

1870-010

MARY B. JORDAN EX'X OF W. H. JORDAN VS GILBERT W. GRAY + WIFE ETC

1870

WATSEMAN COUNTY
(SUFFOLK)

CHANCERY CAUSES

SURNAMES: CHAPMAN, BARRADALL

Mary B. Jordan, Ex. Jc

25th } Chy: Notes

Gilbert W. Gray L. & Co.

1866 Aug. 7th: Sum. in Chy: writ to Sept. Rules

" Sept. 3rd: Bill & filed

" " " Conditional Decree is defendant

" " " Howard L. Gray

" Oct. 1st: Conditional Decree is deft.

" " " Howard L. Gray confirmed

" Dec. 3rd: Alas Sum. of d. is deft.
Gilbert W. Gray L. & Co.

1867 Jan. 7th: Conditional Decree is the
deft: Gilbert W. Gray L. & Co.

" Feb. 4th: Conditional decree is deft: Gray
L. & Co. confirmed & cause set
for hearing, on motion of Alas.

" Sept. 19th: Counsel
Continued (Oct. 15th) Continued

1868 Apr. 22nd: Continued (Oct. 14th) Continued

1869 Apr. 21st: Continued (Oct. 12th) Decree for money

1870 Apr. 18th: Final Decree

Chy: Notes

To the Hon. Reuben H. Baker, judge of the Circuit Court of Nassau County, in Colo sitting, humbly complaining therewith unto your honor, your Oratrix, Mary B. Jordan the executrix of the last will & testament of W. H. Jordan de - who departed this life, on 17th Dec^r 1865, on whose estate she qualifies as will appear by a copy of his said will (here with filed) as a part of this Bill, on the day of 1856. That on the 22^d of March 1858, a bond was executed by one Sallie Barraball, to one Susanna Chapman, who afterwards intermarried with one Augustus Bunkley, for the sum of \$100.00, which bond was assigned by an endorsement thereof of the 20th April to W. J. Barraball by Augustus Bunkley who having intermarried with the said Susanna Chapman, became thereby possessed & entitled to the said bond, and by the said W. J. Barraball to W. H. Jordan on the 23^d April 1860.

That after the execution of the said bond, by the ^{said} Sallie Barraball, to wit, on the 22^d day of January 1859, in view of intermarriage with one Gilbert W. Gray (whom she a few days thereafter did marry) ^{to Howard L. Gray Trustee,} made a deed, ^{conveying} all, ~~transferring~~ all of her interest, in the estate of her brother, one Henry Barraball who was supposed to be dead, and whatever interest, or sums might be in the hands of one B. Whitfield ^{admir} of her father W. J. Barraball ~~de~~, and also all of her interest in the purchased money of a tract of Land in Beased Neck, Isle of Wight County, whereof her said ^{father} died seized & which had been sold by a decree of the Circuit Court of Isle of Wight Co. for her sole, separate and exclusive use, all of which will appear by a copy of the said deed of marriage settlement, herewith filed marked "B," and prayed to be taken as a part of this Bill.

That her late husband and testator W. H. Jordan de, after the assignment of the said bond of \$100, to him, in his lifetime, probably instituted a suit at said Court, against Gilbert W. Gray & Sallie his wife, formerly Sallie Barraball, obtained judgment thereon, on which the execution of fi fa ipso returned "no effects" ~~and~~ except such as was referred to & conveyed by the said "deed of settlement." That certainly as she is informed by R. H. Whitfield the attorney for her late husband a Bill was filed at the Feb^y Rules, 1861, in the Circuit Court of Nassau County by W. H. Jordan de, to set aside the deed of settlement aforesaid, ^{so far} as the said bond executed by Sallie Barraball before her marriage with the said Gilbert W. Gray - or at least, to subject the property, or interests of the said Sallie Barraball afterwards

Sallie Gray), conveyed by her, in the said deed to Horace L. Gray trustee, alleging that as this bond, or debt of \$100, ^{was} executed or contracted by her, previous to the execution of the said deed, it was void as to that debt, or at least subject, or subordinate to it; and therefore, in said bill, the said W. H. Jordan, prayed that it might be so ordered and decreed by this Hon. Court, and to grant all other and further relief which might be right & proper in the premises. It is believed that a decree was entered in the premises, either at the following April, or Octo: terms of said Court, but what was the character of them, or the extent of the relief granted, cannot, for reasons hereinafter mentioned, be, with entire precision set forth. Your orator alleges, that such relief was granted, as the nature of the case authorized & permitted. The aforesaid suit in Chy was brought by her late husband, W. H. Jordan ~~and~~, in his lifetime against the said Horace L. Gray trustee under the said deed to him, and Sallie Gray (formerly Barraball), and her husband, the said Gilbert W. Gray. Your orator states, that all the "papers", in the said suit, with the said bond, were totally consumed, by the fire on 7th Feb. 1866, which destroyed the Clerk's office, and the records therein for the County of Staunton - and as her husband has since died, she has no information upon the subject, except such, as may be gathered from the receipt of said ~~attestations~~ ^{attestations} the attorney in the case, given for the bond.

and his recollection of the facts, aided & refreshed by conversation of his free book, charges &c; your orator alleges ~~the~~ charges, that the property in said deed of Marriage Settlement, conveyed to Horace L. Gray, is liable for the payment of said debt, with interest & costs; and that the said Horace L. Gray trustee, and Gilbert W. Gray, and Sallie his wife, may be restrained from paying, or using in any way, the said property, until the said debt, interest & costs, are fully discharged.

Your orator is without adequate remedy save in this Hon. Court; where matters of this sort are properly cognizable. - In the End therefore that justice may be rendered in the premises, she prays that Horace L. Gray trustee, and Gilbert W. Gray & Sallie his wife be made parties defendant, to this bill & be compelled to answer the same. That this cause may be restored, and be proceeded in, in lieu of the one the proceedings of which were destroyed as aforesaid; that the "property", or interests therein, referred to and conveyed by the said deed of "Marriage Settlement", may be made subject to the payment

of the said debt; and that the said parties defendant be restrained & enjoined from conveying, or appropriating the same to any purpose other than to the discharge of said debt, or subject thereof. And grant all other & every relief which to may be meet and fit in the premises, or to equity may seem just proper.

Witness my hand & seal
of W. H. Jordan Dec -
By ~~W. H. Jordan~~ ^{W. H. Jordan} Dec -

Virginia

State of Wight County to wit

Mary D. Jordan executrix of W. H. Jordan dec, personally

appeared before me a justice of the peace for said County, and made oath that the facts as set forth in the Above Bill, signed by her, she has reason to believe, in the manner stated therein, are substantially true, though she has no other knowledge of the said facts, ~~that~~ ^{that} they are, or have been made known to her by the parties referred to. Given under my hand this 1st of 1866.

R. H. Randolph J.P.

Virginia

State of Wight County to wit. Staunton County

Robert H. Kilfield personally appeared before me, a justice of the peace for the said County, and made oath, that the facts as set forth in the Bill above, of Mary D. Jordan, are true to the best of his belief and recollection. - Given under my hand this 16th Sept. 1866.

J. M. Lowrey J.P.

Lord's admt

H. B. C. C. C.

Gray's

Mary B Jordan Ex^{or} of W^m H Jordan

vs

Gilbert H Gray wife

This cause in which
the Bill is taken for confessed as to the
Defendants - Gilbert H Gray, & Sallie
his wife & Horace L Gray Trustee for
said Gilbert H Gray wife, on whom
process has been duly served, they still
failing to appear plead answer or
demur, on said Bill exhibits filed,
was argued & counsel, on consid-
eration whereof the Court do hereby adjudge
order & decree that the Defendants - ~~Horace~~^{Gilbert}
H Gray ~~& Sallie his wife~~ pay to the Plaintiff
the sum of \$100.00 with interest thereon
from March 22^d 1858, the amount of the
Bond of said Sallie Gray given before her
Marriage with the said Gilbert H Gray & the
execution of the Marriage Settlement in
these proceedings mentioned & that as
to the amount of said Bond, ^{the judgment} ~~the~~
Conveyed & said deed is subject to the lien of said debt -
Marriage Settlement is void & that
said Horace L Gray Trustee as aforesaid
out of any funds that may come into
his hands as such Trustee pay & satisfy
the above judgment & the cost of this
Suit & that the said Trustee be restrained
from going to said Sallie Gray, or to her

order, any funds now in his hands or that may
hereafter come into his hands as such Trustee
under said deed of settlement; until he
has satisfied the judgment aforesaid that
a copy of this decree be served on the said
Grace & Gray —

May 13 Jordan
Esq. of W H Jordan
Esq. supra —

Decree Oct Term 1869

To be entered

E. J. Little

Decree of W H Jordan
Esq. supra —

Mary B Jordan Ex &

vs

Gilbert W Gray Exr & ad

The purpose of this
suit having been attained, on motion
of the Plaintiff it is ordered that this
suit be removed from the docket—

May 13 Jordan Egg

21

Elbert W. Eng, Inspector

Order

April Term 1870

To be entered —

An Indenture made the twenty-second day of January 1859, between Sallie Barradell of the first part, Gilbert W. Gray of the second part, & Horace R. Gray who is trustee selected by the parties aforesaid of the third part; Whereas a marriage is intended to - solemnized between the said Sallie Barradell, & Gilbert W. Gray. And whereas the said Sallie Barradell is possessed of certain property hereinafter mentioned, which said property it is intended shall be secured to the said Sallie Barradell to her own separate, sole & exclusive use, benefits & control & disposition. Notwithstanding her intended coverture, free from all contract on the part of her intended husband, & in no manner to be subject to any debt or claim now existing against him, or which may hereafter be contracted by him. Therefore this Indenture witnesseth, that the said Sallie Barradell in consideration of the premises & the sum of one dollar in hand paid to her by the said Horace R. Gray, the receipt whereof is hereby acknowledge & with the consent & approbation of the said Gilbert W. Gray signified by his executing these presents, does hereby grant, bargain, sell & convey with general warranty unto the said Horace R. Gray, the following property, viz. All of her the said Sallie Barradell's interest of every sort & description, in & to her late father's; Wm H.

Barradall's estate, to which she is entitled as surviving, or heir, embracing ^{any} sum or share, or money, or other interest now in the hands of R. H. Whitfield admr. of the said Wm H. Barradall, to be distributed, & her share or portion of the real estate whereof her said father died seized: as well as interest which she may be entitled to in the estate, real & personal, as one of the distributees of her brother Henry Barradall who is supposed to be dead: And the following Negroes; ~~Jack~~ Nancy & Moses & increase of families, & her interest in Dover negroes assigned Martha Barradall & increase thereof, and all other property of any sort in possession, remainder or reversion, not herein specified. But upon the following ~~trusts~~ ^{trusts} viz: For the sole & exclusive use & benefit of the said Lallie Barradall, until the solemnization of the said intended marriage, & from and after the said marriage, to the sole, separate, entire, exclusive & only benefit, control and management & disposition of her the said Lallie Barradall together with all the profits of the same, notwithstanding her coverture: to the interest and purpose, the said property or profits, is in no manner whatsoever to be subject to the contract, management, disposition of, or debt or claims against the said Gray, now existing or hereafter contracted by him.

And that the said Lallie Barradall, notwithstanding her intended coverture, shall alone have the power to dispose of the said property by her deed, writing - or last will & testament, and execute all receipts & other papers requisite for the management or disposition of said property, or any part thereof, during her coverture, to all interest & purposes so fully & effectually as if she were a feme sole. And upon this further trust, that the said Horace L. Gray trustee - will convey and transfer said property or any part thereof - to such person or persons as she shall in the manner afore said direct or appoint. And should the said Lallie Barradall survive her intended husband, that the said property shall belong & be conveyed to her & be held by her in fee, as if this deed had never been made. And should she die before her intended husband, intestate, that then the same deed & co. to be enjoyed by the issue of the said marriage, if any. But it is expressly understood, between the parties to these presents, that the said Horace L. Gray trustee is in no manner to be liable for the loss or destruction of said property, unless caused by his own appropriation or waste of the same, that is to say - he is not to be liable for any disposition by the said

Lallie Barradall - or any waste thereof cause by her
act or by her permission - And to guard against all
possible misconstruction - it is herein agreed & declared
that the said property, nor any other to which
the said Lallie Barradall is in any manner & form
interested, or entitled, is not to be in any manner
subject to the control, management or disposition
of the said Gilbert W. Gray, or liable for his debts
now existing, or hereafter - or at any time contracted
by him: but that the same is to be held for the sole
separate use, benefit, control, & disposition and
aforesaid, of her the said Lallie Barradall, as
fully & completely as if she were a feme sole. Witness
our signatures & seals this the day and year first
above written.

Lallie Barradall *seal*
Gilbert W. Gray *seal*

City of Norfolk State of Virginia

I Charles Reid a justice of the peace for the City
aforesaid, in the state of Virginia, do certify that
Lallie Barradall - Gilbert W. Gray & — whose names
are signed to the writing hereunto annexed, bearing date
the twenty second day of January 1859 acknowledged
the same before me in my county aforesaid. Given

under my hand this the twenty second day of
January 1859

Charles Reid J.P.

In the clerk's office of the City of Norfolk County Court.
January 25th 1859 this Indenture or agreement, was
received and admitted to record upon the certificate
annexed of Charles Reid a justice of the peace for
the City of Norfolk of its acknowledgement before
him of Lallie Barradall & Gilbert W. Gray.

Teste

A. P. Young J.C.

A copy

Teste

A. P. Young J.C.

Gilbert Gray
} Murray
and } Contract

Sally Barradall

copy.

(B)

1. Copy

M^{rs} W. H. Jordan has placed in my hands for such, a bond executed on 22nd March 1858, to Susanna Chapman, for One hundred dollars; assigned on April 20th 1860; to W. J. Barradall, by Augustus Brunkley; & on April 20th 1860, to W. H. Jordan by W. J. Barradall per W. G. Brunkley.

R. H. Whitfield

Dec 18th 1860

Copy of R. H. Whiff
ield's Receipt of
Sarah Barradell's

Fond
\$100.00

The Commonwealth of Virginia.

To the Sheriff of Nansemond County---Greeting:
YOU ARE HEREBY COMMANDED TO SUMMON *Gilbert W. Gray and Sallie, his wife (formerly Sallie Baradall) and Horace L. Gray, Trustee for said Gilbert W. Gray & Sallie Gray*

to appear at the Clerk's Office of our *Circuit* Court, for the County of Nansemond, on the first Monday in *September* next, 186*6*, being rule day, to answer a bill in chancery, exhibited against *them* by *Mary B. Jordan, Executrix of William H. Jordan deceased.*

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 and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his Office, this *7th* day of *August* 186*6*, and in the *91st* year of the Commonwealth.

Peter B. Prentis. Clerk.

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

Whitfield, p. 9

Mary B. Jordan, Ex^r of

Wm. H. Jordan, decd

— " —

27th June 1864 Chy:

Gilbert W. Gray & wife

Sal:

To 1 September Ruled 1866

Executed August 18th 1866 And a true copy hereof
~~has~~ delivered to Horace L. Gray, Gilbert W. Gray
and Sally Gray, are non residents of my County

Jm^{rs} Ely Hoff

Pro: C. W. S. page 9

Civ: Co.

The Commonwealth of Virginia, *Sergeant of the City of Norfolk*
To the ~~Sheriff of Nausemond County~~ --- Greeting:
YOU ARE HEREBY COMMANDED TO SUMMON *Gilbert W. Gray and Sallie*
his wife (formerly Sallie Barnadall) and Horace L. Gray, Trustee,
for said Gilbert W. Gray & Sallie Gray

to appear at the Clerk's Office of our *Circuit* Court, for the County of Nausemond, on the
first Monday in *September* next, 186*4*, being rule day, to answer a bill in
chancery, exhibited against *them* by
Mary B. Jordan, Executrix of William H. Jordan deceased

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 and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *7th* day of *August* 186*4*, and in the *91st* year of
the Commonwealth.

Peter B. Prentis. Clerk.

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

Copy for
Sallie Gray,
wife of Gilbert W. Gray

The Commonwealth of Virginia, Sergeant of the City of Norfolk:

as at an other time we have commanded you
To the ~~Sheriff of Nansemond County~~ --- Greeting:
YOU ARE HEREBY COMMANDED TO SUMMON Gilbert W. Gray and Sallie his
Wife (formerly Sallie Barra Ball) and Horace L. Gray Trustee for said
Gilbert W. Gray & Sallie Gray: _____

to appear at the Clerk's Office of our *Circuit* Court, for the County of Nansemond, on the
first Monday in *January* next, 1867, being rule day, to answer a bill in
chancery, exhibited against *them* by
Mary B Jordan Executrix of William H Jordan deceased

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 and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *3rd* day of *December* 186*6*, and in the *91st* year of
the Commonwealth.

Peter B. Prentis. Clerk.

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

Executed & delivered a copy of the within to
Gilbert Gray on the 11th day of December 1866
also delivered a copy to him ^{on the 11th day} for his Wife Sally
she not being found at her usual place of abode
and explained the import of the within to him.

W B Seggs

Waltham p 9
Mary B. Jordan, Et
of Waltham decd

to "Sum. in Chy."

Gilbert W. Gray

decd.

to Gray: Decd 1867

W B Seggs

~~Executed by leaving
a copy on file at
Waltham
and sending a copy
in his hands for
such use
on the 11th day of
December 1866
W B Seggs~~

Page 6 No 1 Page 9

Curio

The Commonwealth of Virginia, *Sergeant of the City of Norfolk*
To the ~~Sheriff of Nausumond County~~ ---Greeting:
YOU ARE HEREBY COMMANDED TO SUMMON *Gilbert W. Gray and Sallie*
his wife (formerly Sallie Barradall) and Horace L. Gray, Trustee
for said Gilbert W. Gray & Sallie Gray

to appear at the Clerk's Office of our *Circuit* Court, for the County of Nausemoud, on the
first Monday in *September* next, 186*6*, being rule day, to answer a bill in
chancery, exhibited against *them* by
Mary B. Jordan, Executrix of William H. Jordan deceased

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 and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *7th* day of *August* 186*6*, and in the *91st* year of
the Commonwealth.

Peter B. Prentis Clerk.

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

Copy for
Gilbert W Gray

Not found
MSB 99
Sept

The Commonwealth of Virginia, *Sergeant of the City of Norfolk*
To the ~~Sheriff of Nansemond County~~---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON *Gilbert W. Gray and Sallie*
his wife (formerly Sallie Barnadall) and Horace L. Gray, Trustees
for said Gilbert W. Gray & Sallie Gray

to appear at the Clerk's Office of our *Circuit* Court for the County of Nansemond, on the
first Monday in *September* next, 186*6* . being rule day, to answer a bill in
chancery, exhibited against *them* by

Mary B. Jordan, Executrix of William H. Jordan deceased

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 and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *7th* day of *August* 186*6* . and in the *91st* year of
the Commonwealth.

Peter B. Prentis, Clerk.

The Sheriff

his process is executed on each Defendant.



Whitfield p. 7

Mary B. Jordan, Ex^t of
Wm. H. Jordan dec'd

vs { Sum. in Chy.

Gilbert W. Gray & wife
Pls.

To Septe: Rules 1866

Not found
R. Nelson
Deputy for
W. B. Dugg
Sgt

Proc. B. No. 1. Page 9

Cir. Co

Costs -

Clerk	\$12.50
Atto: tax & stamp	16.00
Shff: Haws	60
Sery to Newb: City	1.00
	~~\$30.00~~