

1870-003

ADMR. OF GEORGE T. SAUNDERS VS COMMITTEE OF WILLIAM SAUNDERS

1870

CHANCERY CAUSES

NANSEMOND COUNTY
(SUFFOLK)

SURNAMES: BUTLER,

Costs

Clerk	\$10.00
Att: Hay	15.50
Wm. McGinnis, Court	50
Comm ^{rs} : in Chy & R.R.	5.00
AR. Butler	1.14
Jos: J. Laughton	1.30
Jos: P. Saunders	1.30
Wm. J. Saunders	1.30
Shff: Nausemow	20
" J. of Ullight	80
	<u>\$37.04</u>

Costs -

The Commonwealth of Virginia, *Wm. N. McGuire, a Constable*

To ~~the Sheriff~~ of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Wm. Ely, Sheriff and Committee*
of Wm. H. Saunders decd,

to appear at the Clerk's Office of our *Circuit* Court, for the County of Nansemond, on the
first Monday in *September* ~~next~~, 1868, being rule day; to answer a bill in
chancery, exhibited against *him* by

Wm. J. Saunders, Adm^r. of George T. Saunders, decd

and unless *he* 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 and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *1st* day of *September* 1868, and in the *93rd* year of
the Commonwealth.

Peter B. Prentis, Clerk.

For The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Kelly p. 9

Wm. J. Saunders, Adm^r: of
Geo. J. Saunders' deed

2^d { Sum^r in Chy:

Wm. Eley, Shff: & Comm^r:
of Wm. J. Saunders' deed

To Sept^r: Rules 1868

Ex parte Sept-4th 1868 and a true copy of the
written depositions to Wm. Eley Shff & Comm^r:
of Wm. J. Saunders' deed.

Wm. J. Saunders' Comm^r:—

Pro: B. No. 1. page 43

Cir: Co.

At a Monthly Court held for Hantsford County, the 14th day
of October 1867.

On the motion of Nancy Saunders, it is ordered, that the
Estate of William Saunders (of Henry) deceased, be committed
to William Eley, Sheriff of this County, for administration
according to law: it appearing that the said William
Saunders has been dead for more than three months,
and no person having applied for administration on his
estate.

a Copy.

Teste,

Peter B. Prentiss. Clerk

"C"

At a Court held for the County of Isle of Wight on the
3^d day of February 1868.

On the Motion of William J. Saunders who made oath,
and together with Amos Broadshaw and Mills J. Carr his
securities, who justified, entered into & acknowledged their
bond in the sum of \$600.00 the value of the estate
being less than \$1000.) with Condition according to law,
Certificate of Administration is granted him *de bonis non*,
on the estate of George Thomas Saunders dec^d. Ordered that
this bond be recorded.

A Copy Teste H. H. Womble D.C.
for N. D. Young clerk



("B")

At a County Court held for the County of Schoharie on
the 7th day of January 1867.

On the motion of William H Saunders whom a Bath,
and with Alfred R Butler and James F Saunders his
Securities who justified, entered into and acknowledged
a bond in the penalty of \$600.00 with Condition accor-
ding to law, Certificate of Administration is granted
him on the estate of Thomas Saunders deceased
the estimated Value of the estate being \$300.) Ordered
that the said Bond be Recorded.

a copy Teste

H. H. Wamble D.C.
for N. P. Young Clerk.



(A)

I exhibit, filed
with Rice of
Saunders and

m

Saunders, A. J. Lowe

Wm. J. Saunders, admor. of George
J. Saunders dec'd

Wm. Eley, Sheriff and Committee
of Wm. H. Saunders dec'd

The Depositions of Alfred R. Butler and others
taken before me, Peter B. Prentiss, a Commissioner in Chancery
pursuant to notice hereto annexed, at the Clerk's Office, in
Suffolk, Hanover County, Va: on the 8th day of October
1868, between the hours of 8 A.M. and 6 P.M., to be read
as evidence on behalf of Wm. J. Saunders, admor. of George
J. Saunders, in a certain suit in Equity depending in the
Circuit Court for the County of Hanover, wherein
the said Wm. J. Saunders, admor. of George J. Saunders
dec'd is Plaintiff, and Wm. Eley, Sheriff and Committee
of Wm. H. Saunders dec'd, is Defendant.

Present— The Defendant—

Alfred R. Butler— being duly sworn on the Holy
Evangelists of Almighty God, deposes and saith as follows:
1st: Question. What is your age?

Answer 55 years.

2nd: Question. Do you know the parties to this suit?

Answer.

I do.

3rd: Question. State all you may know as to whom the
money belonged, lent by Wm. H. Saunders to Alfred R. Jenkins

and Wm. B. Allen, and for which they gave their bond to him, on the 7th day of February 1867 - also, to whom the sum of \$99.10, for which Wm. Benton gave his bond, on the 12th day of February 1867; and how you may have derived your information?

Answer. What I know, about the matter is this: I heard said Wm. H. Saunders say, that ^{he} loaned to Thomas R. Jenkins and Wm. B. Allen, on their bond, the sum of One Hundred Dollars - which sum of money was a portion of the assets in his hands, belonging to the Estate of George Thomas Saunders dec'd. (he being the adm^r: of said dec'd) - at the same time, Mr. Saunders, (Wm. H.) asked me, if I thought he had loaned the money to responsible parties; I replied, that I thought, that they were responsible men - I also heard Mr. Wm. H. Saunders say, that he had sold to Mr. Wm. Benton a barrel of brandy belonging to the said decedent's estate for \$99 and some odd cents, for which Mr. Benton was to pay ^{the cash} in a few days, but failing to do so, executed his bond for said sum - at the time the conversation took place, about the brandy, it (the brandy) was entered on the account sales of the Estate of said Geo. Thomas Saunders dec'd which has been returned and recorded in the Clerk's Office of Isle of Wight County Court.

And further this deponent saith not.

A. R. Butler

Joseph J. Naughtley, James P. Saunders and
 Wm. J. Saunders being severally, duly sworn on the
 Holy Evangelists of Almighty God, depose and say,
 that they have listened attentively and heard the
 foregoing deposition of Alfred R. Butler, which
 they adopt as their own, concerning in all the state-
 ment, therein contained - their intimate acquaintance with
 the facts justifying them - and further these deponents say not.

Joseph J. Naughtley
 James P. ^{his} Saunders
 William J. Saunders

State of Virginia
 Hanseman County, to wit
 I, Peter B. Prentiss, a Commissioner in Chancery
 for the Circuit Court of Hanseman County, in
 the said State, do hereby certify that the foregoing
 depositions were duly taken, sworn to and sub-
 scribed before me at the time and place mentioned
 therein.

Given under my hand this 8th day of October
 1868.

Certs. & Deponents

A. R. Butler . . \$1.14^c
 Jos. J. Naughtley . 1.30
 Jas. P. Saunders . 1.30
 Wm. J. Saunders . 1.30

Sherriff: Wm. Elzy. Nam? . 20
 do. E. L. Elzy. J. & W. . 80
 \$6.04

Peter B. Prentiss.

Comm^r in Chy.

Wm. J. Saunders, admr.
debnr of George J.
Saunders dec'd

vs { Depositions

Wm. Eley, Shff. & Counsel
of Wm. Saunders dec'd

Came to hand 8th Octo: 1868
Filed. CLK.

To *Wm. Eley Sheriff & Committee of Wm. Saunders, dec'd*

Take notice that I shall on the *8th* day of *October* 186*8*, next, at
the Clerk's office in *Suffolk*,
Nampannet County between the hours of 8 a. m. and 6 p. m. of that day, proceed
to take the Depositions of *Wm. Beaton & J. J. Vaughten*
_____ and others, to be read as evidence in *my* behalf, in a certain *suit*
in Chancery, depending in the *Circuit* Court of *Nampannet*
County, wherein *I as admr.*

_____ *ad* plaintiffs, and *you as Sheriff & Committee,*
afrc and ~~as~~ defendants; and if from any cause the taking of the said
Depositions be not commenced on that day, or if commenced be not concluded on that day, the
taking of the same will be adjourned and continued from day to day or from time to time, at the
same place and between the same hours, until the same shall be completed.

Respectfully,

To the Sheriff of *Nampannet* }
County to execute.

Wm. J. Saunders admr.
de bonis of Wm. J.
Saunders, dec'd
(*by atty*)

1868. Sept: 7th I acknowledge service in
the within notice, & that I have received a
copy of the same.

Yours Truly, skw:
L. Comma of W. Saunders & Co.

1
Saunders' adms

or

Saunders & Co., &c

Notice to S. C. & Co.

Saunders & Co., &c

THE COMMONWEALTH OF VIRGINIA,

Isle of Wight

TO THE SHERIFF OF ~~NANSEMOND~~ COUNTY, GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON

*Jos: J. ^{2d}Wroughtley, Jas: P. ^{2d}Saunders,
Wm: J. ^{2d}Saunders and A. R. ^{2d}Butler.*

to appear before ~~our~~ *our* a Commissioner in Chancery of our
Circuit ~~in~~ *in* Court of Nansemond County, at the Clerk's
Office of said Court, on the 8th day of October 1868
~~to~~ *to* testify and the truth to say in behalf of *Wm: J. Saunders,*
Adm^r of George J. Saunders dec'd

in a certain matter of controversy in our said Court
depending and undetermined between *Wm: Eley, Sheriff and Committee of Wm:
Saunders dec'd, and said Wm: J. Saunders, Adm^r of George J. Saunders
dec'd*

And this *They* shall in nowise omit under the penalty of \$100 each and have then
and there this writ.

Witness, PETER B. PRENTIS. Clerk of our said Court, at his Office, the *4th*: day of
September 1868, in the *93rd*: year of the Commonwealth.

Peter B. Prentis. Clerk

Executed by delivering a true copy
of the will in on J. R. Butler
Jas J. Langthorpe Jas. P. Saunders
& Wm. J. Saunders Oct 11/68
Wm. E. Powell Esq
for E. L. Eley Shlb

Wm. J. Saunders, admr:
of George J. Saunders
decd

Wm. E. Powell
Esq

Wm. Eley, Shlb: Exmnr.
of Wm. Saunders decd

To 8. day of Octo: 1868, at
the Clerk's Office, in
Suffolk.

Wm. E.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY, GREETING.

YOU ARE HEREBY COMMANDED TO SUMMON *Wm. Benton,*

to appear before ^{Commissioner in Chancery} *a* of our *Circuit*

Office of said Court, on the 8th day of October 1868 Court of Nansemond County, *at the Clerk's*
~~to testify and the truth to say in behalf of Wm. J. Saunders~~
admr. of George J. Saunders dec'd

in a certain matter of controversy in our said Court
depending and undetermined between *Wm. Eley, Sheriff and Committee of Wm.*
Saunders dec'd and said Wm. J. Saunders, admr. of George J. Saunders
dec'd

And this *he* shall in nowise omit under the penalty of \$100 each and have then
and there this writ.

Witness, PETER B. PRENTIS. Clerk of our said Court, at his Office, the *14th* day of
September 1868, in the *93rd* year of the Commonwealth.

Peter B. Prentis. Clerk

Wm J. Saunders, Adm^r:
of Geo. J. Saunders decd

25th } Spa:

Wm Ely, Shff. & Comm^r:
of Wm Saunders decd

To 8th day of Octo: 1868, at
the Ck's Office, in Salfeld.

Ex-acted Sept 24th 1868 date in copy book
delivered to Wm Brewster
Wm Ely Adm

At a Circuit Court held for Hansemond County
The 14th day of October 1868:

Wm: J. Saunders, administrator of George

T. Saunders deceased. Complainant

Against ⁱⁿ In Chancery

Wm: Eley Sheriff and Committee of Wm:

H. Saunders dec'd. ~ ~ ~ ~ ~ Defendants

This Cause came on this day to be heard on the Complainant's Bill taken for confessed as to the Defendants, on whom process had been duly executed and he still failing to appear and answer and on Exhibits filed with said Bill and on Examination of Witnesses and was argued by Counsel: On Consideration whereof the Court doth adjudge order and decree, That Wm: Eley Sheriff and Committee of William H. Saunders dec'd Transfer and deliver to the said plaintiff Wm: J. Saunders administrator de bonis non of George T. Saunders dec'd the two Bonds referred to in the proceedings, to wit, the Bond of Thos. R. Jenkins and Wm: B. Allen for One Hundred Dollars and the Bond of Wm. Beaton for Ninety Nine Dollars and Ten cents. The Court deciding that the said Bonds are part of the Estate of said George T. Saunders and not the Estate of said Wm: H. Saunders, and it is ordered that the Costs of this suit be paid out of the proceeds of said Bonds, when collected and that said Wm: Eley Sheriff and Committee aforesaid Make report to Court of his transfer and assignment and the evidence thereof of said Bonds as

above directed.

A Copy
Teste,

Peter B. Prentiss. D^o

1868 Dec. 26 Rec^d of Wm Ely Sheriff
& Come of Wm H. Saunders dec^d, a Bond
executed by Wm E. Beaton to said Saunders,
in his life time for ninety nine dollars &
ten cents dated 12th Feb. 1867 & due on
demand — Also a Bond executed
by Thomas R. Jenkins & Wm B. Allen
to said Saunders for one hundred dollars,
which two Bonds are now surrendered
by the said Wm Ely Sh. & Come of Wm H.
Saunders dec^d, under a decree of the
Circuit Court of Nassau County of
14th of Octo. 1868, made in the case
of Wm J. Saunders, adm^r of Geo. J.
Saunders dec^d, v. Wm Ely Sh. & C. of
Wm H. Saunders dec^d.

John R. Kilby atty
for Wm J. Saunders, adm^r
of Geo. J. Saunders dec^d.

Fully Receipt

To The Circuit Court of Nausemond County:

Pursuant to a Decree of said Court pronounced on the 14th day of October 1868, in the Chancery cause pending therein, wherein Wm: J. Saunders, Adm^r: of George J. Saunders decd, is Complainant, and Wm: Eley, Sheriff and Committee of Wm: H. Saunders decd, is Defendant, the undersigned begs leave to report, that, agreeably to the requirements of said decree, he has transferred and assigned to said Complainant the bond of Wm: E. Benton for \$99:10 and the bond of Thomas R. Jenkins & Wm: P. Allen for \$100:00 and returns herewith, as evidence thereof, the receipt of John R. Kelly, Atty: for said Complainant.

Respectfully Submitted

Wm Eley Sheriff
Com^r of Wm H. Saunders decd

Com. J. Saunders, Actuar:
&c

$\frac{H}{25}$ { Repaid of transfer of
Bonds &c

Wm: Eley, Shff: & Commr.
of Wm Saunders decd

filed apl. 2^d M^o

Samuel, Jr

m

Samuel Conover

This cause came
on this day to be again heard on the papers
formerly read & on the report of Mr. Ely
made pursuant to the decree of the 14th
of Oct. 1868 to which report there is no
exception being argued by Counsel. on
consideration whereof the Court doth confirm
the said Report & doth adjudge, order &
decree that the proceedings had in the
cause be confirmed & made final & binding
between the parties, & that the cause
be removed from the docket.

Saunders, adw

v

Saunders, Comer

1870

apl. Court

decree

To be entered

Geo. B. Low. Jr.

Saunders, adm

W

Saunders, Sh. & Comr

This cause came on this day to be heard on the Complainant's Bill taken for confessed as to the defendant, on whom process had been duly executed & he still failing to appear & answer, & on exhibits filed with said Bill & ^{examination} ~~depositions~~ of witnesses, and was argued by Counsel; on consideration whereof the Court doth adjudge order and decree that Wm. Ely, Sh. & Comr of Wm. H. Saunders, dec'd, transfer & deliver to the said plaintiff Wm. J. Saunders, admr de bonis non of George J. Saunders, dec'd, the two Bonds referred to in the proceedings to wit: the Bond of Thos. R. Jenkins, & W. B. Allen for \$100 and the Bond of Wm. Beaton for \$99.10. The Court deciding that the said Bonds are part of the estate of said George J. Saunders and not of the estate of said Wm. H. Saunders, and it is ordered that the costs of this suit be paid ~~by~~ out of the proceeds of said Bonds, when collected, and that said Wm. Ely, Sh. & Comr aforesaid make report ^{to Court} of his transfer and assignment ^{& the evidence thereto} of said Bonds as above directed.

Saunders' ~~Adm~~
n

Saunders, Sh. &c.

1868

Act. Court - Decree

To be entered.

R. H. Benson
~~~~~

Entered

To the Hon. Richard N. Baker, Judge  
of the Circuit Court of Nansemond County.

Complaining shew unto the Court  
your Complainant William J.  
Saunders adm<sup>r</sup>. <sup>de bonis non</sup> of George J. Saun-  
ders dec<sup>d</sup>.

Your Complainant respectfully  
represents to the Court and says that  
~~the~~ said George J. Saunders died in  
the County of Chowan, N.C. on the      day of  
August 1866 Intestate, and <sup>that</sup> he duly  
qualified as his adm<sup>r</sup>. <sup>de bonis non</sup> in  
the County Court of Isle of Wight County on  
the 3<sup>rd</sup> day of February 1868, and as  
such administrator has proceeded in  
discharge of his trust -

That previously to your Complainants'  
qualification as adm<sup>r</sup>. <sup>de bonis non</sup> of said  
deceased, one Wm Saunders, had qualified  
in the County Court of Isle of Wight County as the  
adm<sup>r</sup>. of said George J. Saunders dec<sup>d</sup>. to  
wit on the 7<sup>th</sup> day of January 1867. - Copies  
of the orders of Court granting such admin-  
istrations are filed herewith & marked "A & B."

That the said Wm Saunders as such adm<sup>r</sup>.  
sold the personal estate of said George J. Saunders  
and collected the moneys due said deceased & of  
that identical moneys, belonging to the estate

of said Geo. J. Saunders, he the said Wm. Saunders lent to Messrs R. Jenkins & Wm B. Allen the amount of \$100. on the 7<sup>th</sup> day of February 1867. and to Wm Beaton the sum of \$99:10<sup>00</sup> on the 12<sup>th</sup> day of February 1867 (and took of said Debtors Bonds for the said respective sums payable to himself in his own name and not as such admr. as he ought to have done -

That the said William Saunders has since then died, Intestate, and his estate has been committed to the hands of Wm. Ely Sheriff of Lancaster County for administration, as will appear by the order of Court, of which a copy is filed herewith & marked 'C'.

Your Complainant says that the said Geo. J. Saunders his Intestate, and also the said Wm. Saunders are both Insolvent and owe money to which there is security, and it becomes a matter of importance to know to whose estate the said Bonds now belong -

Your Complainant avers that the said Bonds were taken for money belonging to said Geo. J. Saunders, estate, and should now go into his estate to pay his debts, and should not go to pay the debts of Wm. Saunders aforesaid; Your Com-

plainant therefore prays that the said  
Wm Eley as Sheriff & Committee of said  
Geo Saunders decd, may be compelled to surrender  
and deliver the said Bond, <sup>now in his hands</sup> to your Complain-  
ant as adm<sup>r</sup> & bonis non of Geo. J. Saunders,  
decd, to be applied to the payment of the debt  
due by said Geo. J. Saunders, according to  
Law -

In Consideration whereof, and as this Court  
has jurisdiction to grant the relief prayed for  
In the End your Complainant prays that  
the said William Eley Sheriff & Committee  
of Geo Saunders decd, may be made  
defendants unto and answer the allegations  
herein and that all other and proper  
relief may be granted Consistent with Equity  
&c. (and your Complainant will to  
John R. Kilby

Killy p. v

Mr. J. Saunders adm  
of Mr. J. Saunders & Co

in 3 Biers

Mr. Eley sh. & Comr  
of Mr. Saunders & Co

How? Cir., et.

Saunders' Adm<sup>tr</sup>

25<sup>th</sup> { Chy: Notes

Ely, Supp: & Comm<sup>ee</sup> of Saunders

1868. Sept: 1<sup>st</sup>: Sum<sup>d</sup> in Chy: go<sup>g</sup> to Sept: Rules 1868.

" " 7<sup>th</sup>: Bill for filed - " Conditional Decree 25"  
defendant.

" Octo: 5<sup>th</sup>: Conditional Decree confirmed & cause set for  
hearing, on mo: of Compt<sup>y</sup> Council

" " 8<sup>th</sup>: Depositions filed

" " 14<sup>th</sup>: Decree to transfer & deliver bonds to

1869. Apr: 21<sup>st</sup>: Continued (Octo: 14) Continued

1870. Apr: 2. Refut filed. (20<sup>th</sup>) final Decree.

Chy: Notes