1887-018
Nansemond Co. (Suffolk) Chancery Causes: David J. Saunders asgn et al vs Rep. of John Gaskins et al

Tardy, Lee, Ames

Commissioner's Office
Suffolk Va Mar. 31st 1870.

To.

David J. Saunders and Samuel C. Tardy, Assignees of President Directors and Company of the Bank of Virginia, and of the President and Directors of the Bank of Virginia, suing for themselves as well as the other Creditors of John Gaskins deceased .... Complainants

And To,

John W. Ames, Executor of the Last Will and Testament of John Gaskins deceased, Lovey B. Gaskins, Thomas R. Gaskins, John R. Gaskins, Elisha E. Lee and Elizabeth V. his wife Richard B. Ames and Martha F. his wife — — — — — — — — Defendants.

You are hereby notified that I have fixed upon Thursday the 12th: day of May 1870 to take and settle at my Office the following Accounts:

First: An Account of the transactions of John W. Ames as Executor of John Gaskins deceased.

Second: An Account of the claim of the Complainants and the claims of all other Creditors of the deceased, who may choose to come in and prove their debts, upon contributing proportionably to the costs of this Suit.

Thirdly: An Account of the Real Estate of which

the said John Gaskins died seized, stating, whether the same descended to the defendants, or was devised to them by the last Will and Testament of the said decedent, and whether a partition has been made of the said Real Estate, and state in whose possession the said real estate or any part thereof may be, and will also state what is the fee-simple and annual value of the real estate aforesaid.

Fourthly: Any other Accounts which may be deemed necessary to effect the purposes of this Suit.

Which Accounts are required to be taken by the Decree of the Court of the County of Nansemond rendered on the 14th. day of February 1870 in a suit in Chancery depending in said Court in which you are parties: Complainant and Defendant. At which time and place you are required to attend. Given under my hand as Commissioner in Chancery of the Court of the County of Nansemond, the day and year first herein aforesaid.

Peter B. Prentis.

Commissioner

Copy for
Wm. E. Lee & wife.

Commissioner's Office
Suffolk Va Mar. 31st 1870

To,

David J. Saunders and Samuel L. Tardy, Assignees of the President Directors and Company of the Bank of Virginia, and of the President and Directors of the Bank of Virginia, suing for themselves as well as the other Creditors of John Gaskins deceased ... Complainants

And To,

John W. Ames, Executor of the Last Will and Testament of John Gaskins deceased, Lovey B. Gaskins, Thomas R. Gaskins, John R. Gaskins, Elisha E. Lee and Elizabeth V. his wife, Richard B. Ames and Martha J. his wife ... Defendants

You are hereby notified that I have fixed upon Thursday, the 12th: day of May 1870 to take and settle at my Office the following Accounts:

First: An Account of the transactions of John W. Ames as Executor of John Gaskins deceased:

Second: An Account of the claims of the Complainants and the claims of all other creditors of the decedent, who may choose to come in and prove their debts, upon contributing proportionably to the costs of this suit.

Thirdly: An Account of the Real Estate, of which the said John Gaskins died seized, stating whether

the same descended to the defendants, or was de=
=vised to them by the last Will and Testament
of the said decedent, and whether a partition
has been made of the said Real Estate and state
in whose possession the said real estate or any
part thereof may be, and will also state what is
the fee-simple and annual value of the real
estate aforesaid.

Fourthly: Any other accounts which may be deem
necessary to effect the purposes of this Suit.

Which Accounts are required to be taken by
the Decree of the Court of the County of Nan=
=semond rendered on the 14th: day of February
1870: in a suit in Chancery depending in said
Court in which you are parties, complainants
and Defendants. At which time and place
you are required to attend. Given under my
hand as Commissioner in Chancery of the
Court of the County of Nansemond, the
day and year first hereinaforesaid

Peter B. Prentis.

Commissioner

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON John W. Ames, Personal Representative of John Gaskins dec^d, Lovey B. Gaskins, Thomas R. Gaskins John R. Gaskins, Elesha E. Lee and Elizabeth C. his wife, Richard B. Ames and Martha I. his wife. ~

to appear at the Clerk's office of our County Court for the County of Nansemond, on the first Monday in December next, 1869, being rule day, to answer a bill in chancery, exhibited against Them ~ by David J. Saunders & Samuel C. Tardy, Assignees of the President Directors Company of the Bank of Virginia, and of the President and Directors of the Bank of Virginia, Suing for themselves as well as for the other Creditors of John Gaskins dec^d ~

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~~ E. F. Williamson, Clerk of our said Court, at his office, this ~ 3^d day of November 1869, and in the 94th year of the Commonwealth.

E. F. Williamson *Clerk.*

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

Murdaugh. p.q

David J. Saunders and
Samuel C. Fardy, Exors &c

vs

Circuit Ct Chy:

John W. Ames, Personal Representative of John Gaskins
decd, &c.

To Decr: Ruled 1869

Pro: B. No: 1. Page 44
Co: Co:

Executed Dec 2nd 1869 & also Copy hereof delivered
to John W. Ames personal Representative of John Gaskins
Dec'd, Levy 3. Gaskins, Samuel R. Gaskins, John R. Gaskins
Elisha C. Lee and Elizabeth V. his wife; Richard B. Lee and
wife Martha Jane, by copies.

J. L. Coley D.S.

Acco No 2

An account of the ~~Claims~~ Claim of the Complainants and the Claims of the Complainants, and the Claims of all other Creditors

Plffs demand

& pray in favor of the Plffs, Executors & Co. of the Bank of Virginia, against the goods effects & Trustees of the said Bank

Fenwick vs Nicholas & Wallace U.S.S.C Reps p. 44 Cr. p 545 & 16

John W Jones, Personal Representative of John Gastons, who was endorser of a Note for James G. Harris, for . . . . $267.50 dat: 11th May 1857 to Cash 8 5 3

The Defts in the Suit, if any matters in bar of the said Plffs Claim, that they are entitled to pay the same in the bills of the said Bank & pray leave so to pay the same, if they are held to be liable therefor, & that by way of the Court, to report whether or not they are so entitled, & if so liable, & the value of the ~~bills~~ notes of the said Bank at the times

Acct No 2

An Account of the Real Estate

The Real Estate of [illegible] deceased consisted of
1st The Homestead Place, of about 200 acres — of value
$3500 — and [illegible] $300 — devised by the
Will of Gardner [illegible], to L.B. Gardner, his son
for life, [illegible] to be [illegible] of
R. Gardner, [illegible] in possession of the
Gardners

2. Norwood Point — 150 — acres [illegible] Value
$3000 — annual value $350 — devised by
same Will to J.R.G. [illegible] in fee [illegible]
in his possession

3. The Ballard Tract — 100 acres [illegible]
value $2000 — $350 annual — to Eliza V
Gardner, [illegible] life of $5 [illegible] in
their possession

Note — The foregoing is all the Real Estate
of which Decedent died seized —

By a deed made on the 29th day of October 1855, the
testator gave, for a valuable consideration of his natural
love & affection, to his daughter Martha Jane
then & now the wife of Richard B. Kenner, a
tract of land of 350 acres, more or less,
in Bennetts Parish, in the County aforesaid
into which, the [illegible] never [illegible]
possession, when the deed was made
& have to hold same since — [illegible]
[illegible] value $3500 — annual
value $350

Notes of
Evidence by the

Coroner.

David I. Saunders and Samuel C. Jordy assignees of the President Directors and Company of the Bank of Virginia, and of the President and directors of the Bank of Virginia, suing for themselves as well as the other creditors of John Gaskins decd

against

John W. Ames executor of the last Will and testament of John Gaskins decd, Sooey B. Gaskins, Thomas R. Gaskins, John R. Gaskins, Elisha E. Lee and Elizabeth V. his wife, Richard B. Ames and Martha J. his wife

This cause having been taken for confessed at Rules as to all the said defendants, and they still failing to appear, and answer, plead and demur to the said complainants bill, and thereupon this cause came on to be heard upon the Bill and exhibits filed therewith and was argued by counsel

On Consideration whereof the Court doth adjudge order and decree that a commissioner of this Court do proceed to state and settle the following accounts. First, An Account of the transactions of John W. Ames as executor of John Gaskins decd. Secondly. An Account of the claim of the complainants, and the claims of all other creditors of the decedent who may choose to come in and prove their debts upon contributing proportionably to the costs of this suit. Thirdly. An account of the real estate of which the said John Gaskins died seized, stating whether the same descended to the defendants, or was divised to them by the last Will and testament of the said decedent, and whether a partition has been made of the said real estate, and state in whose possession the said real estate or any part thereof may be and will also state what is the yearly and annual value of the real estate aforesaid. Fourthly. Any other accounts which may be deemed necessary to effect the purposes of this suit

And the said commissioner is directed to examine, state and settle the said accounts and report the same to the Court with any matter specially stated deemed pertinent by himself or required by any of the parties to be so stated

Saunders & Tardy assignee

vs Eq Decree

Gaskins admr & al

Take notice

At a Monthly Court held for Nansemond County the 14th day of February 1870:

David J. Saunders and Samuel C. Tardy, Assignees of the President, Directors and Company of the Bank of Virginia, and of the President and Directors of the Bank of Virginia, suing for themselves as well as the other Creditors of John Gaskins deceased . . . . . Complainants.

Against } In Chancery.

John B. Ames, Executor of the Last Will and Testament of John Gaskins deceased, Lovey B. Gaskins, Thomas R. Gaskins, John R. Gaskins, Elisha E. Lee and Elizabeth V. his wife, Richard B. Ames and Martha S. his wife . . . . . Defendants.

This Cause having been taken for Confessed at Rules, as to all the said Defendants, and they still failing to appear and answer, plead and demur to the said Complainants' Bill, and thereupon this Cause came on to be heard upon the said Bill and exhibits filed therewith, and was argued by Counsel: On Consideration whereof the Court doth adjudge, order and decree, that a Commissioner of this Court, do proceed to state and settle the following accounts: First: An Account of the transactions of John B. Ames as Executor of John Gaskins deceased. Second: An Account of the claim of the Complainants and the Claims of all other Creditors of the decedent, who

may choose to come in and prove their debts, upon contributing proportionably to the Costs of this suit. Thirdly: An Account of the Real Estate, of which the said John Gaskins died seized, stating, whether the same descended to the defendants, or was devised to them by the last Will and Testament of the said decedent, and whether a partition has been made of the said Real Estate, and state in whose possession the said real estate or any part thereof may be, and will also state what is the fee-simple and annual value of the real estate aforesaid. Fourthly: Any other accounts which may be deemed necessary to effect the purposes of this Suit. And the said Commissioner is directed to examine, state and settle the said Accounts and report the same to the Court with any matter specially stated deemed pertinent by himself or required by any of the parties to be so stated.

A Copy
Teste—
Peter B. Prentis. Dlk.

Copy Decree

The Deposition of Richard B Ames, Eliza E Lee and Thomas R. Gaskins taken, by consent of parties —

Richd B Ames, being duly sworn, deposes & says — Am 31 yrs of age, reside in the Co: of Hanover where I have always resided — Knew Mary Ann Gaskins, the daughter of John Gaskins dec'd in the 3rd [illegible] of Oct 1865 — I knew the testator, John Gaskins, very well. was on confidential terms with him & well informed as to his affairs — Knew pretty well what property he owned & what debts he owed — Mr Gaskins died in March or Apl 1860 — left a will, which was duly proved in Hanover Co. but which was destroyed by fire in the 3rd day of Feby 1866, when the Office of the Clk of the Circuit Court was burnt — [illegible] no Copy of the will is in existence, that I am aware of — John H Ames, was appointed Executor in said will & took possession of the personal Est, which was small, in the aggregate including Slaves — I should say, between $20.000 & $30.000 — I should say, that he did not owe, all told, more than $5000 — so far as my personal information went — [illegible] John Gaskins, left a widow Mary B Gaskins, 5 children, viz: R. John R. Esq.[1]) —

wife of E. G. Lewis, Mrs. J. Wife of Rector
L. Lewis, and Mrs. E. Walthall the wife of
Clarick J. Walthall I give devise and
bequeath the two [illegible] Farms — all
my lands on State Line and if age —
By this will, the Testator John Hankins,
confirms of the former [illegible] as follows: I
Give, Devise and Bequeath, to his Wife
Lucy B. Hankins, for life with the remain-
der to his Son — John A. Hankins —
He then gives his Personal Estate, [illegible]
to his Son Geo. R. Hankins, to have &
to his own use —
He then gives to his daughter Emily V.
Hankins, his Bellevue Farm, to have &
to her own use —
He then gives to his daughter Mrs. E. Walthall
a negro woman Sarah, named Madison,
to her & her own use —
He gives to his grandson John R. Hankins
500 ~~ff~~ to be paid to him out of the estate of
Enoch
He then wishes by this will, that after
~~the payment~~ of the legacies of the two $500
& all his just debts, he gives the balance
of his property to his children, to wit
Geo. R. John R. S. W. & Mary A. Hankins
share & share alike for their use —
~~He then devises his [illegible] farm,~~
given to the Wife to Geo. R. for life & then to
his heirs &c

He then said, that in consideration of the
love which he bore to his daughter T. V.
Gaskins, & her children, & not
that which he bore to his son Thos. R
Gaskins, & that which he had pre-
viously given to the daughter Sarah
D. Rowe, & the said Thos. R.
Gaskins & Mrs. M. B. Rowe, each, he
then for the first time gave to the
Daughter T. V. Gaskins, over & above
the sum of $500, within 12 months after his
death —

He appointed John W. Rowe, his Grand
son executor of this last will & testament
& on the 20th day of March 1860, in Hertford Co. N. C. Probate
was duly taken & granted at the Court of Pleas & Quarter
Sessions held for the County aforesaid, & Letters
testamentary issued to the said executor, who
has duly qualified & entered upon the discharge
of the duties of his office, & all debts due
the Estate of the said testator have
been paid —

Thus the history of the Gaskins Estate up to the
year 1868. The slaves belonging to the Estate
were divided in June 1860 under the first distribution
into three lots according to value, were
allotted & drawn & acquired by the widow &
devisees & the parties, without exception
bonds — one of the slaves, only one, sold
by the Exr. & even he sold by him for the

purpose of raising a fund, together with the proceeds of the Sale of the Estate of the late [illegible] Esq., sufficient, in Value & the Estate to pay all the Debts — The Estate stood to Mrs. R. Gaskin, the Testator's grand Son, on account of the Legacy to him of £500. £214.10 in 1861 & £50 in 1868. The residue being [illegible] The Executors [illegible] made the application upon receipt of the terms of the Sale of the Estate mentioned, that the proceeds of the Sale of that one Slave, together with the proceeds of the Sale of the Chattels &c would be unable to pay all the debts. I declined the application because at the time the market for the Sale of the Slaves for the purpose of paying the debts, was depressed — the time would also from the fact, that at the time of the decease of the Testator there was a Bubble boy, who could not be Sold — the one, taken & me, at an agreed price, (£350) I have to wait of the Estate until the [illegible] consent of the Executors — The residue of the Legacies were agreed to be taken by the Executors out of [illegible]

+ The Share of Mrs R. Gaskin — by [illegible]

+ the Slave Madison was allowed to Mrs. Walker during the year 1860.

Saunders Ord: &c: &c

vs

John Gaskins' Devisees Rep: Ord:

2 Exhibits filed with bill

This deed made this 8th day of Feb'ry in the year 1867, between the President, Directors and Company of the Bank of Virginia, and William Gray President of said Bank and Thomas R. Price, Ambrose Carlton James H. Gardner, Clement R. Barksdale, Directors of said Bank all of the first part, and David Y. Saunders and Samuel C. Tardy of the City of Richmond of the second part, Witnesseth, that whereas it was brought to the notice of the said President and Directors aforesaid at a meeting of the same on this day that a person claiming to be a creditor of said Bank is seeking by suit to obtain a Judgement against said Bank which would create a lien in favour of said Creditor upon a portion of the assetts of the same - Now therefore this deed Witnesseth that the parties of the first part in pursuance of the provisions of the Act of the General Assembly of Virginia passed on the 12th day of Febuary 1866, and in consideration of the sum of One dollar to them in hand paid by the parties of the second, the receipt whereof is hereby acknowledged, do grant and assign unto the parties of the second part all the assets, real and personal of the said Bank of Virginia, wheresoever situated and of whatsoever existing, including all lands and lots with the improvements and appurtenances belonging to the same, all office furniture, and other personal chattels, all coin and current money, all

debts and choses in action, all stocks, bonds and certificates of Debts, bills, notes, accounts, and other evidences of debt now belonging or due to the said President, Directors, and Company of the Bank of Virginia or to which they are in any wise entitled, and especially their Banking Houses and lots in Petersburg and Norfolk and Danville and Portsmouth, upon Trust however that the parties of the second part or the survivor of them, shall proceed without delay to convert into current money all the assets of the Bank aforesaid hereby granted and assigned to them and not already existing in that form by collecting debts and choses in action, using the name of the Bank in suits for that purpose, when necessary or proper, or by selling transferring and assigning the said debts, and choses in action or any of them and by selling the other property, such sales to be made at such time upon such terms and in such manner, as the said parties of the second part or the survivor of them may think most judicious and expedient, all the proceeds of said assetts after deducting therefrom all costs and expenses of executing the trust hereby created, including a commission of five per cent to the parties of the second part on the amount of monies collected, received and paid out by them and

after paying out all salarys due the Officers of the said Bank and reasonable fees and compensation for professionable and other services rendered to the Bank since its General Operations were suspended they the said parties of the second part or the survivor of them shall apply to the payment of deposits made in the said Bank on or before the 30th. day of June in the year 1861 and to the redemption of the outstanding circulation or notes of the said Bank ratably among said depositors and the the holders of the said notes who shall demand payment within six months after the publication of notice by the said parties of the second part in two or more of the newspapers printed in the city of Richmond calling upon said depositors and note holders to present the evidences of their said deposits and their notes to the parties of the second part, for redemption, which notice it shall be the duty of the parties of the second part to give and publish as aforesaid; such ratable distribution among the said depositors and note holders however to be so made, as that none of them who have heretofore received any partial payment on account of their said notes or deposits shall be entitled to any further payment on account of the same until all other such depositors and note holders as aforesaid presenting their claims to the

parties of the second part within the period above named shall have received such a pro-rata payment on account of the said deposits and notes as will place them on terms of equality as aforesaid with the said depositors and note holders partially paid as aforesaid; but no party who has heretofore accepted a partial payment of the amount specified in any note or notes or to which he is entitled by reason of his deposit as aforesaid of the said Bank as full satisfaction of his claim against the same on account of such note or deposit shall be entitled to receive, any thing further under the provisions of this deed, the residue of said proceeds, if any, the parties of the second part shall apply ratably to the satisfaction of all other outstanding debts and liabilities of said Bank: Provided however that if according to the proper legal constitution of the aforesaid act of the 12th day of February 1866 a ratably distribution among all the creditors of said Bank not having specific liens on property of the Bank be required, then the parties of the second part shall apply and distribute the proceeds of the said effects according to the said requirement of the said act, and shall

not make or attempt any distribution giving preference or priority to the depositors and note holders as aforesaid.

In witness whereof the parties of the first part have caused the the corporate name of said Bank to be hereto affixed and the said Thomas R. Price Ambrose Cauthon, James H. Gardner and Clement R. Barksdale as Directors of the said Bank have likewise hereto signed their names and affixed their seals respectively

The President Directors and Company of the Bank of Virginia.

Wm Gray President

Wm Gray (seal) President

Thos R. Price (seal)

Ambrose Cauthon (seal)

Jas H. Gardner (seal)

Clmt R. Barksdale (seal)

State of Virginia

Corporation of the City of Richmond,

to wit:

I, William Caulling a Notary Public for the Corporation aforesaid in the State of Virginia, and Thomas R. Price, Ambrose Cauthon, James H. Gardner and Clement R. Barksdale Directors of said Bank, whose names together with the Corporate name of said Bank are

signed to the writing above, bearing date on the 5th day of February 1867, have acknowledged the same before me in my Corporation aforesaid, And the said William Grant President as aforesaid has also acknowledged the same before me in my Corporation aforesaid.

Given under my hand this 9th day of February 1867.

Wm Conelling
Notary Public

City of Richmond, to wit:

In the Office of the Court of Hustings for the said City the 11th day of February 1867.

This Deed was presented and with the Certificate annexed admitted to record at Eleven Oclock A. M.

Teste: R. Howard, Cl'k.

In the Clerks Office of the Hustings Court of the City of Petersburg Febry 19th 1867.

This deed was this day lodged in said Office and with the Certificate annexed admitted to record, at ½ past 5 Oclock P. M.

Teste: W. H. Amstead. D.C.

In the Clerks Office of the Court of the

Corporation of the City of Norfolk on the 4th day of March 1867.

The foregoing writing together with the Certificate of Acknowledgment thereto endorsed, was filed in the Office and admitted to record at 2 Oclock P. M.

Teste. Henry M. Groner. C.C.

In the Clerks Office of the Court of Hustings for the City of Portsmouth March 20th 1867.

This Deed was this day lodged in said Office and with the Certificate annexed admitted to record 11 ½ Oclock A. M.

Teste. Dempsey Nash C.C.

Copy Teste Dempsey Nash C.C.

~~Copy Teste~~

~~Dempsey Nash C.C.~~

(No. 2)

Pres. & Directors of
Bank of Va.
to
Saunders & Tardy, Trustees,

Circuit Court

At the ~~Court of Hustings~~ for the City of Portsmouth, held on the 7th October 1869.

The President, Directors & Company of the Bank of Virginia, endorsees of Jn°. Gaskins, decd: Pltff

vs

Jn°. W. Ames personal representative of Jn°. Gaskins decd. the said Jn°. Gaskins in his life-time being the endorer of a note of James G. Harvey. Deft: } In Debt

This day came the parties by their attorneys and on the motion of the plaintiff, it is ordered that the order of continuance entered herein on the 1st day of this term be set aside: Whereupon the defendant relinquishing his former pleas acknowledges the plaintiffs action for the debt in the declaration mentioned. Therefore it is considered by the Court that the plaintiff recover against the defendant two hundred and sixty seven Dollars, and fifty cents, (including two dollars and fifty cents charges of protest) the debt in the declaration mentioned with interest thereon, to be computed after the rate of six per cent per annum, from the 11th day of may 1859, till paid: and the costs by the plaintiffs about this suit, in their behalf expended; and the said defendant in mercy &c. To be levied of

the goods and chattles of the decedent in the hands of the personal representative, to be administered.

Copy Teste - Dempsey Nash C.C.

Costs -

Clerk	$4.50
Attorney	$3.50
M Hutcheson Sergeant	$ .50
	$8.50

Saturday Dec 23

Summons dec.

Copy of Judgment filed with the Clerk of the Circuit Court.

(Ltd.)

To the Worshipful Court of Nansemond County in Chancery sitting

Humbly complaining shew unto your Worships Daniel I. Saunders and Samuel C. Tardy assignees of the President, Directors and Company of the Bank of Virginia, and of the President, Directors of the Bank of Virginia (who sue as well for themselves as for the other creditors of John Gaskins deceased), complainants

That a suit at law was instituted in the Circuit Court of the City of Portsmouth in the year against John W. Ames personal representative of John Gaskins dec'd. by the President, Directors and Company of the Bank of Virginia, in which suit a judgment was rendered in the said Court on the 7th day of October 1869, an office or attested copy of the said judgment is herewith filed marked No 1. and prayed to be considered as a part of this bill

That during the pendency of the said suit, and before the judgment aforesaid was obtained, an act of the General Assembly of Virginia was passed, entitled "An Act requiring the Banks of this Commonwealth to go into liquidation" passed the 12th day of February 1866; the first and the second Sections of the said act, declared that it should be lawful for the President and Directors of any Bank of Circulation chartered by the General Assembly of Virginia to make or cause to be made a deed conveying to such person or persons as the said President and directors might select, all the assets real and personal of the said Banks, and the proceeds to be distributed as directed by the act (Session Acts of 1865-6. page 204)

That in pursuance of the said act of the General Assembly of Virginia, (the said Bank of Virginia being a Bank of Circulation chartered by the General Assembly of Virginia) the President, Directors and Company of the Bank of Virginia, and the President and Directors of the Bank of Virginia executed a deed on the 8th day of February 1867 conveying to your complainants all the assets real and personal of the said Bank, an office

a attested copy of which is herewith filed marked No 2. and prayed to be considered as a part of this bill, by which it will appear your complainants are entitled to the proceeds of the said judgment amounting to the sum of Two Hundred and Sixty seven dollars and fifty cents with interest from the 11th day of May 1859 till paid and the costs amounting to $8.50/100

That the said John Gaskins departed this life in the year seized and possessed of a considerable personal and real estate situate in the County of Nansemond, and John W. Ames qualified as the personal Representative of the said decedent, and in that character possessed himself of all the personal estate of the decedent - and they charge that the said personal Representative has not paid the debts of the decedent in the order prescribed by Chapter 130 Code of Virginia, he being informed of this debt by the institution of the suit aforesaid on the day of May 1866 the time the process in the said suit was served upon him

That the said John Gaskins died seized of a large real estate situate in the lower Parish of Nansemond on Bennetts Creek, and what is called and known generally as Bennetts Pasture - that he left a widow Lovey B. Gaskins, and the following children viz Thomas K. Gaskins, John R Gaskins, Elizabeth V. (wife of Elisha E. Lee) Martha P. (wife of Richard B. Ames) & whether the lands of the said decedent passed by descent or were devised, your complainants have no means of ascertaining as the records of the Circuit Office of Nansemond County since the death of the said John Gaskins have been destroyed by fire

In Tender Consideration whereof and for as much as your complainants are without remedy in the premises without the aid of a Court of equity where matters of this sort are peculiarly cognizable and alone relievable. To the End therefore they pray, that the said Lovey B. Gaskins, Thomas K. Gaskins, John R. Gaskins, Elisha E. Lee and Elizabeth V.

his wife, Richard B. Ames and Martha S. his wife, John W. Ames personal representative of John Garkins deceased may be made defendants to this Bill complainants, that they may upon their several corporal oaths answer the allegations of this bill, in the same manner as if the same were here again repeated, and they severally thereto interrogated That they will severally answer the following interrogatories 1st. Did John Garkins die seized and possessed of any real estate, if so state its locality by meets and bounds, and the quantity of acres in each and every tract of land. 2nd Did the said John Garkins by his last will and devise his real estate, if so state the tracts of land so devised, and the names of the devisee or devisees.

That a decree may be pronounced directing a Commissioner of this Court to state and settle an account of the transactions of John W. Ames personal Representative of John Garkins deceased - also an account of the claim of your complainants, and of all other creditors of the said John Garkins dec'd who may choose to come in and prove their claims before such commissioner upon payment of a ratable portion of the costs of this suit. Also an account of the real estate of John Garkins dec'd whether devised or descended, showing its present and annual value - Also for such other accounts as may be deemed necessary and proper

Lastly they pray for such other and further relief as a Court of equity can grant &c

Meredith Attorney for Complts.

Saunders & Tardy &c

vs } Bill & Exhibits

Amos personal Repr. of John Gaston
dec'd & als

Mundaugh Atty

County Court of Monroe and Co. County

Saunders & al: ap'ell. &c

vs

John Gaskins' Personal Representative & al:

1869. Nov: 3rd: Issued in Chy: issued

" Dec: 6th: Bill & exhibits filed - & Conditional Decree vs Defendants.

1870. Jany: 3rd: Conditional Decree confirmed & cause set for hearing, on Motion of Compl'ts' Counsel

" Feby: 14th. Decree for Accos:

1875. Oct: 13th: Continued

1876. Apl: 12th: Continued

" Oct: 12th: Continued

1877. Apl. 14th: Continued

" Oct: 15th: Continued

1878. April 15th: Continued

" Oct: 15th: Continued

1879. Apl: 12th: Continued

" Octo 14th Continued

Chy: Notes

6 Mirdaug[h] 19

David J. Saunders [et] al
Exec[rs] &c

vs. Chauncey Baker &

John W. Ames, Executor &
Representative of John
Gaskins decd &c

1887
October Term
Final Decree