Jno. M. Ray

vs

J. S. Ray's Admx. et. als.

Bill of Complaint

3d August rules 1898
Bill retributo filed. R.E. Boykin
a/s Pl. gen. ad litem. Infants answer
filed - de nisi

1st September rules 1898
Bill taking for confessed
and cause set for hearing
Sept 7th 1898 de for oct.
Oct 24th 1898 Conf. rest.
to all. and adt

Feby. 8th 1899
Reversed and rd

March 1st 1899
Conf. rest. as to all called &
Cause rd.

Oct. Term 1899 Final

Your orator says that there are two farms, one at or near Windsor on which the said widow and her children live, and the other adjoins the lands of Mary J.Effimoff, W.J.Saunders, George Stephenson and others, and contains I60 acres, more or less. Your orator thinks that the sale of the latter will enable the said administratrix to pay off all the debts.

For as much as your orator is remediless, save in this honorable court where such matters are alone and properly cognizable, he prays that Maggie I.Gay administratrix of James S.Gay deceased, Maggie I. Gay, Leland I.Gay and James A.Gay, the last two are infants under the age of twenty one years, be made parties defendants to this bill, and required to answer the same, and answer on oath is hereby expressly waived, that a proper guardian ad litem may be appointed to defend the said infant defendants in this cause, that an account of the debts outstanding and unpaid against the estate of said James S.Gay deceased may be taken, stated and reported to court, that an account of the doings and transactions of said administratrix may be taken, that your complainants debts may be paid him, that the said I60 acre farm may be sold and the proceeds arising from the sale, or a sufficient part thereof, may be applied to the payment of debts, that all such other, further and general relief may be afforded your orator as the nature of his case may require or as to equity and good conscience may seem meet. And he will ever pray &c.

Wm.S.Holland, p.q.

John M. Gay.

In the Circuit Court of Isle of Wight County, Virginia:

Jno.M.Gay,

vs.

Maggie I.Gay administratrix of James S.Gay deceased. Maggie I.Gay, Leland I.Gay and James A.Gay, the last two being infants under the age of 2I years.

Your orator Jno.M.Gay who sues for the benefit of himself and all other creditors of the said James S.Gay who may come in and contribute to the costs of this suit, humbly complaining, shows to the court:

That said James S.Gay departed this life intestate on or about June 24th I898 leaving him surviving, a widow, Maggie I.Gay and two children, namely, Leland I.Gay and James A.Gay, infants under the age of twenty one years, his only heirs at law; and seized and possessed of two farms in the county of Isle of Wight and some small personal estate.

Your orator further shows to the court that the estate of the said James S.Gay is justly indebted to him in the sum of $203.23 on an open account which was assigned to your orator by David Baily of Petersburg, Virginia; and in the sum of $53.9I on an open account assigned to your orator by Obendorfer & Co. of the city of Norfolk, Virginia; and the sum of $I65.00 on account of a note, containing a waiver of the Homestead Exemption, assigned to your orator by the Farmers Bank of Nansemond; and in the sum of$225.00 on account of a note containing a waiver of the Homestead Exemption assigned to your orator by the Farmers Bank of Nansemond, all which debts are justly due and payable, and no part of which has ever been paid, said open accounts and notes are herewith filed as exhibits, marked, respectively, "A" "B" "C" & "D" and prayed to be read as a part of this bill.

Your orator says, that so far as he is advised the said estate is solvent, but he is intelligently informed, in fact knows, that the personal estate will not pay off and satisfy the indebtedness, and your orator is advised that he has a right to subject the real estate of said intestate to the payment of your orator debts.

Ray's Admr. et als

ads

Jno. M. Ray.

Answer of Maggie L. Ray Admx &c and in her own right

Filed August 13th 1898

The answer of Maggie I.Gay administratrix of James S.Gay deceased, and in her own right, to a bill in equity exhibited against herself and others, in the Circuit Court of Isle of Wight County, Virginia; by John M.Gay.

This respondent reserving to herself the benefit of all exception to the many errors, inaccuacies and uncertainties in the said bill of complaint contained, for answer thereto, or to so much thereof, as she is advised it is material for her to answer, answering, says:

That she admits that her late husband, the said James S. Gay, died intestate, owing debts, and owning property as alleged in the bill.

This respondent says she knows the personal estate of her said husband will not pay his debts in full, and that she is very anxious to retain for herself and her children the farm and home whereon she now lives at or near Windsor, that she is willing for the I60 acre tract adjoining the lands of Stephenson, Saunders, Effinoff and others to be sold, and she hopes that it, in addition to the personal estate, will pay all debts.

This respondent in her own individual right says that she is willing to accept in lieu of her dower in said tract of land a sum of money be to ascertained by the rule laid down in section 2281-2 & 3 of the code of Virginia I887, and is willing to unite with the commissioner of the Court in a deed to the perchaser of said land when sold, she is willing so to do, because she knows that if her dower is assigned her in kind, and the land is sold subject thereto, that the price of the same would be very materially reduced.

This respondent having fully answerer prays to be hence dismissed with her costs in this behalf expended, and, she will ever pray &c.

Maggie I. Gay, Admx. of J.S. Gay dec'd.

Maggie I. Gay

Form No. 35.

J. S. Kay's admr. et als.

adv.

ANSWER
OF
INFANT DEFENDANT.

Jno. M. Kay

Filed August 13th 1898

Everett Waddey Co.,
Stationers and Printers.
Richmond, Va. Form No. 35.

In the Circuit Court for the County of Isle of Wight,

to wit:

THE ANSWER OF Leland T. Gay and James A. Gay

infants under the age of twenty-one years, by R. E. Boykin guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against them and others in the Circuit Court for the County of Isle of Wight, by John M. Gay ~~and others~~.

The respondents, reserving to themselves the benefit of all just exceptions to the said bill, for answer thereto, answering by said guardian *ad litem*, say that they are infants of tender years, and by reason of such disability are incapable of understanding, or of taking care of their rights and interests, they therefore commend the same to the protection of the court, and prays that no decree may be pronounced which will tend to their prejudice.

And having answered, the respondents pray to be hence dismissed with their reasonable costs, in this behalf expended; and they will ever pray, &c.

R. E. Boykin Guardian *ad litem*.

Wm S. Holland p. d.

OF } ss.

This day, R. E. Boykin guardian ad litem, whose name is signed to the foregoing answer, personally appeared before me Geo. R. Atkinson a commissioner for the Circuit Court for the County of Isle of Wight in the State of Virginia, and made oath that the statements made therein, so far as they depend upon his own knowledge, are true, and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this 12th day of August 1898

Geo R Atkinson
Comm in Chy

Form No. 300½.

Jno M. Gay et als

vs. { SUBPOENA IN CHANCERY.

Maggie S. Gay admx etals

Wm S. Holland *p. q.*

To 3rd August *Rules.*

Circuit *Court.*

I hereby accept service of this process and waive service hereof by an officer.

Aug. 15th 1898.

Maggie S. Gay

Maggie S. Gay

Admx. of Jas. S. Gay deceased

Everett Waddey Co., Stationers and Printers, Richmond, Va. } Form No. 300½.

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight Greeting:

WE COMMAND YOU, That you summon Maggie I. Gay administratrix of James L. Gay dec'd. Maggie I. Gay, Leland I. Gay and Jamie A. Gay the last two are infants under the age of 21 years

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said court on the Third Monday in August - 189 8, to answer a bill in chancery exhibited against them in our said court by John M. Gay who sues for the benefit of himself and all other creditors of J. L. Gay dec'd. who may come in and contribute to the costs of this suit.

And have then there this writ. Witness, N. F. Young, CIerk of our said Court, at the court-house, the 13th day of August 189 8, and in the 123 year of the Commonwealth.

N. F. Young c.c.

Mrs. M. I. Gay administratrix J.S. Gay dec'd.
1898 To Irvin Jenkins to two days services
as appraiser $2.00

witness
A.J. Fulgham

Irvin Jenkins

Mrs. M. I. Gay administratrix J.S. Gay dec'd.
1898 To F. C. Roberts to two days services
a appraiser $2.00
To services as Clk. two days $4.00
Rec'd Pay. May 17th 1899. 6.00
F. C. Roberts.

Mrs. M. I. Gay, administratrix J.S. Gay dec'd.
1898 To C. T. King to two days services
as appraiser $2.00

Rec'd payment
May 22/99 C T King

Jas. S. Gay, Executor
To W. Baird
$ 5.50

Rec'd. of Maggie
J Ray adm. J.S.
Ray one hundred
& forty one (141)
dollars & forty-
nine cents bal.
on bond secured
by a deed of
trust to
Wm S. Hollins

Jas. S. Gay. (or Estate)

1898		To Mrs. T. Edwin Baird Dr.			
Jany	1	Amt to Balance Acct 1897	$ 6 00		
Feb	6	To Visit San Delay	1 00		
"	7	" " " " "	1 00		
"	23	" " Bought Maggie Baird	1 00		
"	24	" " " "	1 00		
"	26	" " " "	1 00		
"	27	" " " "	1 00		
		To Amt Collected from Charles Evans Col	3 00		
		Cr By 42 Lbs Beef @ 5c		$	2 10
March	15	Cr By Sloss Arch.			4 20
"		To Mrs Loots Drawer	1 50		
Apr	12	Cr By Cash pd at Sloss			4 00
"	"	Cr By Cash left in hand to pay Balance			
		on $20 00 Bill held by G. W. Murray, in horse trade			5 00
May	10	To Medicine & Attn	1 00		
June	13	Cr By Cash			2 00
May	30	To Night Visit Maggie Baird	2 00		Died
"	31	To Constant Services During Day	5 00		
June	18	To Night Visit Self	2 00		
19 to	24	To Constant attention at home and in			
		Richmond During this time Day & Night	30 00		
June	26	To Expenses on Boy from Richmond	80		
July	3	To Visit Delay	1 00		
June	9	" Medicine & Attn	1 00		
		Cr By Amt Borrowed of Mrs Gay			1 50
June	23	Cr By Amt pd by Mrs G. W. Gay			10 00
July	9	Amt Balance Acct			57 50
		Rec'd Payment in full			
		T. E. Lunn Baird			63 00

Received the interest on
the within up to Jany 22nd
1897.

Geo. W. Eley.

Received the interest
on the within up
to Jan 22, 1898.

Geo. W. Eley

$300.00

On demand with interest from date we or either of us bind ourselves heirs &c to pay to George W. Eby or order the sum of three hundred dollars for value received.

We hereby waive our Homestead exemption as to this debt.

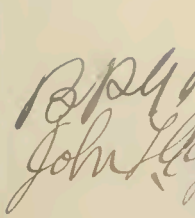
This 22nd day of Jany 1896.

Jas. S. Gay (Seal)

John M. Gay (Seal)

305

NOTICE.—In remitting amounts under $25.00, please send Post Office Order, or Drafts on Norfolk, Richmond, or Northern Cities. Also, prepay freight on all Covers and Bags that you return.



615.55
532.02
1147 57

No. _____ SUFFOLK, VA. March 4th 1899

FARMERS BANK OF NANSEMO

PAY TO THE ORDER OF

B. P. & Jno L. Gay adms. of Jno. M. Gay dec'd

Six hundred and fifteen and 55/100 DOLLARS

Bal. due me to estate of Jno. M. Gay dec'd.

$615.55 (see over)

Maggie I. Gay Admx
of J. S. Gay

PAUL & FALCONER CO., BALTO

All Available Text Successfully Captured

$29.70 April 24, 1899.

Received of Maggie D. Gay
Twenty-nine & Seventy cents in
full acct to date
Geo. A. Swallen

James. S. Hays, Assignee
To R.E. Britt for Brief
Serve three defts
July 2 1898

Kendrick Va Feb 25
Rec'd from Mrs
Maggie J Gay $7.50
Seven and 50/100
in full for
Burials for the J.S. Gay
Burial
J M Peakins

Mrs Maggie F. Gay, *Windsor District,* *No.*

1898. To JOHN W. ROBERTS, Treasurer of Isle of Wight County, Va., Dr.

SUBJECTS OF TAXATION.	State Tax 30c. on $100.	State School Tax, 10c. on $100.	Couuty Levy, 40c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 5c. on $100.	TOTAL TAX.
To ____ acres Land, value $ ____							
" ____ acres Land, value $ ____							
" ____ acres Land, value $ ____							
" ____ acres Laud, value $ ____							
" Personal Property, value $ 865	1 10	87	1 22	18	18	18	
" Capitatiou Taxes	~~1 00~~		~~50~~				
" Income $ ____							
Total							3 23
5 per cent. additioual							
Total							

Received payment 38 *day of* Nov *189*8 J W Roberts *Treasurer,*

Per Saunders

Dal Sirle

(11)

1363
5-34
6716
5-34
2264
3050
10294

178
3
5-34
5-81
5-14
290 5-
145-
305-0

No. 7

Rec'd Jany 24 09. Mrs. Ella D. Gray
admx of J. S. Gay dec'd Scott
150/100 dollars per Sellers
the Chattel Est of said decedent
on Dec. 18th 1898.

Ro. A Edwards
Dr Clk

Henry Jones III

vs

Geo. Warner & als.

Robert G

Summons in Attachment
under Sec. 4 Schedule J.
1898.

Filed Oct 19th 1898

county where her sample value is $1000. and its annual value is $75:
that there are no liens on the said lands for taxes except the taxes for the
year commencing on the 1st day of January 1898 which amounts to the sum of $. and a lien of $1000 with interest from
the 1st day of January 1898. due to Wm J Hellums and secured by a deed
of trust on the tract of land lying in Windsor; duly recorded: that the age of
Maggie L Gay the widow of the said James F Gay will be 36 years on the
24th day of October 1898. your commissioner finds by account marked
B and herewith returned that the estate of James F Gay is indebted Maggie
L Gay his administratrix in the sum of $45. but that the personal estate
of the said estate of the said James F Gay which is estimated at $50.00. has
not been sold, and the said administratrix account is still incomplete.
the amount found to be due to the said administratrix is included in the
account of debts against the said James F Gay or his estate marked B
and herewith returned, and which said account shows that the said
debts amounts with interest to the 24th day of October 1898 to $2302.27
In taking the said account of debts your commissioner has not allowed
John W Gay any interest on the several debts proven by him. by his own
request, he stating that he was the father of the said James F Gay, and he re-
quest the said debts in order to facilitate the settlement of the said estate
your commissioner further reports specially by the request of the said
Maggie L Gay the widow of James F Gay that selling the tract of land called
"Wampoo" will sell for a better price if sold free of her dower therein
she is willing that it should be so sold if she shall be allowed to receive out
of the proceeds of sale the equivalent of her dower thereon in personal
Given under my hand as a commissioner in Chancery of the said court
this day and year first aforesaid

Wm R Atkinson

Time employed 10 hours
Fee $7.50

Amount brought forward				£472 17
J. Maggie L Gay administratrix for Medical Services Dr J E Baird	30	00	27	00
				£499 17

Amount of the amount and fee simple value of the lands of which James L Gay died seized.

	Fee Simple		Amount value	
One boat of land situate in Brixton in Isle of Wight County.	£200	00	£175	00
One boat of land called Mumfords situated in same county	£100	00	£75	00

Commissioners Office
Carisbrooke 11th October 1898

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said court rendered on the 7th day of September 1898 in a suit in Chancery pending therein between John M Gay Plaintiff and Maggie L Gay administratrix of James L Gay and others Defendants. The undersigned a commissioner in Chancery of the said court to whom was referred the following enquiries and accounts to wit 1st If there was any liens on the lands of which James L Gay died seized and possessed on account of delinquent taxes or otherwise 2nd What is the fee simple and annual value of each boat of land, 3rd the age of the widow of James L Gay deceased 4th An account of the doings and transactions of the commissioners of James L Gay deceased 5th An account of the debts outstanding against the estate of James L Gay deceased with their priorities and degrees and 6th Any matter deemed pertinent by the commissioner or which may be required to be so taken stated and reported by any party in interest, and to which end he was directed to give legal notice of the time and place for taking said enquiries and accounts, which notice is herewith returned and I find that the said James L Gay died seized of a boat of land at Brixton in the county of Isle of Wight the fee simple value of which is $200 and its annual value is $175. and also of another boat called Mumfords in the said

1898

The Estate of James S Gay

In account with Maggie A Gay his administratrix

To Miss Dr G B Johnson services in last illness		15	00	
" Miss Dr J E Baird medical services		30	00	
		45	00	

An account of the debts outstanding and unpaid against the estate of James S Gay deceased with their priorities and legalities.

Debts of 1st class.

To Maggie A Gay administratrix for Dr Johnson services in his last illness	~~15 00~~			
" John W Gay assignee of J J Shires for burial expenses.	~~34 50~~		34	50
			49	50

Debts of 3rd class.

" Taxes assessed for year 1898.				

Debts of 5th class.

" Wm J Holland Bond secured by deed of trust on tract of land in Windsor.	1000	00		
Interest from July 1st 1898 to October 24th 1898	49	00	1049	00
" John W Gay assignee of Farmers Bank of Isle of Wight Note	225	00		
" Same assignee of same Note	165	00		
" Same " " W Bailey account	203	23		
" Same " " Chamberlain Hos "	39	91		
" Same " " J L Vermont Hos "	9	55		
" Same " " L B Younger	80	43		
" Same " " E L Ault	18	00		
" Same " " Same	22	98		
" Same " " R B Thomas	73	00		
" Same " " W J Barrett	98	84		
" Same " " Warren Gray	30	00		
" Same " " Whitley & Darden	27	00	1006	94
" Mrs W Edwy Bond date January 22 1896	300	00		
Interest from July 1st 1898 to October 4th 1898	5	70	305	70
" J H Benton Bond date February 4 1895	50	00		
Interest to October 24th 1898	11	13	61	13
Amount carried forward			24	27

John M.Gay's Admr's.

vs.

J.S.Gay's Admx.

Report of Special Commissoiner

Holland.

commissioner, and the said Gay having done most of the work your present commissioner who recieved a fee as atborney has not charged any commissions.

Your special commissioner says he requested the clerk to include in his statement, cost up to, and including, a final decree, and having distributed all the money in hand, he prays that a decree may be entered releasing him and his surety on his bond as special commissioner.

Respectfully Submitted,

Wm S. Holland, Special Com'r

The above is correct.

Maggie I. Gay--Admx. J.S.Gay deceased.

To the Honorable Robert R.Prentis Judge of the Circuit Court of Isle of Wight County, Virginia:

John M.Gay's admr's.,

vs.

J.S.Gay's admx.

Your commissioner begs to report that he collected from the administrators of John M.Gay deceased the sum of three hundred and thirty six (336) dollars and sixty seven (67) cents, it being the cash payment of one third of the purchase price which said John M.Gay as special commissioner collected on the purchase price of the land sold by him. And your commissioner collected from the purchaser Elisha W.Ballard, the sum of six hundred and eighty three (683) dollars and forty three (43) cents balance of principal and interest to date of collection for said land making in all received one thousand and twenty (I020) dollars and ten (I0) cents, and has paid out the same as follows:

To paid taxes and costs of suit as per vouchers	33.99
" Wm.S.Holland fee agreed on " " "	50.00
" R.A.Edwards Crier " " "	2.50
" Wm.S.Holland Drawing Deed " " "	2.50
" " " " Stamping " " " "	I.60
" J.E.Booker Proprietor &c. oath	I.00
" Wm.S.Holland on his bond secured by a deed of trust reported by commissioner Atkinson	928.5I
	$I020.I0

The said bond has been receipted and delivered to Maggie I Gay administratrix of James S Gay deceased, she having paid the difference, the sum of one hundred and sixty one (I6I) dollars and forty nine (49) cents. This has been done at the request of the said administratrix.

It will be seen from the foregoing statement that no commissions have been charged by either said Gay or said Holland. Mr. John M.Gay the father of James S.Gay deceased, assured the said widow and administratrix that he would not accept any pay, preferring that the widow and children of said son should have the benefit of his services as special

THE ESTATE OF J. S. GAY, DECESED,

IN ACCOUNT WITH MAGGIE I. GAY, HIS ADMINISTRATOR.

1899

By amount of account of sales.....	$ 315	60	$		
.. .. collected from bank and others and sale of goods at store.....	902	32			
.. .. in hands of John M. Gay at the time of his death.....	532	02			
To commission on $1749.94.....				87	49
.. paid R. A. Edwards, crier chattell estate....				7	50
.. .. F. C. Roberts, appraiser and clerk....				6	00
.. .. C. T. King, appraiser.....				2	00
.. .. Irvin Jenkins, appraiser.....				2	00
.. .. taxes 1898 personalty.....				3	23
.. .. J. W. Jenkins & Co. bricks for J.S. Gay's grave.....				7	50
.. .. R. E. Britt, for bricking grave.....				3	00
.. .. Geo. A. Gwaltney.....				29	70
.. .. J. M. Gay's estate as shown by the report of Commissioner Atkinson and including amount paid by John M. Gay to John H. Beaton as per voucher.....				1147	57
.. .. Geo. W. Eley on his bond.....				305	70
.. .. Dr. T. E. Baird as per bill.....				63	00
.. .. Dr. Geo. B. Johnson as per Commissioner Atkinson's report.....				15	00
.. .. Wm. S. Holland, balance on his bond secured by a deed of trust.....				141	49
.. .. Pea pickers.....				54	00
.. .. Maggie I Gay, widow of J. S. Gay, in lieu of her dower in $ 931.02, it being net proceeds of sale of land, she being thirty seven years of age, the whole of the proceeds of sale of land being applied to payment of J. S. Gay's debts.				229	96
By balance due administrator.....	353	20			
	$ 2105	14	$ 2105		14

Jno M. Key admrs.

vs.

James S. Key's admrx. et al.

Report of Special
Commissioner Wm
S. Holland of sale
by Jno. M. Key Special
Commissioner.

1899
Feby. 27. Filed.

To the Hon. Robert R.Prentis Judge of the Circuit Court of Isle of Wight County:

The undersigned, your special commissioner appointed in the room and stead of John. M.Gay deceased, in the suit of John M.Gay administrators vs. James S.Gay administratrix et. als., begs to report that he has given bond in the penalty of fifteen hundred dollars as required by a decree herein of February 8th I899. Your said special commissioner reports further that said John .M.Gay, the first special commissioner in the cause, did on the 30th day of November I898 sell the lands in the bill and proceedings mentioned at Windsor by public auction, after first having advertized as required by a decree entered in this cause at the October term I898 of the said Circuit Court. The sale was made with the understanding that the widow of James S. Gay deceased would join with the special commissioner in a deed for the land. At which sale Elisha W.Ballard became the last and highest bidder at the price and sum of one thousand and ten (IOIO) dollars, and said Ballard paid the cash payment of one third to said special commissioner Gay, but did not execute any bonds as required: preferring to pay balance of purchase money as soon as the sale could be confirmed and he could get a deed for the land.

Special commissioner Holland further reports that he has not collected from the administrators of the said John M.Gay deceased, the said one third paid in cash, but can do so at any time and will do so in time for distribution. The estate of James S.Gay deceased is indebted to the estate of John M.Gay deceased in a sum greater than the said cash payment.

Said special commissioner Holland says he knows the land sold, and knows the sale was a good one, and recommends its confirmation.

Most Respectivefully Submitted.

Wm S. Holland, Spe. Comr.

John M. Rajs admrs.

vs

James S. Rajs admrx. et als.

February 27th 1898

The clerk of the Circuit Court of Isle of Wight County will enter this decree.

Robert C. Phillips

Received & Entered of Record March 1st 1898

In the Circuit Court of Isle of Wight County in vacation this 27th day of February I899.

John M.Gay's administrators

vs.

James S.Gay's administratrix and others.

This cause came on this day to be again heard on the papers formerly read, and on the report of special commissioner Wm.S. Holland, this day filed by leave of court, and on reasonable notice to the defendants of the purpose of the plaintiffs to apply for this decree, and was argued by counsel:

On consideration whereof the court doth agjudge, order and decree that the sale of the lands in the bill and proceeding mentioned by special commiasioner John M.Gay to Elisha W.Ballard, be, and the same is, hereby confirmed,and Wm.S.Holland who is hereby appointed a special commissioner for that purpose, make execute and deliver to the said Elisha W. Ballard, a good and sufficient deed with special warranty, for the said lands, upon the payment of the balance of the purchase price.

And the court doth further adjudge order and decree that said special commissioner Wm.S.Holland collect from the administrators of John M.Gay deceased, who are the plaintiffs in this cause, the money paid to the said John M.Gay by the said Elisha W.Ballard as a part of the said purchase price of the said land, and that said special commissioner Wm.S.Holland shall out of the money thus in hand pay the costs of this suit, and out of the balance shall pay to Maggie I.Gay a sum of money in lieu of her dower in the said land to be ascertained and computed in accordance with sections 228I-2 & 3 Code of Virginia provided she unites with the said special commissioner in a deed to the purchaser, and shall pay the rest pro rata to the unsecured creditors of the said James S.Gay deceased as shown by the report of commissioner Geo.R. Atkinson filed in this cause and confirmed by a decree entered herein on the 24th day of October I898.

And the said special commissioner Wm.S.Holland and Maggie I.Gay administratrix of James S.Gay deceased shall make report to court, and that the clerk of this court shall tax the costs up and including a final decree.

To the clerk of the circuit court of Isle of Wight County.

Robert R. Prentis

Jno M. Gay

vs.

J. S. Gay's adm'r et als

Entd Sept. 7, 1898

Robt R. Ellis

Sept. 13th 1898

Record returned of record

In the Circuit Court of Isle of Wight County, Virginia, in vacation this 7th day of September I898.

John M.Gay,

vs.

Maggie I.Gay administratrix of James S.Gay deceased, Maggie I.Gay, Leland I.Gay and James A.Gay, the last two being infants under the age of 2I years and R.E.Boykin guardian ad litem for said Leland I. & James A.Gay.

This cause came on to be heard this day on the bill of complaint, the answer of the adult defendants with general replication thereto, the answer of the infant defendants by R.E.Boykin their guardian ad litem, duly appointed at Rules, and on reasonable notice to the defendants of the purpose of the plaintiff to apply for this decree, and was argued by counsel.

On consideration whereof the court doth adjudge, order and decree that one of the commissioners of this court take, state and report to the next term of this court the following enquiries and accounts, to wit:

(I) If there are any liens on the lands of which James S.Gay died seized and possessed on account of delinquent taxes or other-wise?

(2) What is the annual and fee simple value of each tract of said land?

(3) The age of the widow of James S.Gay deceased?

(4) An account of the doings and transactions of the administratrix of James S.Gay deceased.

(5) An account of the debts outstanding and unpaid against the estate of said James S.Gay deceased with their priorities and dignities.

(6) And any matter deemed pertinent by the said commissioner or which may be required to be so taken stated and reported by any party in interest.

Robt R Martin

To the Clerk of the Circuit Court of Isle of Wight County.

John M. Gay,

vs.

Maggie I. Gay, Admx. et als.

D E C R E E.

October 24, 1898.

To be entered.

Robert C. Pitts

Entered

John M. Gay,

vs.

Jan 28

Maggie I. Gay, Administratrix of ~~John M.~~ Gay, deceased, Maggie I. Gay. Leland I. Gay and James A. Gay, the last two being infants under the age of twenty-one years.

This cause came on this day to be again heard on the papers formerly read, and on the report of commissioner George R. Atkinson, filed herein, October 13, 1898, to which there is no exception, and was argued by counsel.

On consideration whereof, the Court doth adjudge, order and decree that said report of commissioner Atkinson be, and the same is hereby confirmed; and that John M. Gay, who is appointed a special commissioner for that purpose, proceed to advertise the tract of land in the bill and proceedings mentioned, known as the Munford tract, after he shall have advertised the terms, time and place of sale for at least twenty days by printed hand-bills, he shall proceed to sell said land, on the premises, or at Windsor, in said County, for one-third cash, and the residue in two equal installments one and two years after date respectively, with the privilege to the purchaser to pay all in cash, and in case the purchaser does not pay all in cash, then to take from him bonds for the deferred payments, bearing interest from date of sale, payable to said special commissioner, and with good personal security, but the said John M. Gay shall not proceed to do anything under this decree until he shall have first entered into a bond in the penalty of two thousand dollars ($2000.00) before the Clerk of this Court, with surety by said Clerk deemed sufficient, payable according to law, and conditioned for the faithful performance of his duties under this and all subsequent decrees entered in this cause. And the said special commissioner shall make report to Court.

And the Court doth further adjudge, order and decree that one of the commissioners of this Court take, state and report to the next term of the Court the following accounts:

First.- A further account of the debts outstanding and unpaid against the estate of said James S. Gay, deceased, with their priorities and dignities.

Second. - A further account of the doings and transactions of the administratrix of said James S. Gay, deceased.

Third.- Any matter deemed pertinent by said commissioner or any party in interest.

John M. Ray

vs

J.S. Ray's admx. et als.

Decree

July 8 1899

The clerk of the circuit Court of Isle of Wight County, will enter this decree.

Robert R. Prentis.

February 9th 1899

Received and entered of record.

Court

In the Circuit of Isle of Wight County in vacation this 8th th day of February 1899.

This cause came on this day to be again heard on the papers formerly read, and on the motion of Benjamin P.Gay and John L.Gay administrators of John M.Gay deceased to be substituted as plaintiffs in the room and stead of the said John M.Gay who it appears died intestate on the 3rd day of January 1899, and on reasonable notice to the defendants, of the complainants' intention to apply for this decree, and was argued by counsel.

On consideration whereof, the court doth adjudge, order and decree that this suit be, and the same is, hereby revived in the name of said Benjmin P.Gay and John L.Gay administrators of John M.Gay deceased, and that this suit shall proceed to a final decree in their names as plaintiffs.

And the court doth further adjudge, order and decree that Wm S Holland, who is hereby appointed a special commissioner in the room and stead of the said John M.Gay deceased, who was appointed a special commissioner under a former decree herein, shall proceed to collect from the administrators of the said John M.Gay any money and bonds which may have been paid or delivered to the said John M.Gay as special commissioner appointed in this cause, and shall proceed as such special commissioner to execute, in so for as not already executed, all decrees herein before entered as the said John M.Gay special commissioner should have done had he lived, and to proceed to discharge and finish all the duties of special commissioner in this cause, but before the said special commissioner shall proceed to execute this or any other decree in this cause he shall enter into a bond in the penalty of $1500. before the clerk of this court with surety by the said clerk deemed sufficient, and conditioned for the performance of his duties under this, and all subsequent decrees entered in this cause. And the said special commissioner shall make report to court.

Robt R Ellis

To N.H. Young, clerk Circuit Court of Isle of Wight County, Virginia.

John M. Gay's administrators

vs.

J. S. Gay's administratrix

et.cals.

D E C R E E.

To be entered October 23rd.

1899.

Robt. C. Stevens

John M. Gay's administrators

vs.

J. S. Gay's administratrix et als.

This cause came on this day to be again heard on the papers formerly read, and on the report of Maggie I. Gay, administratrix of J. S. Gay deceased, showing a balance of $355.20 due by the said estate to the administratrix, filed this day by leave of court, and was argued by counsel:

On consideration whereof the court doth adjudge, order and decree that said report of the doings and transactions of Maggie I Gay, administratrix of J. S. Gay deceased, to which there is no exception, and which appears to be supported by proper vouchers, be, and the same is hereby confirmed:

And the court doth further adjudge, order and decree that the Clerk of this Court certify to the Clerk of the County Court of Isle of Wight County a copy of all accounts made and confirmed in this cause in accordance with section 2681- Code of Virginia.

And nothing further appearing to be done in this cause it is ordered that the same be stricken from the docket.

State of Virginia
City of Petersburg } to wit:

This day before me David R. Lyons a Notary Public in & for the City of Petersburg in the state aforesaid personally appeared David Bailey, and made oath that the foregoing account of $203.23/100 is justly due him, by the estate of James S. Gay. and that no part thereof has been paid. Given under my hand this 19th day of July 1898

David R. Lyons
Notary Public

I do heraby assign and transfer the within account against the estate of Jas. S. Gay dec'd to Mr John. M. Gay

July 23/98

Signed
David Bailey

Petersburg Va., July 1898

M Estate of James. S. Gay Deceased

Bought of David Bailey,

Agent for the Celebrated
WYOMING VALLEY,
POSSOM HOLLOW,
And LUCY HINTON
WHISKIES,
RYE AND BOURBON
WHISKIES.

IMPORTER AND WHOLESALE DEALER IN

WHISKIES, BRANDIES, WINES, CIGARS, TOBACCO, &C.,

TERMS: 35, Corner Bollingbrook and Second Streets.

1898

Jany	7	To Amt Bal per Statement	13 2	35	
"	7	" 1 Blue Stonewall 49 Gals @ 1.25	50	49	
"	"	" 1 " Hof Braw Beer "	9	00	
	8	Cr By Empty Bottles returned	33	00	6 23
Feby Jany 25	2	To 1/2 1 Blue Hof Braw Beer 50	9	00	
"	2	Cr By Check			25 00
"	3	" " Empty Bottles returned			3 11
"	22	To 1 Blue Hof Braw Beer	9	00	
"	14	Cr By Check			45.00
"	24	" " Empty Bottles returned			2 90
March	15	To 1 Blue Stonewall 47 Gals @ 1.23	48	41	
"	24	" 1 " Hof Braw Beer	9	00	
"	"	Cr By Check			75 00
April	17	To 10 Gals White Whiskey @ 1.30	13	00	
"	"	" 5 " B. B. B. " 80	4	00	
"	"	" 1-5 " Neg^{lo} and 1-10 Gal Neg 75	1	35	
"	26	" 1 Blue Hof Braw Beer "	9	00	
"	"	Cr By Check			25 00
"	"	" Empty Bottles returned			6 89
May	23	1 Blue Stonewall 47 Gals @ 1.03	48	41	
" 1	"	20 Gals White Whiskey " 1.30	26	00	
"	"	10 " Straw Gin " 1.30	13	00	
"	"	1 Blue Hof Braw Beer	9	00	
"	"	1 Runlet 75 1-1/2 Blue 50	1	25	
"	"	Cr By Check			25 00
"	27	To 1 Blue Beer @	9	00	
"	31	Cr By Check			50 00
"	"	To 1 Blue Beer @	9	00	
June	3	" 2 " " " 9.00	18	00	
"	14	" 1 " " "	9	00	
"	21	" 1 " " "	9	00	
"	22	Cr By Empty Bottles returned			12 78
			$180.14		276.91

To Amt Bal $203.23

Received Payment (From John M. Gay)
July 23/98 Thanks David Bailey

(over)

B.E. OBERNDORFER. B. KAHN.

MONTHLY STATEMENT.

FOLIO 2120

Norfolk, Va. July 29 1898

Mr. J. L. Gay Hendersonville Va

To OBERNDORFER & CO. Dr.

MANUFACTURERS OF

....CONFECTIONERY....

190 AND 192 WATER STREET.
21 AND 23 ELIZABETH STREET.

OUR TIP TOP BRAND

TERMS .....DAYS.

98

		To Stat. Rend.	
May	6	" Bill "	2168
June	18		3123
			5291

Norfolk Va July 29/98

For value received we hereby assign the above a/c to Jno M. Gay

Oberndorfer & Co

We send statement to each customer the first of each month for comparison of accounts. If account is not due, this must not be considered a Dun.

☞ If account does not agree, please return statement at once, showing error.

State of Virginia, City of Norfolk, to-wit : This day personally appeared before me, A R Nash, a Notary Public, for the City aforesaid, in the State of Virginia, B. E. Ehrendorfer of Ehrendorfer Co who made oath, and says that the bill hereto annexed, amounting to Fifty Three & 91/100 Dollars ($53 91/100), against J. S. Gary is correct and just ; that no part of said amount has been paid, and that there is no offset to the same.

Given under my hand this 29th day of July 189 8.

A R Nash

Notary Public.

Portrait Drawn by
Artist

W. T. Boone Esq

For value received the
note is indorsed to
John M. Goy, without
recourse.
July 29/98

W. T. Boone
Fairbanks Alaska

62695

1811

JUL 18 1898

$ 165 00/100

Suffolk, Va., May 16th 1898

Sixty days after date promise to pay unto

W. J. Babett & Co, or order, negotiable and payable,

without offset, at the FARMERS BANK OF NANSEMOND Suffolk, Virginia,

one hundred Sixty five Dollars,

for value received; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

Jas. S. Jay

Endorser

Wm S. Hallam

For value received this note is endorsed to John M. Gay, without recourse. The Farmers Bank
July 29/98 By Wm H Jones Pres

61658

JUN 22 1898

$225 XX/100

Suffolk, Va., April 20th 1898

Sixty days after date I promise to pay unto

Wm S. Hallaran, or order, negotiable and payable,

without offset, at the *FARMERS BANK OF NANSEMOND* Suffolk, Virginia,

Two hundred & twenty five Dollars,

for value received; and it is agreed upon by the parties that the interest on this Note shall be payable in advance; and we, principal and endorsers, hereby waive the benefit of our Homestead Exemption as to this debt.

Jas S Jay

P. O. Windsor Va

No. Due

Form 1—7-3-07-10m

To Maggie I. Gay administratrix of James S.Gay deceased, Maggie I.Gay and R.E.Boykin guardian ad litem of Leland I.Gay and James A.Gay infants under the age of 2I years:

Take notice that on the 7th day of September I898, I shall apply to the Hon. Robert R.Prentis Judge of the Circuit Court of Isle of Wight County at his office in the town of Suffolk, Virginia for a decree in vacation for enquiries and accounts in the suit in which I am plaintiff and you are defendants pending in said Circuit Court.

Jno.M.Gay by

We hereby accept legal service of this notice and waive further service by an officer

Aug.I4th I898.

Maggie I. Gay admx
Maggie I Gay
R.E. Boykin Gdn ad Litem
of infant defendants.

We and each of us hereby accept service of this notice and waive service hereof by an officer. John M. Gay.
Maggie J. Gay

Maggie J. Gay Admx. of
James S. Gay, deceased.

Sept. 24, 1898.

R. E. Boykin Gen'l Adm'r
Susan J. Gay and
Jas. A. Gay.

Commissioners Office
Isle of Wight the September 20th 1898
Plaintiff

To John W. Gay
and To
Maggie L Gay widow and administratrix of James P Gay deceased and in her own right and Leland L Gay and James A Gay the last two being infants under the age of 21 years and R E Baskin, guardian ad litem of said Leland L Gay and James A Gay Defendants.

I do notice that I have fixed upon the 7th day of October next to take state and report to court the following enquiries and accounts viz: 1st If there any liens on the lands of which James P Gay died seized and possessed on account of delinquent taxes or otherwise.
2nd What is the annual and fair simple value of each tract of land.
3rd The age of the widow of James P Gay deceased.
4th An account of the doings and transactions of the administration of James P Gay deceased.
5th An account of the debts outstanding any and unpaid against the estate of the said James P Gay with their priorities and degrees and 6th any matter deemed pertinent by the commissioner or which may be required by any party in interest, as required by a decree of the circuit court of Isle of Wight county rendered on the 7th day of September 1898 in a suit in chancery pending therein, in which you are parties plaintiff and defendant: at which time and place you are required to attend
Given under my hand as a commissioner in chancery of the said court this day and year first aforesaid
Geo R Atkinson

of February 1899 for a decree confirming the sale of the lands in the bill and proceedings mention and for authority to make a deed to the purchaser and to collect and disburse all the purchase money.

B. P. Ray & Jno L. Ray admrs.
of John M. Ray. Deceased
by Wm S. Hall and
their attorney

We hereby accept due and sufficient service of these notices Maggie J. Gay admx. J. S. Ray dec'd
Maggie J. Gay

R. E. Boykin
G.M. and Literem
of infant defendants.

Jno M. Ray
vs
J. S. Ray admr. etc. et als.

Notices to defendants
and.

To. Maggie I Ray administratrix of James S. Ray deceased, Maggie I. Ray, Leland I Ray and James Alton Ray, the last two are infants for whom R. E. Baskin has been duly appointed guardian ad litem.

Please take notice that we shall apply to the Hon. Robert R. Prentis Judge of the circuit court of Isle of Wight county at his office in the town of Suffolk on Wednesday February 8th 1899 for a decree reviving this suit in our names as plaintiffs in the room and stead of the said John M. Ray now deceased, and to appoint a special commissioner in the place, room and stead of the said Jno M. Ray who under a decree in this cause was appointed as special commissioner, and, who in his life time partially executed the said trust.

And please take further notice that we shall again apply to the same judge in vacation at the same place on the 27th day

Courts:
Isle of Wight, Nansemond
and Southampton.

LAW OFFICE
—OF—
W. S. MOLLAND.

Windsor Station, Va., Oct. 19, 1898.

Judge Geo. R. Atkinson,

Smithfield, Virginia.

Dear Sir:

Will you please send me by the bearer, the Chancery papers in the cases of Gay vs. Gay, [redacted] and Baker's Adm'r. vs. Pitt. I expect to be busy in some common law cases and shall need to draw my decrees before Monday, as Judge Prentis will want them entered that day I think.

Yours very truly,
Wm S. Holland

I send the papers in Gay vs Gay. My report is not ready in Baker vs Baker Adm, but I send the papers. we ask report. Mr Bagby & Thomas will I learn consent that the case shall be heard on my report, and for a decree to sell the Warren tract of land. on your consideration a decree on these points. They just furnished what my depositions yesterday.