1868-022

HENRY L. TYNES ETC VS ADMS. OF JOHN GRAY ETC

1868
CHANCERY CAUSES

NANSEMOND COUNTY
(SUFFOLK)

SURNAMES: LEWIS

THE COMMONWEALTH OF VIRGINIA, *Sergeant of the City of Richmond*

To the ~~Sheriff of Nansemond County~~—*Greeting:*

YOU ARE HEREBY COMMANDED TO SUMMON *Thomas E. Gray & W. L. Gray administrators of John Gray decd, and in their own right, Gilbert W. Gray, Silvia F. Gray, Jas. J. Lewis & Adaline his wife, Francis Gray & Virginia Joseph Gray, The last two infants.*

to appear at the clerk's office of our *Circuit* Court for the County of Nansemond, on the first Monday in *March* next, 1866 being rule day, to answer a bill in chancery, exhibited against *them* by *Henry L. Tynes. who sues for himself and all other creditors of John Gray decd.*

and unless *they* shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this *20th.* day of *February* 1866 and in the *90th.* year of the Commonwealth.

Peter B. Prentis *Clerk.*

☞ The sheriff will, in his return, note the day on which this process is executed on each defendant.

Kirby J. C.

Henry L. Fynes. Who
Sues for himself &c.

vs } Summs: in Chy:

Thomas E. Gray & H. L.
Gray, admrs. of John
Gray, decd. and in their
own right, & als:

To March Rules 1866.

Chy: Bro: & No: 1. page
(Cir: Co)

Entered the 24th July 1866 by Solicitors
of the Complt. Summons to
issue returnable to the other next Rules
Decr. Court. Cir. Co.
Dec. 1866.

Jno. Stuart, D. C. & C. P. Cir. Co.
Entered the 21st Dec. 1866
Jno. Stuart D. C. & C. P. Cir. Co.

THE COMMONWEALTH OF VIRGINIA, To the ~~Sheriff of Nansemond County~~ Sergeant of the City of Petersburg — Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Thomas E. Gray & W. L. Gray administrators of John Gray decd, and in their own right. Gilbert C. Gray, John T. Gray, Jas. J. Lewis & Adaline his wife, Francis Gray & Virginia Joseph Gray, the last two infants.

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond. on the first Monday in March next, 1866 being rule day, to answer a bill in chancery, exhibited against them by Henry L Tynes, who sues for himself and all other creditors of John Gray decd.

and unless they shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 20th day of February 1866 and in 90th year of the Commonwealth.

Peter B. Prentis. *Clerk.*

☞ The sheriff will, in his return, note the day on which this process is executed on each defendant.

Kilby p.q.

Henry L. Shaw, who
Sues for himself &c
vs } Sums: in Chy:
Thomas E. Gray & H. L
Gray Admors of John Gray
decd, and in their
own right, Gilbert Hd
Gray & Als:

To March Rules 1866
Feby 26th 1866
Executed by delivering
a copy of the within to
B. W. Gray.
W. H. Borjeau D.S.
J. H. Patterson D.S.
C.R.

Chy: pro: b No: 1. page 5.
(Cir: Co:)

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Nansemond County—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Thomas E. Gray & H. L. Gray Administrators of John Gray decd. and in their own right, Gilbert W. Gray, John T. Gray, Jas. L. Lewis & Adaline his wife, Francis Gray & Virginia Joseph Gray, the last two infants. —

to appear at the clerk's office of our Circuit Court for the County of Nansemond, on the first Monday in March — next, 1866 being rule day, to answer a bill in chancery, exhibited against them — — — — by Henry L. Tynes, who sues for himself and all other children of John Gray decd.

and unless they — — — — shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then there this writ. *Witness,* PETER B. PRENTIS, Clerk of our said Court, at his Office, this 20th. — day of February — 1866 and in the 90th. year of the Commonwealth.

Peter B. Prentis *Clerk.*

☞ The sheriff will, in his return, note the day on which this process is executed on each defendant.

Executed and delivered by the
[illegible] in the presence of [illegible]
William Barnes & Elizabeth Ellis & B. Gray, and
Gilbert M. Gray, who are not residents of Buc
County. July 22nd 1866

For Wm Eley Mayo

Kilby p.c.

Jno L. Lyne, who
Sues for himself &c.

vs } Sums: in Chy:

Thomas E. Gray & H.L.
Gray, admrs of John
Gray decd, and in their
own right. Gilbert M.
Gray, John T. Gray,
Jas. J. Lewis & Adaline
his wife, Francis Gray
& Virginia Joseph Gray
The last two infants

To March Rules 1866

Chy: prob Not. page 5
(Civ. 60)

Clerk.

At a Circuit Court held for Henrico County the 13th: day of October 1866.

Henry L. Tynes, who sues for himself and all other creditors of John Gray, decd. Plaintiff.

Against } In Chancery.

Thomas E. Gray & H. L. Gray administrators of John Gray decd and in their own right. Gilbert W. Gray, John T. Gray, Jas. J. Lewis & Adaline his wife, Francis Gray & Virginia Joseph Gray, the last two infants. . . . . Defendants.

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner W. L. Riddick, made pursuant to the decree of the 17th: of April 1866, to which report there is no exception, and also came on to be heard on paper marked (X) this day filed, and was argued by counsel. On consideration whereof the Court adopting paper (X) as an arrangement beneficial to all parties, doth adjudge, order and decree that John R. Kelly be and he is hereby appointed special Commissioner for that purpose, to convey to James J. Lewis the land referred to in the proceedings, lately held by Mrs. Mary Gray as dower in the lands of her late husband John Gray decd (first having the same surveyed,) on the payment by him of the sum of Two Thousand Dollars; and out of the said sum of money pay all costs of suit and expenses of such conveyance, and then pay to the several creditors of John Gray decd the several sums reported as due them by account "B." of said report. To wit: To Thos. E. Gray administrator &c, Two hundred and ninety-one dollars and Sixteen cents, with interest on Two hundred and seventy six dollars and seventy-seven cents, part thereof, from the 12th. of October 1866. To Henry L. Tynes One Thousand and twenty-nine dollars and forty-one cents, with like interest of Six hundred and Sixteen dollars and sixty cents, part thereof. To Henry L. Tynes seventy-four dollars and six cents, with like interest on forty-eight dollars and fifty cents, part thereof. To Henry L. Tynes five dollars and forty eight cents, with like interest on three dollars and sixty-three cents, part thereof. To Henry L. Tynes sixty-four dollars and one cent, with like interest on forty two dollars and ninety-two cents, part thereof. To Henry L. Tynes One hundred and ninety dollars

and seventy cents, with like interest on one hundred and twelve dollars, part thereof, To A.S. Darden ninety dollars and forty-seven cents with like interest on fifty-three dollars, part thereof; and to Wm. H. Casey, Executor of A.G. Shivers, thirteen dollars and fifty cents with interest from the 29th. of May 1859. whose claims are this day allowed, and make to the said Jas J. Lewis a deed for the said land in the usual form with special warranty. But before this decree shall be executed, he, the said John R. Kelly, shall execute before the Clerk of this Court in his Office a Bond in the penalty of Two thousand Dollars, payable to the Commonwealth of Virginia, conditioned for the faithful execution of the duties required of him by the same.

A Copy:

Teste,

Peter B. Prentis. Clerk

Casey & Ligon, vs Jno R Kelly &c
Co: Decree, Oct: Term 1856
Peter Gray's Admrs: &c.

Cole's Clerk.
Atto: &c
Shff: Kelly, Wm H
Exr: & Pelatiah
Commr.

5:00
31:00
5-50
50
50
35:00
87:50

To the Circuit Court of Nansemond County.

The Undersigned Reports to Court, That pursuant to the decree of the 13th of Oct. 1866, pronounced in the cause therein pending wherein Henry L. Tyler, &c. is plaintiff and Thomas E. Gray & W. L. Gray Exrs. of Jno. Gray dec'd. & others, are defendants, I have made to James J. Lewis a deed for the land referred to in the proceedings, lately held by Mrs. Mary Gray as dower in the lands of her late husband John Gray dec'd., & which contains by survey 30 acres & 12 rods, as an actual survey shews (see deed) - the said Lewis having paid me the sum of Two thousand dollars - $2000.00 out of which I paid costs as follows -

To P. B. Purdie, clerk	fee	$15.00
" Wm Eley, Sheff.	fee	5.50
" Sergeant of Petersburg	fee	.50
" D. of Richmond	fee	.50.
" W. L. Riddick. Com'r.	fee	35.00
" Jno M. Corling for survey	fee	7.50
" Attorney &c.	fee	31.00
" for deed & stamps.	fee	5.00 = 100.00
	Balance.	$1900.00
To paid Thos. E. Gray as directed per rect.		$291:16
" " Henry L. Tyler " "		1029.41
" " same " "		74.06
" " same " "		5.48
" " same " "		64.01
" " same " "		190.70
" " Wm H. Carey Exr. of A. G. Shivers dec'd.	fee	21.00 = $1675.82
	Balance, carried on	$224.18

Amo. brought in $224.18

To 5 Per cent Coms. on $300 — $15.00
" 2 00. on $1700. 34.00
" paid Geo. N. Crumps sett. 60.95 $109.95

Balance $114.13

The sett to a.s. Dawson was paid by Thos. E. Gray
the Principle thereto Hence not paid by the Com.

The above Balance of $114:13. I paid to
the heirs as follows.

To Thomas E. Gray	1/7 P. ct.	$16:30/-
To Grace L. Gray	do	16.30/-
To G. W. Gray	do.	16.30/-
To Geo. T. Gray	do.	16.30/-
To Jas. J. Lewis & adaline his wife	do.	16.30/-
To Va. Jn. Gray	do	16.30/- $114:13

Respectfully submitted John R. Kilby Comr

1866 Oct 9. 18 Rec'd of John R. Kilby the
several sums due us as per foregoing Report

John R. Kilby	$31.00
John R. Kilby for Dew	5.00
John R. Kilby for Conlins	7.50
D. for Sergeants &c	1.00
John R. Kilby atty for W. H. Casey &	$21.00
Peter B. Prentis. Clerk	$15.00
H. L. Clymes	
Jno Dey Sheff	3.50
Thomas E Gray	

Lyne &c.

Com. repeal
of Distribution &c

Hays Exrs. &c

Due H. W. Lyons Three + 63 cents on demand I promise to pay for
Value rec'd as witness my hand and seal this 13 th
day of april 1858

John Gray {seal}

John Gray
Bum & Bill

(A.)

Lyons &c.

1)

Bro. Magistratus

6 Exhibits

filed with Brief

Trans. Cir. Ct.

On dem and the 17th day of Dec. 1854
we promise to pay to H L Gray or cause
to be paid the sum of Three hundred and
Twenty four dollars it being for value
rec'd for the pay. we bind our selves
our heirs & family by these presents
as witness our hands and seal this
17th day of Dec. 1853 W M Stacy Seal
witness
H L Gray

John Gray Seal

Rec'd in part of the within
Two hundred and fourteen
dollars
January 26th 1835 H. L. Ryan

F/231-16 Due on the 2nd inst
26th Oct 1835

Stacey's
J. Martin

14 Cent Stamp
with the date

(8)

3	2	2			
2	1	4			
1	1	2			
8	1	8	1	8	3
5			1	6	0
					5

$99.65

on demand We promise to pay or cause to be paid to H. L. Gray the sum of Ninety Nine dollars and 65 cents at bank of Fountain in full the payt - we also bind ourselves to firmly by By these as witness our hands and seals this 15th day of augt - 1853 -

Witness

Geo Gray (seal)

John Gray (seal)

March 29th. 1858 Rec'd in part of the
within note Seventy Three Dollars
J. W. Butler

$ 48.50¢

On demand the first day of January Eighteen hundred and fifty Eight We promise to pay to H. L. Sykes Administrator of Jno H. B Vesey Dec'd the just and full sum of forty eight Dollars and fifty cents it being for the hire of Negro Woman named Henrietta the said Negro to have the usual fall Clothing and 1 Blanket and returned to me on the 25th day of Dec'r 1857 for the true payment of which we bind ourselves our Heirs, Executors, Administrators &c firmly by these presents as witness our hands and seals this the first day of January 1857.

Witness

John W. Addison [Seal]

John Gray [Seal]

3
41
12

Jno W. Addison
Note

(C.)

45
12
57

On demand we promise to pay or cause to be paid to H. L. Gray the sum of Six hundred and Sixteen dollars and 60 cents it being for value rec'd from the said H. L. Gray we bind ourselves our heirs & assigns by these presents as witness our hands and seals this 15th day of augt 1855

Witness } $616.60 John Gray (Seal)
G. W. Gray (Seal)
H. L. Gray (Seal)

John Gray

& Hale

(13)

I, John R. Kilby, one of the Commissioners of Nansemond County Court do certify that I made up a settlement of the transactions of Herman E. Gray & Horace L. Gray as admrs. with the will annexed of John Gray deceased from vouchers and papers, deemed legal and correct, and that I found a Balance of Two hundred and seventy six Dollars and seventy seven cents, due by said Estate to said admrs. on the 30th November 1865; which settlement was by me duly returned to Nansemond County Court and Confirmed recorded &c, lost and destroyed by the burning of the Clerk's office of said County on the 7th Inst.

John R. Kilby Comr
28th Feby 1866

(A3).

At a Circuit Court held for Nansemond County, the 17th. day of April 1866.

Henry L. Tynes, who sues for himself and all other creditors of John Gray decd. . . . . Complainant

Against In Chancery

Thomas E. Gray & H. L. Gray, administrators of John Gray decd, and in their own right, Gilbert W. Gray, John T. Gray, James S. Lewis and Adaline his wife, Francis Gray & Virginia Joseph Gray, the last two infants . . . . . Defendants

This cause came on this day to be heard on the bill, taken for confessed as to the adult Defendants, on whom process had been duly served, they still failing to appear and answer; on the answer of the infant Defendants, by Peter B. Prentis, their guardian ad litem with general replication thereto, and on the exhibits filed with said bill and was argued by counsel; on consideration whereof the Court adjudge, order and decree that a Commissioner of this Court, take the following accounts—

First—An account of the transactions of Thomas E. Gray, and Horace L. Gray, administrators with the will annexed of John Gray deceased—

2nd:—An account of the Complainants and all other demands against the said John Gray or his estate and their priority.

3rd—An account of that portion of the real estate not divided among his heirs as referred to in said Bill, and which was lately held as the dower by his widow Mary now dead, and its annual and fee simple value—

And make report to Court of any matters specially stated deemed pertinent by himself, or that may be required by any one of the parties to be so stated.

A Copy:

Teste,

Peter B. Prentis. Clerk.

X Mid

Henry L. Tyner, &c. &c. vs

Ch: Decree April Term 1866.

Jno: Gray's Admrs: &c. &c.

2 copies

For Thursday 5th July

Commissioner's Office:
Suffolk. Va. June 5th 1866

To

Henry L. Tynes, who sues for himself and all other creditors of John Gray decd. Complainant.

and

Thomas E. Gray & H. L. Gray, administrators of John Gray decd., and in their own right, Gilbert W. Gray, John T. Gray, James J. Lewis and Adaline his wife, Francis Gray & Virginia Joseph Gray, the last two infants: Defendants.

In Chancery

You are hereby notified that I have fixed upon the 5th day of July next (Thursday) if fair, if not, the next fair day thereafter (Sunday Excepted) to take and state, at my office, the following accounts required to be taken by the decree of Nansemond Circuit Court, rendered on the 17th day of April, 1866, in a suit in Chancery depending in said Court, in which you are parties, plaintiff and defendants, viz: First: an Account of the transactions of Thomas E. Gray and Horace L. Gray, administrators with the will annexed of John Gray deceased:

Second: An Account of the Complainants and all other demands against the said John Gray, or his Estate, and their priority:

Third: An account of that portion of the real Estate not divided among his heirs as referred to in said Bill, and which was lately held as the dower by his widow, now dead, and the annual and fee simple value - At which time & place you are required to attend:

Given under my hand as Commissioner in Chancery of the said Court the day & year first aforesaid.

W. L. Riddick
Commissioner

I acknowledge the service of the within notice
June 29th 1866 —

G W. Gray

On the 28th day of June 1866 I delivered to James
J. Lewis + H. L. Tynes each
a copy of the within notice and on the
29th day of June 1866 I delivered to Jno T. Gray and
H. L. Gray Each a copy of the within notice

cost —
~~$3.00~~ $2.50

Wm Cherry DC
Per Wm Eley Shff.

Tynes &c.
vs: Notice in Chy.
Gray's Admr. & als.

Shff. of Aug. Co.

I acknowledge service of the within notice
June 28th 1866.

Peter B. Preston. Solr. for Defendt
to the within Defendants

Commissioner's Office:
Suffolk, Va. June 5th 1866

To

Henry L. Tynes, who sues for himself and all other creditors of John Gray dec'd. Complainant:

And:

Thomas E. Gray & H. L. Gray, administrators of John Gray, dec'd, and in their own right, Gilbert W. Gray, John T. Gray, James J. Lewis, and Adaline his wife, Francis Gray and Virginia Joseph Gray, the last two infants: Defendants. } In Chancery

You are hereby notified that I have fixed upon the 5th day of July next (Thursday) if fair, if not, the next fair day thereafter (Sunday Excepted) to take and settle, at my office, the following accounts, required to be taken by the decree of Nansemond Circuit Court rendered on the 17th day of April 1866, in a suit in Chancery depending in said Court, in which you are parties, plaintiff and defendants: viz:

First: An Account of the transactions of Thomas E. Gray and Horace L. Gray, administrators with the will annexed of John Gray dec'd:

Second: An account of the Complainants and all other demands against the said John Gray, or his Estate, and their priority:

Third: An Account of that portion of the real Estate not divided among his heirs as refered to in said Bill, and which was lately held as the Dower by his widow, now dead, and its annual & fee simple value:

At which time and place you are required to attend.

Given under my hand as Commissioner in Chancery of the said Court the day and year first aforesaid.

W. L. Riddick
Commissioner

Sergt. City of Richmond

Executed June 10 1865 by delivering a true Copy of the within Notice to Mrs. Mary E. Gray.

Fees 50 cts

Jno. H. Wilson
Sergt. City of Richmond

Jones &c.

vs. Ex Notice in Chy.

Gray's admr & als.

All Available Text Successfully Captured

Lyne &c.

vs.

Gray &al: John M. Cowling being duly sworn says he is well acquainted with the land lately held by Mrs. Mary Gray as owner in her husband Jno. Gray's Land, and that he considers the same worth Twenty five hundred dollars.

Sigd J. M. Cowling

Sworn to before me
this 11th day of July 1866
John R. Kilby
Notary Public

(A.) (1)

Dr. The Estate of John Gray, decd,
In account with Thomas E. Gray, one of the Administrators with the will annexed &c. Cr.

1865 Nov:	30	To Balance due Thos. E. Gray, admr. as per settlement of his accounts made up by John R. Kilby, a Commissioner in Chy. for Nansemond County Court, at this time, and recorded		$276. 77
1866 Octo:	12	" Int: on said Balance from Nov: 30th 1865, to Octo: 12th 1866 - 10 mos. & 12 days.	14. 39	
"	"	By Balance due the Admr.	291. 16	
			$291. 16	$291. 16

1866 Octo: 12 To Balance due Thos. E. Gray, Admr. &c. brot. down $291. 16

Note: From information received by the Commissioner, Thomas E. Gray, is the only administrator who attended to the business of the settlement of John Gray's Estate - H. L. Gray, the other admr. who qualified never having returned any statement of any transactions as admr.

(B.)

An Account of the Debts and Demands against the Estate of John Gray, deceased, in the order of priority.

First Class.

None.

Second Class.

None.

Third Class.

None.

Fourth Class.

Pltffs' Atty.	To Thos. E. Gray, Admr. &c. as per acct: (A.)	$ 276. 77	
	" Int: on same from Nov: 30th 1865. to Octo: 12th 1866 -	14. 39	$ 291. 16
I. R. Kelly	To Henry L. Tynes, Bond for	$ 616. 60	
	" Int: on same from Aug. 15th 1858. to Octo: 12th 1866 - 11 yrs. 1 mos: 27 days -	412. 81	$ 1029. 41
same	To Henry L. Tynes, Bond (signed by John W. Addison & John Gray) for	$ 48. 50	
	" Int: on same from Jany. 1st 1858. to Octo: 12th 1866 - 8 yrs. 9 mos. 12 days	25. 56	$ 74. 06
same	To Henry L. Tynes, Bond, for	$ 3. 63	
	" Int: from Apl. 13th 1858, to Octo: 12th 1866.	1. 85	$ 5. 48
	Amt. carried to next page (3.)		$ 1400. 11

Mr Gray to Wm H Carey Esq Ch. Sheriff
Bond $13.50

Settled 29 May 1857.
to 5 Sep 1866 7.50
$21.00

Mr Priestley will please stick this on to W. L. Riddick's report of May 29th debts against.
S B K.

(B.) Continued.

Plff. Atty. _____ Amt: brot: on from page (2) ℔ 1400. 11

To Henry L. Tynes, Bond (signed by
I. R. Kelly G. W. Gray & John Gray) for ℔ 99. 65
" Int: from Aug. 15th 1855 to March 29th
1858 — 2 yrs. 7 mos. 14 days 15. 67
115. 32
March 29th 1858 — Cr. 73. 00
Balance ℔ 42. 32
" Int: on same from March 29th 1858,
to Octo: 12th 1866 — 8 yrs. 6 mos. 15 days 21. 69 ℔ 64. 01

To Henry L. Tynes, Bond (signed by
Same Wm. Stacy & John Gray) for ℔ 324. 00
" Int: from Dec. 17th 1854, to Jany 26th 1855. 2. 00
326. 00
Jany. 26th 1855 — Cr. 214. 00
Balance ℔ 112. 00
" Int: on same from Jany 26th 1855, to Octo:
12th 1866 — 11 yrs. 8 mos. & 16 days 78. 20 ℔ 190. 20

To A. S. Darden, Bond (signed by
Same Thos. E. Gray & John Gray) for ℔ 53. 00
" Int: from Jany. 1st 1855 to Octo: 12th
1866 — 11 yrs. 9 mos. 12 days 37. 47 ℔ 90. 47

Total Fourth Class — ℔ 1745. 29

Fifth Class.

None.

(C.)

An Account of Real Estate lately held by Mary Gray decd. ~~—~~ widow of John Gray, decd, as dower, with its fee simple and annual rental or value.

Real Estate - fee simple value as per affidavit of John M. Cowling	$2500.00
do: Yearly rental or value	$ 125.00

Memo.

1866 Sep. 5th Wm Jas. J. Lewis has by agreement with the heirs of Jno. Gray agreed to purchase that part of said Jno. Gray's Land, that was set apart to his widow (now dead) for $2000.00 and had advanced & paid the following claims

To Henry L. Ayres $1029.41
" do. 74.06
" do. 5.48
" do. 64.01
" do. 190.70
$1363.66

To W.N. Lasley Ex. of A. G. Shivers $21.00
" Jno. E. Gray 291.16

The debt to A.S. Dawson being paid by J.E. Gray & Wm relieving the Estate $1675.82

& To Mrs E. & H.L. Gray Exors of Jno. Gray dec'd to pay other debts to G.H. Crumb & J.D. Phillips & others $224.18 = $2000.00

Outlaw Rec'd for counties & sign.

Commissioner's Office,
Suffolk, Va. July 20th 1866

To the Hon. Richd H. Baker, Judge of the Circuit Court for Nansemond County:

Your Commissioner, to whom the decree of the 17th of April, 1866, in the Chancery Cause of Henry L. Tynes & als. vs. Thos. E. Gray & Horace L. Gray, administrators with the will annexed, of John Gray decd., & als. was referred, begs leave to report, that on the 5th day of July, 1866, having previously given notice to the parties interested, which was duly served upon, or acknowledged by, the said parties, he proceeded to state the several accounts directed to be taken by the aforesaid decree:

That upon a statement of the transactions of Thomas E. Gray, one of the said administrators - Account marked (A.) - your Commissioner has ascertained that the Estate of John Gray decd. is indebted to the said Thos. E. Gray, admr. &c. in the sum of ($276.77) Two hundred & seventy six dollars & seventy seven cents, with interest thereon from the 30th day of November, 1865 - the said balance being that found due the said Admr. upon a settlement of his accounts as said Admr. at that date by a Commissioner for the County Court of Nansemond - which report has not been excepted to or falsified, and your Commissioner has taken the same to be correct. Your Commissioner also reports that Horace L. Gray, the other admr. who qualified, has never acted as such, the business of said administration having been wholly conducted by Thomas E. Gray.

That by accompanying Account marked (B) Your Commissioner ascertains and reports the

the debts and liabilities due by John Gray decd, and his Estate, to be ($1745.29) One Thousand seven hundred & forty five dollars & twenty nine cents. the interest on the several claims having been computed to the 12th day of October, 1866.

That by account marked (C) the fee simple value of that portion of the Real Estate of which John Gray died possessed, and lately held as dower by his widow, now dead, is ascertained to be ($2500.00) Two Thousand five hundred dollars, and your Commissioner reports that amount as a fair valuation for the said land, and that its yearly value or rental would be ($125.00) One hundred & twenty five dollars.

All of which, with the copy of decree, notices and the several accounts, with affidavit as to value of land, is respectfully submitted.

Given under my hand, as Commissioner in Chancery for the Circuit Court of Nansemond County, the day & year first aforesaid.

W. L. Riddick
Comr.

Commissioner's fee	$35.00
Sheff. Nans^{d}. Co:	$2.50
Sergt. City of Richmond	.50.
	$38.00

Henry L. Tyres &c.

vs. } Comm. Rep.

Thos. L. Gray & Horace L.
Gray admrs. &c.

July 20th 1866
Complete & filed
in my office for exceptions.
W. L. Riddick
Comr.

1866. Aug: 11th filed
clk.

KNOW ALL MEN BY THESE PRESENTS, That we John R. Kilby, Leroy R. Kilby and Peter B. Prentis

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of Two Thousand ~~~

John R. Kelly

To } Comm's Bond

Commonwealth

Nov: 1st: 1866 Executed Filed

We the undersigned Heirs of John Gray decd. are willing for a conveyance to be made to James J. Lewis for the Dower Land of Mary Gray in John Gray's estate, at the price of two thousand dollars, which we consider a fair price for the same, and request the Court to direct a deed accordingly — this Land is ~~the~~ subject to the proceedings in a Chancery suit of H. L. Gray &c. vs. John Gray's Admrs. &c. &c.

Given under our Hands,
this 5th day Sept. 1866

H. L. Gray
Susanna E Gray
John T. B. Gray
Ann E Gray
Francis M. Gray
Thomas E Gray
Cavarida A Gray
by W P Gray

Francisco

(X)

Virginia — At Rules held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday the 5th: day of March 1866.

Henry L. Tynes, who sues for himself and all other creditors of John Gray decd. . . . . Complainant

against &c In Chancery

Thomas E. Gray & S. L. Gray, administrators of John Gray deceased, and in their own right; Gilbert W. Gray, John T. Gray, James A. Lewis & Adeline his wife, Francis Gray & Virginia Joseph Gray, the last two infants . . . . . Defendants

On the motion of the Complainant, by Counsel, Peter B. Prentis, is appointed Guardian ad litem to defend the infant defendants in this suit, and it is ordered that notice be given the said guardian of his appointment, by serving on him a copy of this order —

Teste,

Peter B. Prentis. Clerk

1866. March 5th:- I acknowledge service of this order and that I have received a copy hereof.

Peter B. Prentis

Gdn. ad litem

Henry L. Ingues
&c
vs
Or: appt'q: qdm:
ad litem

Jno: Gray's Admors:
&c.

Ayres & al. vs. Gray adm'x

This cause came on this day to be again heard on the papers formerly read and on the Report of John R. Kilby, Com'r, made pursuant to the decree of the 13th of Oct. 1866— to which report no exception has been filed and was argued by Counsel. On Consideration whereof the Court doth confirm the said Report and doth adjudge, order and decree that the proceedings had in this cause be confirmed and made final, and that the cause be removed from the Docket.

Tyree &c

v

Gray's adm'r &c

1868

apl. Court

Final decree

To be entered

R. H. C.

Entered

Ingles & Gray &

This cause came on this day to be again heard on the papers formerly read & on the Report of Comr W. L. Riddick made pursuant to the decree of the 17th of April 1866; to which Report there is no exception, and also came on to be heard on paper marked (X) this day filed — And was argued by Counsel: On Consideration whereof the Court, adopting paper (X) as an arrangement beneficial to all parties doth adjudge, order and decree that John R. Kilby —— be and he is hereby appointed special Comr. for that purpose to convey to Jas. J. Lewis the Lands referred to in the proceedings, lately held by Mrs. Mary Gray as Dower in the Lands of her late husband John Gray dec'd, (but having the same surveyed,) and on the payment by him of the sum of Two thousand dollars: and out of the said sum of money pay all costs & suit expenses of such conveyance and then pay to the several Creditors of John Gray dec'd, the several sums reported as due them by account "B" of said Report Viz: To Mrs. E. Gray adm'x &c. $291.16 with Interest on $276.77 part thereof, from the 12 Oct 1866 — To Henry L. Ingles $1029.41 with like Interest on $616.60 part thereof; To Henry L. Ingles $74.06 with like Interest on $48.50 part thereof; To Henry L. Ingles $5.48 with like Interest on $3.63 part thereof — To Henry L. Ingles $64.01 with like Interest on $42.32 part thereof; To Henry L. Ingles $190.70 with like Interest on $112.00 part thereof; To A. S. Darden $90.47 with like Interest on $53. part thereof — & to Wm H.

Casey Ex^r of A. G. Shrier $13.50 with Interest from the 27 May 1859, whose claim is this Day allowed, and make to the said Jas. J. Lewis a Deed for the said Land in the usual form with special warranty. But before this Deed shall be executed, he, the said John R. Kelly in his obligation shall execute before the Clerk of this Court, a Bond in the penalty of $2000. payable to the Comth: of Va. conditioned for the faithful execution of the duties required of him by the same.

Entered

Lyon &c
v.
Gray &al:

This cause came on this Day to be heard on the Bill, taken for confessed as to the adult defendants, on whom process has been duly served, they still failing to appear &c and on the answer of the Infant Defendants by R. B. Revill their Guardian ad litem with formal replication thereto, & on the exhibits filed with said Bill and was argued by Counsel; On Consideration whereof the Court adjudge, order & decree that a Comr. of this Court take the following accounts, 1st an account of the Transactions of Thos. E. Gray & Horace L. Gray as admrs. with the will annexed of John Gray dec.d 2d. an account of the plaintiffs' and all other demands against the said John Gray or his estate & their priority — 3d. an account of that portion of the real estate not devised among his heirs, as referred to in said Bill, & which was lately held as the Dower by his widow Mary now dead, and its annual & fee simple value, ~~and whether the Interests of the parties will be promoted by a sale of said real estate~~ — And make report to Court of any matters specially stated deemed

pertinent by himself or that may be
required by any one of the parties unless stated.

Exhibits

To be entered
Ap. 11. 93.

Ex. Ex. 1 to 6 inc.

The Joint and separate answer of Francis Gray, and Virginia Jon. Gray, Infants, by P. B. Prentis, their guardian ad litem to a Bill in Chancery, exhibited in the Circuit Court of Spotsylvania County by Henry L. Tyler &c. against Thomas E. Gray & Horace L. Gray admrs. of John Gray dec'd, &al.

These Respondents, say, that so far as they know or believe, the facts set forth in the Complainants' Bill are true, but being Infants, and incapable of protecting themselves in the premises, they submit all their rights and interests to the Court and pray that no order or decree may be made inconsistent with the same.

Signed,

Peter B. Prentis.

guar. ad litem

Lyons &c.

vs

Hays admrs. dat

Answer of
Defendants.

1866
March 5th: Filed

Virginia:
Nansemond County }

To the Hon: Richard N. Baker, judge of the Circuit Court of Nansemond County —

Complaining, shew unto the Court your Complainant, Henry L. Eyres, who sues for himself and all other Creditors of John Gray deceased, who may make themselves parties hereto, on the usual terms.

Your Complainant, respectfully represents to the Court, and says, That one John Gray of said County died on or about the day of 1858, leaving a Wife which was duly recorded in the County Court of Nansemond, and that Thomas E. Gray and Horace L. Gray duly qualified in said Court as ~~Executors~~ admrs. with the will annexed of said deceased, and proceeded to discharge the duties as such and have sold & converted into money the personal and chattle estate of said deceased & paid the same out in discharge of Debts due by said deceased, & that on the 30th of November 1865, there was a Balance due the ~~Executors~~ admrs. of $276.77 with Interest from that day, as will appear by papers filed herewith & marked (A).

That the said John Gray is indebted to your Complainant as follows — to wit: the sum of $616.60 with Interest from the 15th of

August 1855 fee paid – also the sum of ₶118:50 with Interest from the 1st of January 1858 fee paid; also the sum of ₶99:65 with Interest from the 15th of August 1855 fee paid (subject to a credit of ₶73: on the 29th March 1858); also in the sum of ₶324: with Interest from the 17th Oct. 1854, subject to a credit of ₶214: on 26 Dany 1855: also in the sum of ₶3.63 with Interest from the 13th April 1858 – all of which said several ~~sums~~ sums are due by Bonds which are filed herewith marked B. C. D. E. & F.

That the said Deceased left as his heirs at Law, his widow named Mary, and seven Children and one grand child – to wit: Thomas E. Gray, Horace L. Gray, Gilbert W. Gray, John D. Gray, Charles A. Gray, Francis Gray, Adaline now wife of James J. Lewis, and Virginia Jr. Gray infant child of Jr. Gray dec'd a son of John Gray deceased – That the said Mary Gray, widow, has recently died: That Charles A. Gray has died since his father, leaving his aforesaid brothers & sister & mine his heirs at Law: That Francis Gray & Virginia Jr. Gray are Infants –

That the several heirs at Law were also Legatees as your Complainant is advised – The Testator by his will giving his Lands to be divided according to Law –

that the several heirs, before the death of said Mary Gray and Chs. A. Gray, believing that the personal and Chattel Estate of said John Gray deceased would be sufficient to pay his debts, brought a Chancery suit in the County Court of said County to divide the said Land which were accordingly divided — in which division the dwelling house out houses, and about thirty acres of land attached and twenty acres of wood land, a short distance removed therefrom were assigned to the said widow, Mary Gray, for her dower, which she held until her death, which took place on 1st of April 1863 —

That no copy of said John Gray's will or the qualification of said ~~Executors~~ admrs. and no copy of ~~this~~ record of said proceedings in Nansemond County Court are filed herewith as none can now be had — all being lost & destroyed by the burning of the record & Clerk's office of said County on 7th Feby. 1866 —

Your Complainant charges that the said real estate is liable to pay ~~his~~ demands, and not desiring, unnecessarily to disturb the said division, he prays that, that part which was assigned to Mary Gray, widow, as aforesaid as her dower in said Land may be first sold, believing that, that part will pay all outstanding demands if not, that, then the

remainder, or such other part of said John Gray's Lands may be sold, as may be necessary for that purpose — That the said John Gray died possessed of a tract of Land in Bantil's Neck, on Chuckatuck Creek containing One hundred and sixty acres more or less, and adjoining the Lands of Wm. B. Snead, Jno. Q. Adams and said Creek —

In consideration whereof and as this Court has jurisdiction to grant such proper relief, To the End Your Complainant prays that Thomas E. Gray and Horace L. Gray admrs. of John Gray dec'd. and in their own right, Silas W. Gray, John T. Gray, James J. Lane and Adaline his wife, Francis Gray & Virginia Jn. Gray, the last two being Infants, may be made Defendants hereto, and be required to answer the allegations herein — That the settlement of said John Gray's estate an extract of which is filed herewith in Exhibit (A). may be taken as correct — That the Lands aforesaid may be sold or such part thereof as may be necessary to pay your Complainants demands, and that all proper accounts may be ordered and that such other and further relief may be granted, Consistent with Equity &c

John R. Kirby p. q.

Kilby p. v.

Henry L. Tyner &c.

vs Eq Bill

John Gray's admr: &c

Nann° Cir. Ct.

Henry L. Sykes &c
vs
E. Chy. Noted

Jno. Gray's Admors. &c.
Feby. 20th
1866. Sumns. in Chy. issued
" March 5th. Bill filed – Condelemnal decree
vs adml. defts. P. B. Prentiss.
Apptd. g.d. ad litem to infant
defts. who filed Ans. cons.
genl. replen. & cause set for
hearing as to them.
" Apl. 2nd. Condelemnal decree confrmd
& cause set for hearing
" " 17th. Decree for Accos.
" May 11th. Commrs. (in Chy.) report filed
" Octo. 15th. Decree & order sale &
distribution &c.
" Nov 1st. Commrs. Bond executed & filed
1867. Apl. 19th. Continued. Octo. 15th. Continued
"
1868. Apl. 20th. Final Decree"

Chy. Notes