1901-019
Nansemond Co(Suffolk) Chancery Causes: William H Gray et al vs Thomas Randolph et al

Field, Walters, Lawrence, Ellis, Gunnell

Will: 1870, Hal of Gray (FN), Nansemond Co

LEE BRITT,
ATTORNEY AT LAW,
SUFFOLK, VA.

No. 17

SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

Charles Gunnell

Seventy Eight 30/100 DOLLARS

Distributive Share in Case W. H. Graynes vs Randolph &c

$ 78 30/100

Lee Britt
Spl Comr
Graynes vs Randolph

his
Charles ✕ Connelly
mark

witness
Willis Calder

No. 8 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF E. E. Holland Admr of Estate of J. E. Booker

Six & 50/100 DOLLARS

Advertisement of Land in Chancery Cause of Gray Vs Randolph &c

$ 6 50/100

Lee Pruit
Spl Comr
Gray Vs Randolph &c

E. E. Harrell
Adm'r J. B. Brooks
Estate

No. 5

SUFFOLK, VA. June 24 1901.

BANK OF SUFFOLK

· VIRGINIA ·

PAY TO THE ORDER OF

N. A. Baker Sheriff

Seven DOLLARS

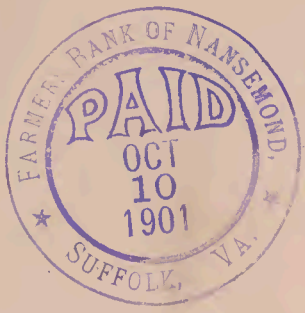
Fees in Case of W. H. Gray &als vs Randolph &als

$7.00

Lee Britt
Spl Comr

Gray &als vs Randolph &c

BANK OF SUFFOLK, OCT 10 1901


FARMERS BANK OF NANSEMOND,
PAID
OCT
10
1901
SUFFOLK, VA.

No. 1

SUFFOLK, VA. June 14 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF Cash

One 100 DOLLARS

For Stamps on deed W W G Saunders

$ 1 00/100

Lee Britt
Special Commissioner
in Gray vs Randolph et al

BANK OF SUFFOLK
JUN 14 1901
SUFFOLK, VA.

Lee Britt

No. 11

SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

· VIRGINIA ·

PAY TO THE ORDER OF

Thomas Randolph

Thirty Nine 15/100 DOLLARS

Distributive share in W.H. Grayson vs Randolph Grayson

$ 39 15/100

Lee Britt

Spl Comr

Grayson vs Randolph

PAUL S. FALCONER CO. BALTO.

Thomas his X Randolph
mark

Witness
J.H. Corbett

No. 12 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

Edmund Randolph

Thirty Nine 15/100 DOLLARS

Distributive Share in Grayre vs Randolph &c

$ 39 15/100

Lee Britt
Spl Comr
Grayre vs Randolph &c

PAUL E. FALCONER CO. BALTO.

his
Edmund X Randolph
mark

Witness
J. H. Lowbitt

3915
2258
1657

No. 14 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

Joseph Randolph

Thirty Nine 15/100 DOLLARS

His distributive share in Gray vs Randolphs Eds

$ 39 15

Lee Britt
Spl Comr
Gray vs Randolphs

PAUL E. FALCONER CO. BALTO.

Joseph his X mark Randolph

Witness
J.H. Corbitt

No. 3

SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

· VIRGINIA ·

PAY TO THE ORDER OF

Mr. A. P. Gomer Clerk

Seven & 51/100 DOLLARS

Fees in case of Grayson's Rand'lph Heirs V.A.

$ 7 51/100

Lee Britt
Sht Corpl
Grayson Randolph Hrs

BANK OF SUFFOLK, VA.
JUN 1901

PAIL & PALMER CO. RICH.

PAID

FARMERS BANK OF NANSEMO

SUFFOLK, VA.

LEE BRITT,
ATTORNEY AT LAW,
SUFFOLK, VA.

No. 15 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF Melvina Lawrence Covington

Seventy Eight 30/100 DOLLARS

Distributive share in case of Grayde vs Randolph Dale

$ 78 30

Lee Britt
Spl Comr
Grayde vs Randolph

BANK OF SUFFOLK, JUN 1901 SUFFOLK, VA.

2 STAMP

her
Melonia Lawrence
mark

witness

LEE BRITT,
ATTORNEY AT LAW,
SUFFOLK, VA.

No. 16 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

J. L. McLemore Assignee of Wm H. Gray

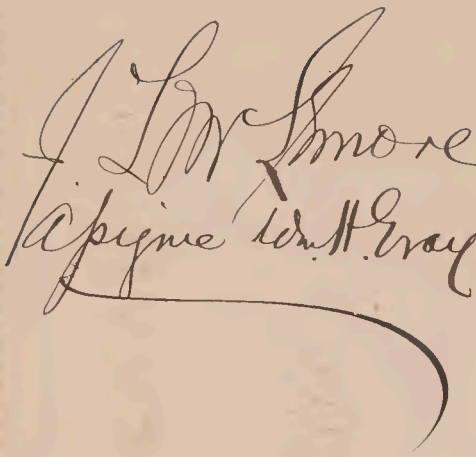
Seventy Eight 30/100 DOLLARS

His Distributive Share in Chancery Cause of Wm H. Gray &c vs Randolph &c

$ 78 30/xx

Lee Britt
Spl Comr
Gray &c vs Randolph &c

PAUL E. FALCONER CO. BALTO.



No. 9 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

· VIRGINIA ·

PAY TO THE ORDER OF Lee Britt Comm'r Atty

Ninety One 91/100 DOLLARS

Fees in Case of Graves vs Randolph &c

$ 91 21/100

Lee Britt
Spl Comm'r
Graves vs Randolph &c

Lee Britt
Comm'd Alley
Lee Britt

No. 10

SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

Lee Britt atty

One & 50/100 DOLLARS

Writ Fee in Case of Grayades vs Randolph Wade

$ 1.50

Lee Britt
Spl Comr
Grayades vs Randolph

BANK OF SUFFOLK PAID SUFFOLK, VA.

PAUL E. FALCONER & BRO. BALTO.

Lee Britt
Atty

Smith clerk
Gomey D.C.

PAID
FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

No. 4 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

R. R. Smith Clerk of Co. Ct

Seventy Five Cents DOLLARS

Fee in case of Grayvals vs Randolph Vals

$ 75 Cents

Lee Britt

Sht Comr

Grayvals vs Randolph

BANK OF SUFFOLK, VA. PAID

MAIL & TALLMADGE CO. BALTO.

R R Smith clerk
By A P Comey D C

PAID
FARMERS BANK OF NANSEMOND
SUFFOLK, VA.

LEE BRITT,
ATTORNEY AT LAW,
SUFFOLK, VA.

No. 18

SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

Mary J. Field or bearer

Thirty Nine 15/100 DOLLARS

Distributive share in Case of Grayhales vs Randolph Hales

$ 39 15/100

Lee Britt
Grayhale vs Randolph

PAUL C. FALCONER CO. BALTO.

her
Mary J. Field
Mark

witness

No. 2 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

Mr S. T. Ellis County Treasurer

Four 22/100 DOLLARS

Taxes for 1900 of Isaac, Edward & Virginia Gray

$ 4 22/100

Leo Britt
Spl Cozr
Gray de vs Randolphre

PAY TO THE ORDER OF

The Farmers Bank of Nansemond

SUFFOLK, VA.

S. T. ELLIS, Co. Tr.

PAID

FARMERS BANK OF NANSEMOND,

SUFFOLK, VA.

No. 7

SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

· VIRGINIA ·

PAY TO THE ORDER OF

J. J. S. Branch Crier,

Six ——— DOLLARS

Fee in Case of Grayson's Ex Randolph Vals

$ 6.00

Lee Britt
Spl Comr

Grayson vs Randolph Ex

John J. S Branch
Cir

PAID

FARMERS BANK OF NANSEMOND,

SUFFOLK, VA.

No. 6

SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF John B Pinner Comr

Fifteen 00/100 DOLLARS

Fee in case of Wm Grayden vs Thomas Randolph Hale

$ 15.00

Lee Britt
Spl Comr
Grayden vs Randolph Hale

PAUL E. FALCONER CO. BALTO.

PAID

FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

John O. Turner
Cashier

LEE BRITT,
ATTORNEY AT LAW,
SUFFOLK, VA.

No. 19 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

VIRGINIA

PAY TO THE ORDER OF

Robt H. Walters Gdn Junius Walters & Ward Walters

Thirty Nine 75/100 DOLLARS

His Distributive Shares in Case of Wm H. Grayades vs Thos Randolph Wade

$ 39 75/100

Lee Britt
Sp Comr
Grayades vs Randolph

PAUL E. FALCONER CO. BALTO

R. H. Wallen
G. D. H. of Juniors
Wallen & David
Wallen

No. 13 SUFFOLK, VA. June 24 1901

BANK OF SUFFOLK

· VIRGINIA ·

PAY TO THE ORDER OF

Laura A. Randolph or bearer

Thirty Nine 16/100 DOLLARS

His distributive share in case of Grayades vs Randolph &c als

$ 39 16/100 ($39 16/100)

Lee Britt
Spl Comr

Grayades vs Randolph &c

her
Laura A Randolph
mark
witness
A Woolford

10-11-02--2M

THE BANK OF SUFFOLK.

SUFFOLK, VA., 11/12 1903

Mr Lee Britt Spl Comr
Gray vs Randolph

We return herewith your Pass Book written up to and including Nov 12 1903. Please examine, and if found correct, sign and return this acknowledgment. If any errors are found note the same on the reverse of this sheet and return at once. Yours truly, ARTHUR WOOLFORD, Cashier.

By ..... Book-keeper.

11/12 1903

TO THE BANK OF SUFFOLK, SUFFOLK, VA.

Your statement of my account up to and including Nov 12 1903, showing balance to my credit on that date $ ———, is received, examined and found correct, with the exceptions noted on the reverse of this sheet.

Signature .....

BANK OF SUFFOLK,

SUFFOLK, VA.

In account with

Mr Lee Britt

Spl Coun,

PAUL & FALCONER COMPANY, BALTIMORE.

BANK OF SUFFOLK,
SUFFOLK, VA.

Dr. *In account with*

Mr. Lee Britt Spl Comr
Gray Et al Vs Randolph Et al

1901 Cr.

1901				
5/20	Dep't			3007
6/14	"			31050
June 14	Cash	1		1.00
" 24	S.T. Ellis Jr.	2	✓	4.22
" "	A.P. Gomes Cert	3	✓ ✓	7.54
" "	R.R. Smith Cert	4	✓ ✓	.75
" "	A.H. Baker Esq	5	✓	7.00
" "	Jno. B. Pinner Esq	6	✓ ✓	15.00
" "	J.S. Branch Esq	7	✓ ✓	6.00
" "	E.E. Hollowell Esq	8	✓ ✓	6.50
" "	Jno. Booker			
" "	Lee Britt atty & Comr	9	✓ ✓	91.21
" "	Lee Britt	10	✓ ✓	1.50
" "	Thomas Randolph	11	✓	39.15
" "	Edmund Randolph	12	✓	39.15
" "	Laura A. Randolph	13	✓ ✓	39.15
	Forward			$258.15
	Forward			$61015 50

		Amt Forward		$258.15
1901 Jan 24		Joseph Randolph	14	39.15
" "		Melvina Lawrence	15	78.30
" "		J. L. McLewis Lewis Guardian	16	78.30
" "		Chas Gunnell	17	78.30
" "		Mary J. Field	18	39.15
" "		Robt H. Walker Ward of Dennis Wood Walker	19	39.15
				$610.50

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William N Gray & others Lee Britt Atty

1900 To A. P. GOMER, Clerk Circuit Court of Nansemond County, Dr.

March Tax ~~and Clerk Fees~~ in suit vs Thomas Randolph and others $1.50

June 11th 1900 Paid A P Gomer, Clerk.

Lee Brett pr q
William & Gray & c
$1,50

I A P Gomer Deputy Clerk of the County Court of Nansemond County do hereby certify that Robert H Allen has this day qualified befor the County Court of Nansemond County Guardian of Jessie Le Allen and David Allen infants and entered into bond in seventy-five dollars, and approved by the Court.

A P Gomer D C

March 11th 1901.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ ~~Sergeant~~ Sheriff OF ~~NANSEMOND COUNTY~~ Norfolk County—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Thomas Randolph Joseph Randolph Edmund Randolph Laura A Randolph Melvria Laurence and Mary Gray widow of David Gray deceased

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in March 1900, to answer a Bill in Chancery, exhibited against them in the said Court by William H Gray Mary J Field and Dennis Field her husband and James E Walters and David Walters infants by their next friend Robert H Walters

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 15th day of March 1900, in the 124th year of the Commonwealth.

A copy—Teste:
A P Gomer, CLERK.

Teste:
A P Gomer, CLERK.

Lee Britt p. q.

A Copy for
Joseph Randolph

vs. } In Chancery.

1900
March Rules.
First Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 189

CHANCERY SUMMONS.

The Commonwealth of Virginia,

~~Sergeant~~ Norfolk ~~City~~ County

TO THE ~~SHERIFF~~ Sheriff OF ~~NANSEMOND COUNTY~~ —GREETING:

YOU ARE HEREBY ~~COMMANDED~~ TO SUMMON Thomas Randolph Joseph Randolph Edmund Randolph Laura A Randolph, Melvina Laurence and Mary Gray widow of David Gray deceased

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in March 1900, to answer a Bill in Chancery, exhibited against them in the said Court by William N Gray Mary J Field and Dennis Field her husband and Junius C Walters and David Walters infants by their next friend Robert N Walters

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 1st day of March, 1900, in the 124th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A P Gomer

_____, CLERK.

Joseph Randolph
not found,

J. T. Lawler Sergt
City of Norfolk
By L. L. Linn Dep.

Not found in
Craft's Co
A. B. Cromwell
Sheriff Craft's Co
by Wm Cannon
Deputy

See Britt p. q.

William Gray
and others

vs. } In Chancery.

Thomas Randolph
and others

1900

March Rules.

Fust Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 189

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON as at another time we have commanded you that you summon Thomas Randolph Joseph Randolph Edmund Randolph Laura A Randolph Melvina Laurence and Mary Gray widow of David Gray deceased and Robert H Walters

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in March 1900, to answer a Bill in Chancery, exhibited against them in the said Court by William H Gray Mary J Field and Dennis Field her Husband and Junius E Walters and David Walters infants by their next friend

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 14th day of March, 1900, in the 124th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A P Gomer, CLERK.

Lee Britt p. q.

Wm N Gray and others

vs. } In Chancery.

Thomas Randolph
and others

1900

March Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. D

Page 191

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON as at another time we have Commanded you that you summon Thomas Randoeph Joseph Randoeph Edmund Randoeph Laura A Randoeph Melvina Laurence and Mary Gray widow of David Gray deceased and Robert W Walters

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the Third Monday in March 1900, to answer a Bill in Chancery, exhibited against them in the said Court by William H Gray Mary J Field and Dennis Field her Husband and Junius E Walters and David Walters infants by their next friend

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 14th day of March, 1900, in the 124th year of the Commonwealth.

A copy—Teste:
A P Gomer, CLERK.

Teste:
A P Gomer, CLERK.

Lee Britt p. q.

A Copy for

vs. } In Chancery.

Joseph Randolph

1900

March Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 191

I hereby accept and acknowledge service
of the within process.
March 15, 1900
Witness
Lee Britt

Joseph Randolph

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Thomas Randolph Joseph Randolph Edmund Randolph Laura A. Randolph Melvina Lawrence and Jane Gray widow of David Gray deceased, and Robert H. Walters

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in March 1900, to answer a Bill in Chancery, exhibited against them in the said Court by William H. Gray, Mary J. Field, and Dennis Field her husband, and Junius C. Walters and David Walters infants by their next friend Robert H. Walters

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 3rd day of March, 1900, in the 124th year of the Commonwealth.

A copy—Teste: A. P. Gomer, CLERK.

Teste: A. P. Gomer, CLERK.

I hereby acknowledge receipt of the within papers this March 5, 1900.

Robert H. Walker

Lee Britt ..... p. q.

A Copy for
Robert Walkers

vs. } *In Chancery.*

1900

March ... *Rules.*

Just ... *Monday.*

Nansemond Circuit Court.

Process Book No. 2

Page 189

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Thomas Randolph Joseph Randolph Edmund Randolph & Laura A Randolph Melvina Laurence and Mary Gray widow of David Gray deceased

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the First Monday in March 1900, to answer a Bill in Chancery, exhibited against them in the said Court by William H Gray Mary J Field and Dennis Field her husband and Junius C Walters and David Walters infants by their next friend Robert H Walters

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 1st day of March 1900, 1, in the 124th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: A P Gomer, CLERK.

Lee Brit ... p. q.

William N. Gray
and others

vs. } In Chancery.

Thomas Randolph
and others

1900

March ... Rules.

Just ... Monday.

Nansemond Circuit Court.

Process Book No. 21

Page 189

Copy of decree of March Rules 1900 entered in chancery in the clerk's office of the Circuit Court of Nansemond County, Virginia, in the cause of Thomas Randolph, Commissioner, &c. against Wm. N. Gray deceased, &c. &c. &c.

Teste this 9th day of March 1900

W. A. Duke, Clerk

By A. M. Baker, D.C.

LAW OFFICES OF LEE BRITT.

SUFFOLK, VA., March 1, 1900.

To A.P.Gomer, Esq.,
Clerk of Circuit Court of Nansemond County:-
Please issue process in the following case:-
William H.Gray, Mary J.Field and Dennis Field, her husband, and Junius C.Walters and David Walters, infants, by their next friend, Robert H.Walters----------Plaintiffs.

VS

Thomas Randolph, Joseph Randolph, Edmund Randolph, Laura A. Randolph, Melvina Lawrence, and ~~Mary~~ Jane Gray, widow of David Gray, deceased, ----------Defendants.

Issue summons in chancery to Rules on 1st Monday in March 1900.

Lee Britt
P.Q.

Say $1.50
Pd

Please add Robt H. Walters as a defendant
Lee Britt P.Q.
Meh Process Issued Mar 3rd. 1900.

6

Grayvothen
vs
Randolphvothen

Know All Men by These Presents, That we, Lee Britt and Luther R. Britt

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Six Hundred DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the said Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said Commonwealth.

Sealed with our seals, and dated this 15th day of October in the year of our Lord one thousand, ~~eight~~ nine hundred and (1900), and in the 125 year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas by a decree of the circuit court of Nansemond County Virginia, pronounced on the 11th day of October 1900, in the chancery cause pending in the said court between William H. Gray and others complainants and Thomas H. Randall and others defendants, the above bound Lee Britt who was appointed Special Commissioner for the purpose specified in said decree. Now therefore if the said Lee Britt shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said cause then the above obligation is to be void otherwise it is to remain in full force and effect.

Lee Britt (SEAL)

Luther R. Britt (SEAL)

(SEAL)

(SEAL)

(SEAL)

In the office of the Clerk of the Circuit Court of Nansemond County, on the 15th day of October 1900 ~~&c~~.

The above bond was executed and acknowledged by the obligors (the surety justifying on oath as to his sufficiency) and recorded.

Teste: A. P. Gomer CLERK.

A Copy Teste: A. P. Gomer Clerk

Lee Britt

To } Spec. Comr. Bond

The Commonwealth.

1900

Acto 15th

Recorded in Bond
Book No 1 Page 221

A Copy

Will Gray
vs
Randall et al

To Thomas Randolph, Edmund Randolph, Joseph Randolph, Laura Ann Randolph, Melvina Lawrence, Charles Gunnell and William G. Saunders, Purchaser:-

Take notice that we shall move the Honorable Robert R. Prentis, Judge of the Circuit Court of the County of Nansemond, in vacation, on the 12th day of March 1901, at his office in Suffolk, Virginia, to grant a decree in the chancery cause, entitled Wm. H. Gray et als. vs Thomas Randolph et als., in which you, except Wm. G. Saunders, purchaser, are defendants and we are plaintiffs, now pending in the circuit court of said county, confirming the report of sale of the real estate in the bill and proceedings mentioned, filed by Lee Britt, Special Commissioner, on the 25 day of February 1901, in the Clerk's Office of said court, and the said sale, directing the said Commissioner to collect the deferred payment on the purchase price of said real estate, and when collected, to execute a proper deed to the said purchaser for the same, granting a proper allowance as fee to the counsel conducting the proceedings in said cause, which allowance will be asked for at said time and place, and directing the payment of the costs of said cause, and the proper distribution of the remainder of the funds in the said Commissioner's hands among those entitled to the same under the report of Commissioner John B. Pinner filed in said cause.

Feby 25, 1901.

Wm. H. Gray, Mary J. Field
Junius Walters and Lloyd Walters
the last two infants by
Robt. Walters their next friend
plaintiffs,
by Lee Britt
Counsel

In the Circuit Court of Nansemond County-

William H.Gray and Others --
)
VS) ----In Chancery---
)
Thomas Randolph and Others--

To the Honorable Robert R.Prentis,Judge of said Court:-

The undersigned,your Special Commissioner in the above mentioned cause, begs to report that,in execution of the decree entered in vacation in this cause on the I2 day of March I90I,he collected the deferred payment on the purchase price of the land sold in the proceedings in said cause,from the purchaser,William G.Saunders,conveyed the said land to the said purchaser by good and sufficient deed,with special warranty, withdrew from the Bank of Suffolk the sum of $300 deposited to his credit therein as said Special Commissioner,which sum ,together with the said deferred payment and interest thereon amounting to $3I0.50, aggregating the sum of $6I0.50,your Commissioner paid out under direction of said decree,and in accordance with the report of Commissioner,John B.Pinner,filed as of September 25,I900,and confirmed by decree entered in this cause on the II day of October I900,as follows,to wit:-

I90I-		
Feby 20-By amount of cash payment on purchase price of land sold November I2,I900-		$300.00
May,I4- By amount of deferred payment,with interest,		3I0.50

---Disbursements---

I90I-		
June I4,-To amt paid for U.S.stamp on deed to purchaser	$I.00	
" 24- " " " A.P.Gomer,Clerk of Cir.Court(Fees)	7.5I	
" " " " " R R Smith,Clerk of Co.Court (Fees)	.75	
" " " " "A P Gomer,Clerk of Circuit Court(Writs)	I.50	
" " " " " Lee Britt,attorney,Taxed Fee,	I5.00	
" " " " "Lee Britt, attorney,for writing deed,	5.00	
" " " " "Lee Britt,Special Commissioner(Commissions on $6I0.50)	2I.2I	
" " " " "Lee Britt,attorney,Fee allowed,	50.00	
" " " " "S.T.Ellis,Co.Treas.,Taxes for I900,	4.22	
" " " " "John B.Pinner,Comm'r for Report,	I5.00	
" 26- " " "J.J.S.Branch,Crier,Fee for Sale,	6.00	
Sept.20- " " "E.E.Holand,Admr of J.E.Booker's Est. for advertisement of land in "Herald"	6.50	
Oct. 9- " " "A.H.Baker,Sheriff,Fees ,	7.00	
June 24-" " " Joseph Randolph,Distributee,	39.I5	
" " " " " Edmund Randolph,Distributee,	39.I5	
" " " " " Thomas Randolph, "	39.I5	
" 25-" " " Melvina Lawrence, "	78.30	
" 27-" " " Mary J.Field, "	39.I5	
July I- " " " J.L.McLemore,assignee of Wm.H.Gray, distributee,	78.30	
" 3- " " "R.H.Walters,Gdn of Junius and David Walters,distributees,	39.I5	
" I0- " " " Laura A.Randolph,distributee,	39.I6	
Sept.3o- " " " Charles Gunnell,distributee,	78.30	
Vouchers for all disbursements are herewith filed.	$6I0.50	$6I0.50

Respectfully submitted,

Oct 9 1901

Lee Britt
Special Commissioner

Lee Britt Atty.

To R. R. SMITH, Clerk of Nansemond County Court, Dr.

1900
March 17" ~~Tax and Recording~~ Fee for making certified Copy $ 75 ¢
of the will of Val of Gray filed in the Chancery
papers of Gray vals Randolph & others

June 25/1901 Paid by Lee Britt A. G. Toomey D.C. Clerk.
Spec. Commissioner Gray vs Randolph & others

Gray vs Randolph Bothen

Costs

A P Gomer Clerk	paid	7 51	A.P. Gomer
A N Baker Sheriff		7 00	
R R Smith Clerk Co Ct	paid	75	A.P. Gomer
Commissioner		15 00	
Attorney		15 00	
Writ Jay	paid	1 50	A.P. Gomer
			$46.76

Gray
vs
Randolph & others
Costs

Mr. Virginia Gray Dr.

1900. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 578 / No. of Acres 5	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 30c. on $100.	Parish Levy, 8c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 15c. on $100.	TOTAL TAX.
To Real Estate, value $ 90	27	9	27	7	6	4	14	93
" Personal Property, value $								
" , value $								
" Poll Taxes		1 00					50	93
Total								
5 per cent. additional								5
Total								98

Received payment 24 day of June 1901 S. T. Ellis Treasurer,

Per

From Lee Britt Special Commiss
In case of W. H. Gray & others V. S. Randolph & others

Mr. Edward Gray Dr.

1900. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 909 / No. of Acres 30	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 30c. on $100.	Parish Levy, 8c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 15c. on $100.	TOTAL TAX.
To Real Estate, value $ 120	36	12	36	10	6	6	18	124
" Personal Property, value $								
" , value $								
" Poll Taxes		1 00					50	124
Total								
5 per cent. additional								130
Total								

Received payment 24 day of June 190[illegible] S. T. Ellis Treasurer,

From Lee Britt Special Commiss'r,

In case of W. H. Gray & others V. D. Randolph & others Per

Mr. Isaac Gray Est ✓ Dr.

1900. To S. T. ELLIS, Treasurer of Nansemond County, Va.

No. 507 / No. of Acres 45	State Tax, 30c. on $100.	State School Tax, 10c. on $100.	County Levy, 30c. on $100.	Parish Levy, 8c. on $100.	County School Tax, 5c. on $100.	District School Tax, 5c. on $100.	County Road Tax, 15c. on $100.	TOTAL TAX.
To Real Estate, value $ 180	54	18	54	14	9	9	27	185
" ~~Personal Property~~, value								
" value $								
" Poll Taxes		1 00					50	1 50
Total								1 85
5 per cent. additional								9
Total								7 94

Received payment 24 day of June 1901 S. T. Ellis Treasurer,

From Lee Brill (Special Commr.) Per

In Case of W. H. Gray & others vs. Randolph & others

OFFICE OF S. T. ELLIS,
TREASURER NANSEMOND COUNTY.

Suffolk, Va., June 24 1901

This is to certify that Lee Britt Spence Commissioner in the Chancery cause of W. H. Gray vols vs Thos. Randolph vols has this day paid the taxes upon the land, constituting the "Hal Gray" tract, for 1900 assessed as follows:—

Isaac Gray's Estate	$1.94
Edward Gray	1.30
Virginia Gray	.98
making the sum of	$4.22

Sydney T. Ellis Ass't Tr

Sheet

Received of LeeBritt,Special Commissioner in Chancery Cause of Wm.H.Gray et Als. VS Thomas Randolph et Als. ,pending in the Circuit Court of Nansemond County the sum of fifteen dollars in payment of fee due me as Commissioner for report made in said cause.

June 24,I90I.

John D. Pinner
Comr in Chancery

Received of Lee Britt,Special Commissioner in above mentioned chancery cause the sum of six dollars in payment of fee for services as crier in sale of "Hal Gray" land November I2,I900.

June 26,I90I.

John J. S. Branch
crier

ESTABLISHED 1873.

Suffolk, Va., Sept 20 1901.

Mr Lee Pate Spl Comm'r

To SUFFOLK HERALD, Dr.

Newspaper and Job Printing Establishment,

No. 9 WASHINGTON SQUARE.

☞ TERMS OF THIS BILL, NET CASH.

To Advertising sale of lands Gray vs Randolph	6.50

Rec'd payment,

E. C. Kaufman Adm'r

Received of Lee Britt, Special Commissioner in Chancery cause of Wm.H.Gray and Others vs Thomas Randolph and Others pending in the circuit court of Nansemond County the sum of deven dollars ($7.00) in payment of fees due as sheriff in serving process in said cause.

October 9, I90I

A W Baker Sheriff

Received of Lee Britt, Special Commissioner in Chancery Cause of Wm.H.Gray et Als VS Thomas Randolph et Als.pending in the Circuit Court of Nansemond County, the sum of thirty nine dollars and fifteen cents ($39.I5) in payment of my share as distributee in said cause.

June 24,I90I.

Witness
J.H.Lowbitt

Joseph his X mark Randolph

Received of Lee Britt, Special Commissioner in Chancery Cause of Wm.H.Gray et Als. VS Thomas Randolph pending in the Circuit Court of Nansemond County, the sum of thirty nine dollars and fifteen cents ($39.I5) in payment of my share as distributee in said cause.

June 24,I90I.

Witness
J.H. Lowbitt

Edmund his X mark Randolph

Received of Lee Britt, Special Commissioner in Chancery Cause of Wm.H.Gray et Als. VS Thomas Randolph et Als., pending in the Circuit Court of Nansemond County, the sum of thirty nine dollars and fifteen cents ($39.I5) in payment of my share as distributee in said cause.

June 24,I90I.

Witness
J.H. Lowbitt.

Thomas his X mark Randolph

Received of Lee Britt, Special Commissioner in the Chancery Cause above mentioned, the sum of seventy eight dollars and thirty cents ($78.30) in payment of my share as distributee in said cause.

June 25,I90I.

Witness
J.W. Lawrence

Melvina her X mark Lawrence

Received of Lee Britt, Special Commissioner in above cause the sum of thirty nine dollars and fifteen cents ($39.I5) in payment of my share as distributee in said cause.

June 27,I90I. Witness L.J. Costen

Mary J. her X mark Field

over

All Available Text Successfully Captured

Received of Lee Britt, Special Commissioner in the Chancery cause of Wm.H.Gray and Others vs Thomas Randolph and Others pending in the Circuit Court of Nansemond County, to which I am a party in interest, the sum of seventy eight dollars and thirty cents ($78.30) in payment of my share as distributee in said cause.

September 30, 1901.

Witness
Willie Calden

Charles X Gunnell
his mark

For value received, I hereby assign to Jas. L. McLemore, all of my interest in the funds arising from the sale of the real estate mentioned and described in the chancery cause of Wm H. Gray vs Thomas A. Randolph et al - pending in the Circuit Court of Sharkey County - my interest in the net proceeds being One sixth - And I hereby authorize Mr Lee Britt Special Commissioner to pay my interest in said funds to the said Jas L. McLemore -

Given under my hand this 18th day of May 1904.

W. H. Gray

Witness
John L. Lotz Jr

Mr. H. Gray

F. N. 86

Received of Lee Britt, Special Commissioner in Chancery cause of Wm.H.Gray and Others vs Thomas Randolph and Others the sum of seventy ~~eight~~ dollars and thirty cents ($78.30) in payment of my share as distributee in said cause.

July 1, 1901.

Wm H Gray
by J. L. McLemore assignee

Received of Lee Britt, Special Commissioner in Chancery cause of Wm.H.Gray and Others vs Thomas Randolph and Others the sum of thirty nine dollars and fifteen cents ($39.15) in payment of shares of Junius Walters and David Walters, infants, as distributees in said cause.

July 3, 1901.

Robert H. Walters
Guardian of
Junius & David Walters

Received of Lee Britt, Special Commissioner in Chancery cause of Wm.H.Gray and Others VS Thomas Randolph and Others pending in the Circuit Court of Nansemond County the sum of thirty nine dollars and sixteen cents ($39.16) in payment of my part or share as distributee in said cause.

July 10, 1901.

Witness
Kate P. Byrd

her
Laura A X Randolph
mark

Wm. H. Gray et als
vs } In Chancery
Thomas Randolph et als

Report of Distribution

Filed Oct 9th 1901—
A P Gomez c c c

Commissioner's Sale
OF
AN EXCELLENT FARM
IN NANSEMOND COUNTY.

By authority of a decree of the Circuit Court of Nansemond county, pronounced on the 11th day of October, 1900, in the chancery cause of Wm. H. Gray et als. vs. Thomas H. Randolph et als., I shall proceed to sell at public auction, to the highest bidder, before the Courthouse door of said county, in Suffolk,

On Monday, November 12, 1900,

(court day), at 12 o'clock M., that certain farm situate on the Milner's Neck county road and Scott's creek, in Chuckatuck Magisterial district, in said county, containing ninety acres, more or less, and bounded on the north by said county road, east by the land of E. J. Matthews, south by said Scott's creek, and west by the land of Tazewell J. Saunders, known as the old "Hal Gray" farm.

This place is well situated for farming or trucking purposes, having a long frontage on a navigable creek, and being near "Exit," where there are stores, postoffice (with daily mail facilities), and 'phone connections with Norfolk, Suffolk and other places.

TERMS--One-half cash, and the balance on a credit of six months, with interest from day of sale; but with option to purchaser to pay the whole in cash.

LEE BRITT, Special Commissioner.

JOHN J. S. BRANCH, Crier. October 17, 1900.

I hereby certify that the bond required of the Commissioner in the above cause has been given with security deemed sufficient by me.
Given under my hand this 17th day of October, 1900.
A. P. GOMER, Clerk.

To the Honorable Robert R.Prentis,Judge of the Circuit Court for the County of Nansemond:-

William H.Gray and Others----------Plaintiffs.

VS

Thomas Randolph and Others----------Defendants.

The undersigned,Special Commissioner,appointed by decree entered in the above entitled cause on the II day of October I900,begs to report that on the I2 day of November I900,after advertisement of the time, place and terms of sale required by said decree,he sold before the Court-house door of Nansemond County,at public auction,the tract of land containing ninety acres,more orless, in the bill and proceedings mentioned in this cause,and that at the said sale William G. Saunders made the highest bid therefor,and became the purchaser thereof at the price of six hundred(600) dollars.The said purchaser has complied with the terms of the sale by making the cash payment of one half of the said purchase price,the sum of three hundred(300) dollars, and executing his note for the deferred payment of $300, bearing date the I2 day of November I900,with interest thereon from the said date,the day of sale,which note is filed herewith,and the said sum of three hundred dollars has been deposited by the said Commissioner in the Bank of Suffolk,a certificate of which deposit is herewith returned.Your Commissioner also returns herewith a copy of the advertisement of sale. Robert H. Walters has qualified as Guardian of Jennie C. Walters and Lloyd Walters and has given bond with penalty in the sum of $750 with Dennis Field as surety which bond I regard as sufficient for the security of the funds to be paid to him.

Respectfully submitted,

Lee Britt

February 25,I90I. Special Commissioner.

J. L. McLEMORE, President. R. A. PRETLOW, Vice-Pres. ARTHUR WOOLFORD, Cashier.

BANK OF SUFFOLK,

VIRGINIA.

Suffolk, Va., Febry 25 1901

#300 00

This is to certify that
Mr Lee Britt Special Comr
in Chancery Cause of
W. N. Gray Et al Vs Thos. Randolph
Et al has deposited in this
Bank the sum of Three Hundred
Dollars to the credit of himself
as said Sp'l Comr to be
withdrawn on return of this
certificate.

A Woolford Cash

Wm. H. Gray vothers

vs } Report of Sale

Thos. Randolph vothers

Filed Feby. 25 1901.
A. P. Gomey clk

To William H. Gray, Mary J. Field and Dennis Field, her husband, and Jennie C. Walters and David Walters, infants by their next friend Robert H. Walters, Plaintiffs

and Thomas Randolph, Joseph Randolph, Edmund Randolph, Laura A. Randolph, Melvina Lawrence, Jane Gray, the widow of David Gray, deceased, and Robert H. Walters, Defendants

You are hereby notified that on the 21st day of September 1900 at my office, in Suffolk, Va., (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 11th day of April 1900 in the suit in chancery pending in said Court to which you are parties plaintiff and defendant, to wit: 1st Whether the real estate in the bill mentioned can be conveniently divided in kind between the several parties entitled thereto.

2nd If the same cannot be conveniently divided in kind, whether any party will take the entire property, and pay therefor to the other parties such sums of money as their interests therein may entitle them to.

3rd And if the same can not be conveniently divided in kind and if no party will take the entire property and pay the others for their respective shares therein whether the interests of those who are entitled to said property or its proceeds, will be promoted by the sale of the entire property, or an allotment of part and sale of the residue.

4th And if the interests of those entitled to said property or its proceeds, will be promoted by a sale of the entire property, then to state the names and respective shares of those entitled to the proceeds from such sale.

5th State the fee simple and annual values of the property described in the bill, and whether there are any delinquent taxes against the same, and if any, the amount.

6th Whether Jane Gray, the widow of David Gray, deceased mentioned in the said proceedings is entitled to dower in the interests in the said land of the said David Gray, deceased.

7th Whether Robert H. Walters, the husband of Joanna Walters deceased, is entitled to the right of curtesy in the interest of the said Joanna Walters deceased.

which several enquiries the said Commissioner shall make and report his findings to Court, together with any matters specially stated, deemed pertinent by himself, or required by any of the parties to be specially stated.

Given under my hand, as Commissioner in Chancery of said Court, this 30th day of August 1900.

John B. Sumner

~~WILBUR J. KILBY,~~

Commissioner in Chancery.

I hereby acknowledge service of a true copy of the within notice.

Aug 31, 1900

Witness
Lee Britt

his
Joseph X Randolph
mark

Executed by delivery of a true copy of the within notice to Edmund Randolph in person Jane. Gray in person and to Laura A Randolph by delivery to Edmund Randolph a party over the age of 16 years at the usual abode of Laura A Randolph she not being found at her usual place of abode.

Sept. 8th 1900

R E Norfleet Deputy
For A A Baker Sheriff

Executed by delivery of a true copy of the within notice to Thomas Randolph in person (Robert Walters) and Melvina Laurence in person

Sept 8th 1900

J. A. DeBerry deputy
For A A Baker Sheriff

We hereby acknowledge full and legal service of the within notice.

W. H. Gray
Mary J. Field
Melvis Field
and Robt. H. Walters
next friend for
Lunches & Walters
and Lloyd Walters infants
by Lee Britt
Atty

Commissioner's Office.
Suffolk, Va.
Sept 22d 1900.

William H. Gray, Mary J. Fields
and Dennis Fields her husband,
Junius C. Walters and David
Walters infants by their next
friend, Robert H. Walters Plaintiffs,

v. } In Chancery.

Thomas Randolph, Joseph Randolph,
Edmund Randolph Laura A.
Randolph Melvina Lawrence Jane
Gray the widow of David Gray
deceased and Robert H. Walters. Defendants.

To the Honorable Robert R. Prentis,
Judge of the Circuit Court of
Nansemond County, Virginia.

Pursuant to the decree of Court pronounced
in the above entitled cause on the 11th day
of April 1900, the undersigned one of
the Commissioners in Chancery of the
Circuit Court of Nansemond County
Virginia having first given notice as
required by law, which notice is herewith
returned fully served and acknowledged,

proceeded on the day named in said notice, to-wit the 21st day of September 1900 to perform the duties required of him by the said decree.

In making the enquiries therein directed he took the examinations of Thomas H. Randolph, Sydney J. Ellis, Jane Gray, Wm H Gray and Joseph Randolph which are herewith returned and asked to be made a part of this report.

From the evidence thus obtained your Commissioner respectfully reports in answer to the requirements of the said decree as follows,

Replying to the enquiry

1. Whether the real estate in the bill mentioned can be conveniently divided in kind between the several parties entitled thereto,"

That the said real estate, because of the character of the land and the number of the parties in interest, cannot be conveniently divided in kind between the several parties entitled thereto. To divide it would necessitate its parcelling it into such small tracts as to render the same of little value

2. If the same cannot be conveniently divided in kind, whether any party will take the entire property and pay therefor to the other parties such sums of money as their interests therein may entitle them to.

That no party is able or willing

to take the entire property and pay the others for their shares

3 And if the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their respective shares therein, whether the interests of those who are entitled to said property or its proceeds, will be promoted by a sale of the entire property or an allotment of part and sale of the residue

That the interests of all the parties would be promoted beyond any doubt by a sale of the entire property and a division of the proceeds

4. And if the interests of those entitled to said property or its proceeds will be promoted by a sale of the entire property then to state the names and respective shares of those entitled to the proceeds from such sale

That the names of those entitled and the respective shares are as follows

Melvina Laurena	One-sixth
Charles Gunnells	One-sixth
Wm. H. Gray	One-sixth
Mary Jane Field	One-twelfth
Junius Walters	One-twenty-fourth
David Walters	One-twenty-fourth
Thma Randolph	One-twelfth
Edmund Randolph	One-twelfth

Joseph Randolph One-twelfth
Laura Ann Randolph One-twelfth

5. State the fee simple and annual values of the property described in the bill and whether there are any delinquent taxes against the same and if any, the amount

That the fee simple value of the said property is Five Hundred Dollars, and the annual value is Fifty Dollars, and That there are no delinquent taxes against the said property

6. Whether Jane Gray, the widow of David Gray deceased mentioned in the said proceedings is entitled to dower in the interest in the said land of the said David Gray, deceased

That the said David Gray one of the grandchildren of Hal Gray having died prior to the expiration of the life estate named in the will of the said Hal Gray in the said land the widow of said David Gray is not entitled to dower

7. Whether Robert H. Walters the husband of Joanna Walters, deceased is entitled to the right of curtesy in the interest of the said Joanna Walters deceased

That the said Joanna Walters one of the great-grandchildren of Hal

Gray having died prior to the expiration of the life estate named in the will of the said Hal Gray in the said land the husband of said Joanna Walters Robert H Walters is not entitled to the right of curtesy.

Your Commissioner further reports that some doubt is thrown upon the shares of Thma Randolph, Edmund Randolph, Joseph Randolph and Laura Ann Randolph who are as reported above entitled to one-twelfth each of the said estate, by the evidence of Joseph Randolph who has stated that he thought his brother John was never married, though he came to Norfolk with a certain woman and that they brought with them two children one a girl about two years old, the other a good sized boy. That while in Norfolk the woman had another child which died and that when John died the two children the boy and girl were living, the other child having died before his, John's death. The witness was unable to state whether his brother John was married lawfully or not or whether these children were his owing to the loose and improper life led by the woman. The girl surviving his brother John came to his home last year calling him "uncle" but he repudiated her as his niece. The evidence of Thmas H Randolph and William H. Gray

is to the effect that John Randolph died without heirs though he was married. The weight of the evidence is to the effect that John Randolph died without heirs and accordingly your Commissioner has reported that the interests of Thomas, Edmund, Joseph and Laura Ann Randolph are one-twelfth each. If however the said John Randolph did die leaving lawful issue living, such issue would be entitled to a one-fifteenth share of the estate and the shares of said Thomas, Edmund, Joseph and Laura Ann Randolph would likewise be one-fifteenth

No other matters have been required by any of the parties to be specially stated.

Respectfully submitted
John B. Minor
Commissioner in Chancery

Fee $15.00

Wm. H Gray
and others
vs. } In Chancery.
Thomas H. Randolph
and others

Commissioner's Report
Dated Sept 25. 1900

1900 Sept-25 L Field

In the Circuit Court of Nansemond County-

William H.Gray et Als.

VS ---In Vacation-~~on~~ the 12th. day of March 1901.

Thomas Randolph et Als-

This cause came on this I2 day of March I90I to be heard in vacation,after reasonable notice to the defendants in interest,and the purchaser,William G.Saunders,of the motion for this decree;on the papers formerly read,and on the report of sale of the property in the bill and proceedings in this cause made on the I2 day of November I900 filed February 25,1901, by Lee Britt,Special Commissioner,to which no exceptions have been filed,and was argued by counsel.On consideration whereof,the Court doth approve,ratify and confirm said report and said sale,and, it appearing to the Court that the cash payment on the purchase price of the parcel,or tract,of land therein reported has been paid and deposited in the Bank of Suffolk to the credit of the Commissioner in this cause,and that the note evidencing the deferred payment of $300 on the purchase price,bearing date on the I2 day of November I90I and payable six months thereafter,with interest thereon from said date,has been executed by the purchaser,Willian G.Saunders, and delivered to the said Commissioner,Lee Britt,the Court doth order,adjudge and decree that the said Special Commissioner,Lee Britt,collect the said deferred payment on the purchase price of said land,with interest thereon as required,on maturity of said note,or earlier,if the said purchaser shall elect to anticipate payment thereof,and for the purpose of making such collection the said Lee Britt,Special Commissioner,is hereby authorized to withdraw the said note from the papers in this cause,and that when the said collection shall have been made,the said Special Commissioner shall convey by good and sufficient deed,with special warranty, unto William G.Saunders the tract of land described in said report. And it is further adjudged,ordered and decreed that the said Special Commissioner withdraw from the Bank of Suffolk the said money,to wit,the sum of $300 deposited to his credit as said Special Commissioner in this cause,and for which purpose he is hereby au-

thorized and directed to withdraw from the papers in this cause the certificate of deposit filed with said report, and after paying the costs of this cause, including an attorney's fee of $50.00 to said Lee Britt for his services as counsel conducting the same, that the said Special Commissioner distribute the balance among those entitled to the same, in accordance with the report of Commissioner John B. Pinner, filed as of September 25, 1900, and confirmed by this court on the 11 day of October 1900. And it further appearing to the Court that there are two infants, David Walters and Junius Walters parties to this cause, who are entitled to dividends from said sale and that Robert H. Walters has been appointed and has qualified in the County Court of Nansemond County as Guardian of said infants, and this Court being satisfied that said Guardian has given bond in sufficient penalty, and with surety sufficient for the security of said dividends, as appears by certificate of the Clerk of the said County Court filed with the papers in this cause, it is adjudged, ordered and decreed that the said Special Commissioner, Lee Britt, pay to the said Guardian the amounts payable to the said infants, taking proper receipts therefor.

And the said Special Commissioner shall make further report to Court.

Robert R. Prentis

To the Clerk of the Circuit Court)
of Nansemond County:-)

Wm. H. Gray et als
vs
Thomas Randolph et als.

Decree Confirming
Sale and Ordering
Distribution.

To be entered
March 12, 1901
Robert R. Davis.

Recorded in Chancery
Order Book. No. 3. Page.
342.

To Thomas Randolph, Edmund Randolph, Joseph Randolph, Laura Ann Randolph, Melvina Lawrence, Charles Gunnell and William G. Saunders, Purchaser.

Take notice that we shall move the Honorable Robert R. Prentis, Judge of the Circuit Court of the County of Nansemond, in vacation, on the 12 day of March 1901, at his office in Suffolk, Virginia, to grant a decree in the chancery cause, entitled Wm. H. Gray et als vs Thomas Randolph et als, in which you, except Wm. G. Saunders, purchaser, are defendants and we are plaintiffs, now pending in the circuit court of said county, confirming the report of sale of the real estate in the bill and proceedings mentioned, filed by Lee Britt, Special Commissioner, on the 25 day of February 1901, in the Clerk's Office of said court, and the said sale, directing the said Commissioner to collect the deferred payment on the purchase price of said real estate, and when collected, to execute a proper deed to the said purchaser for the same, granting a proper allowance as fee to the counsel conducting the proceedings in said cause, which allowance will be asked for at said time and place, and directing the payment of the costs of said cause, and the proper distribution of the remainder of the funds in ~~his hands~~ the said Commissioner's hands among those entitled to the same under the report of Commissioner John B. Pinner filed in said cause.

Feby 25, 1901

Wm. H. Gray, Mary J. Field, and Junius Walters and David Walters, the last two infants by Robt. Walters their next friend, plaintiffs
by Lee Britt
Counsel

We hereby accept and acknowledge legal and sufficient service of the within Notice

Witness as to Joseph Randolph
W.H. Gray.

Joseph X Randolph
his mark

Witness as to Thomas Randolph
Mrs Lin Britt

W. J. Saunders.

Thomas X Randolph
his mark

Robert H. Walker
worthy

Wm. H. Gray et als.
vs
Thomas Randolph et als.

Notice of Motion for Decree confirming Sale &c., in Vacation

Executed by delivering a true copy of the within notice to Melvina Lawrence, Edmund Randolph and Laura Ann Randolph each in person in the County of Monument.
March 2, 1901.

J. F. Dunning Dept
For A. H. Baker Shff.

In the Circuit Court of Nansemond County-

William H.Gray and Others----------Plaintiffs-

VS

Thomas H.Randolph and Others----------Defendants-

This cause came on this day to be again heard on the papers formerly read,the petition and answer of Charles Gunnell,and on the report of John B.Pinner,Commissioner, filed as of the 25 of September 1900,to which report no exceptions have been filed,and was argued by counsel:-On consideration whereof,the Court doth hereby ratify,approve and confirm said report,and doth adjudge,order and decree That Lee Britt,who is hereby appointed Special Commissioner for that purpose,do proceed,after first advertising the time,place and terms of sale in some newspaper published in the County of Nansemond once a week for three successive weeks,and otherwise,if deemed best by the said Commissioner,to sell the real estate in the bill and proceedings mentioned,at public auction, in front of the Court-house door of Nansemond County,on some court day,upon the following terms,to wit:-

One half in cash,and the balance on a credit of six months, taking from the purchaser a bond for the deferred payment,bearing interest from the day of sale,and the title to the property to be retained until the further order of this court,but the said purchaser may pay the entire purchase money in cash,if desired.

And it appearing to the Court from the said report and from the said petition and answer that the said Charles Gunnell is one of the joint owners of the land in the bill and proceedings mentioned,and that he has been inadvertently omitted from the said proceedings as a party thereto,and by said petition waives all notice,or process,as to the beginning of the suit,and now acquiesces

in, consents to and ratifies all proceedings in this cause heretofore obtained, desires to be made a party defendant th this cause in his own right as an adult, and waives all notice as to any decrees or other proceedings hereafter entered in said cause, it is hereby ordered, adjudged and decreed that the said Charles Gunnell be, and he is hereby, made a party defendant to the same, to be bound by all the proceedings heretofore obtained, and such as may be hereafter entered in said cause, and to participate in all the rights and privileges of a party to the same. It is further adjudged, ordered and decreed that the said Commissioner, Lee Britt, shall deposit the cash instalment, or the whole purchase price of the land if paid in cash, in the Bank of Suffolk to his credit as Commissioner in this cause, and return with his report of sale a certificate of such deposit. But the said Commissioner shall receive no money, and shall not advertise the said land under this decree until he shall enter into bond with approved security in the penalty of $600.00 payable to the Commonwealth of Virginia, and conditioned for the faithful performance and discharge of his duties under this or any other decrees entered in this cause. And the said Commissioner is hereby directed to append to his advertisement of sale a certificate from the Clerk of this Court that the said bond required hereby has been given.

And the said Commissioner shall make report to Court.

Wm. H. Gray et als-

VS } In Chancery---

Thomas H. Randolph, et als-

Decree for Sale &c.

To be entered this 11th.

day of October 1900.

Robt R. Prentis

Entered in Chancery
Order Book No 3
Page 316

In the Circuit Court of Nansemond County-

William H.Gray,Mary J.Field and Dennis Field her husband, and Junius C.Walters and David Walters,infants,by their next friend,Robert H.Walters----------Plaintiffs-

VS

Thomas Randolph,Joseph Randolph,Edmund Randolph,Laura A. Randolph,Melvina Lawrence,Jane Gray,the widow of David Gray,deceased,and Robert H.Walters----------Defendants-

This cause came on this day to be heard on the bill taken for confessed as to the defendants,all adults,upon whom process has been duly served,and they still failing to appear and plead,answer or demur,and was argued by counsel.On consideration whereof,the court doth adjudge,order and decree that the papers in this cause be referred to one of its Commissioners ,who is hereby directed to enquire into and report to court:-

I-Whether the real estate in the bill mentioned can be conveniently divided in kind between the several parties entitled thereto.

2-If the same cannot be conveniently divided in kind, whether any party will take the entire property,and pay therefor to the other parties such sums of money as their interests therein may entitle them to.

3-And if the same cannot be conveniently divided in kind, and if no party will take the entire property and pay the others for their respective shares therein,whether the interests of those who are entitled to said property or its proceeds,will be promoted by a sale of the entire property,or an allotment of part and sale of the residue.

4-And if the interest of those entitled to said property or its proceeds,will be promoted by a sale of the entire property,then to state the names and respective shares of those entitled to the proceeds from such sale.

5-State the fee simple(and annual values) of the property described in the bill,and whether there are any delinquent taxes against the same,and,if any,the amount.

6-Whether Jane Gray,the widow of David Gray,deceased, mentioned in the said proceedings is entitled to dower in the interest in the said land of the said David Gray deceased.

7-Whether Robert H.Walters,the husband of Joana Walters, deceased,is entitled to the right of curtesy in the interest of the said Joana Walters,deceased.

Which several inquiries the said Commissioner shall make and report his findings to court,together with any matters specially stated,deemed pertinent by himself,or required by any of the parties to be specially stated.

Wm. H. Gray---

vs ---In Chancery---

Thomas Randolph et ars.---

Decree for Reference.

To be entered this 11th

of April 1900.

Robert D. Phillips

Entered in Chancery
Order Book No. 3.
Page 275

In the name of God Amen.
I Stal of Gray F.N. of the
County of Nansemond and State
of Va. make this my last Will
& Testament in manner & form
following. - 1st I give all of my
Chattle property to be sold and
the proceeds disposed of as here-
inafter named - 2ndly: I give
to my wife Hannah Gray all
the property She owned when
I married her and one seventh
of the proceeds of my Chattle
property after paying all my
just debts. I also lend her
a Dower interest in my land
as specified by law. - 3rdly. I
lend all the bal. of my land to
my four sons viz: Henry, Wil-
liam, Edmond & Isaac, and also
my wife's Dower after her death
to have & to hold during life
and after their death I give
the aforesaid land to my
several Grand Children by my
three Daughters viz. Patsey,
Mary and Susan to have and
to hold forever. 4thly: I give
to my Son Henry an extra

legacy of ten dollars one Table and 1 Desk.

5thly. I give all the remaining proceeds of my chattle property to be equally divided between my several children viz. Henry, William, Edmond, Isaac, Mary & Susan. In Witness whereof I hereunto set my hand and seal this the twenty fifth day of Novr. one Thousand Eight hundred and Fifty nine.

Signed sealed and delivered in presence of
Wm. J. Parr
B.J. Sykes
George T. Sykes

Hal of Gray his + mark (Seal)

Signed 2nd Decr. 1859.

Decr. 2nd. 1859, this day Hall of Gray T.N. acknowledged the within will & testament his full & last will by fixing the bounds to his wife's dower to his houses where he now lives and one third of the enclosed land, with timber & wood

from his forrest, land for fines & other plantation purposes.

B.J. Sykes

At a Monthly Court held for Nansemond County, the 12th day of September 1870. This Last Will and Testament of Val of Gray, late of this County deceased, was proved by the oath of B.J. Sykes, one of the subscribing witnesses hereto, and was thereupon continued for further proof.
And at a like Court held for said County, the 10th. day of April 1871, the same was fully proved by the oath of George T. Sykes, another of the subscribing witnesses hereto, and ordered to be recorded.

Teste: Peter B Prentis Clerk

A Copy, Teste: R. R. Smith Clerk

Hal of Gray's
— Will —

Recorded in Will Book
No. 1. Page 525.

A Copy.

75-4

To the Honorable Robert R.Prentis, Judge of the Circuit Court for the County of Nansemond :-

The undersigned, Charles Gunnell, respectfully requests permission to present this petition to your Honor, with a statement of the facts following, to wit:-

That there is now pending in the Circuit Court of the County of Nansemond a partition suit entitled " William H.Gray and Others vs Thomas Randolph and Others", in which your petitioner has an interest, and he says that he is informed and believes that he was omitted as one of the defendants in said suit, through inadvertence and not by design. That your petitioner is the son of William Gunning, deceased, the grandson of Hal Gray, and that his father was the brother of Melvina Lawrence, one of the defendants in said suit.

That, while no notice has ever been given to your petitioner of any proceedings in this cause, yet he is willing to, and does now hereby waive all notice or process as to the beginning of the suit, as to the entering of any decree or to the taking of any accounts.

That he hereby consents and agrees to all that has heretofore been done in said cause up to this time, and prays that he may now be considered a party to said cause, hereby waiving all notice as to any decrees or other proceedings hereafter entered in said cause.

That he agrees and consents that the said land mentioned in said cause is not divisible in kind among the heirs, and now joins the other parties to said cause in asking the court to decree that the said land be sold and the proceeds be divided among the heirs, asking that his just share of the proceeds may be paid to him after the sale of the said land and payment of costs of suit and proper counsel fees.

Respectfully,

Charles Gunnell.

Wm.H.Gray et als-

vs) In Chancery----------

Thomas H.Randolph et als---

Petition of Chas.Gunnell

to be made a party defend-

ant &c.

Filed in Court this

day of October 1900.

Commissioner's Office,
Suffolk,Va. Sep. 21,1900.

The depositions of S.T.Ellis and others taken before me John B.Pinner a Commissioner in Chancery for the Circuit Court of Nansemond County pursuant to notice hereto annexed at the office of the said Commissioner in Suffolk Va. on the 21st. day of September 1900 between the hours of 3.30 P.M. and 6. P.M to be read as evidence in behalf the plaintiffs in a certain suit in equity depending in the Circuit Court of Nansemond County wherein William H. Gray,Mary J.Field and Dennis Field her husband and Junius C.Walters and David Walters by their next friend Robert H.Walters are plaintiffs and Thomas Randolph, Joseph Randolph,Edmund Randolph Laura A.Randolph Melvina Lawrence and Jane Gray widow of David Gray deceased and Robert H.Walters are defendants.

Present Lee Britt Attorney for the plaintiffs.

The witness ~~Edmund~~ Thomas H. Randolph being duly sworn deposes as follows,

Q. 1. State your name ,age,residence,occupation and do you know the parties to this suit?
A. Thomas H.Randolph.65 years.In Nansemond County.Laborer.I know all the parties to the suit.

Q. 2. Are you familiar with the tract of land known as the Hal Gray tract in the bill and proceedings mentioned in this cause and if so state whether the land could be conveniently divided in kind among the parties entitled to the same.
A. I knew the tract of land and I lived on it when I was a boy.It would be unconvenient to divide it.

Q. 3. From your knowledge of the land would it be to the best interests of all heirs to have the tract sold as one tract and the proceeds divided among the said Heirs?
A. Yes sir I think it would be best.

Q. 4. Please give the ground of your judgment in stating that you think it best to have it sold as one tract and the proceeds divided among the heirs than to have it divided in kind.
A. Of course it would be best because it would be cut up in small pieces and it would not sell well that way.

Q. 5. Do you know any party will take the entire property and pay therefor to the other parties such sums of money as their interests therein might entitle them thereto.
A. No sir I do not.

Q. 6. Then do I understand you to say that the interests

of all the heirs or parties will be promoted by a sale of the entire property in one piece and the proceeds distributed among the heirs because if it were cut up into small pieces it would not be of as much value ao those receiving them
A. Yes sir.

Q. 7. Please state whether you are the Thomas H.Randolph who is a party to the suit.
A. I am.

Q. 8. Please state whether or not you are the son of Susan a granddaughter of Hal Gray.
A. I am sir from what she says.

Q. 9 Please state if you can the names of all your brothers and sister children of said Susan.
A. George who is dead Eliza ,Margaret John who are all dead. And Myself,Edmund,Joe and Laura Ann who are living husbands & wives.

Q. 10 Did those who are dead die without children. and
A. Yes sir, they died without children George and John were married and I know that George's wife is dead but do not know about John's. The girls were never married.
Q. 11.Please state whether the tract of land mentioned in this cause as being 90 acres is now cultivated by anyone or not
A It is not.

And further this deponent saith not.

his
Thomas H Randolph
mark

Witness: S.T.Ellis

The witness S.T.Ellis being sworn deposes as follows.

Q. 1 State your name,age,residence,occupation and do you know the parties to this suit
A. S.T.Ellis,52,Nansemond County,Farmer and Treasurer of Nansemond County.I do not know the parties to the suit.

Q. 2. Are you familiar with the tract of land containing 90 acres more or less situated in Chuckatuck District Nansemond County and bounded on the North by Milner's Neck County Road,East by the land of E.J.Matthews South by Scott's Creek and on the West by the Briggs farm now owned by Tazewell Saunders,and known as the Hal Gray farm and if so state what in your judgment is the fee simple value of the said tract of land,and annual value of the same.
A. I know the property.I live one mile from it and have lived at my present place 30 years. I should say that the extreme limit of value would be five dollars per acre and the rental value about fifty dollars

Q. 3. Please state whether or not from your knowledge of the land that the same could be conveniently divided in kind between the several, parties entitled thereto, such division in kind necessitating parceling the land into piecesa as small as one-twelfth in the whole or whether it would best promote the interests of all those entitled to the said property that the whole tract should be sold in a lump and the proceeds divided among those entitled thereto.

A. I should say unquestionably that it should be sold in a lump and the property would bring twice the money it would bring if divided.

Q. 4. Please state from your knowledge the condition of this land and the proportionate parts of arable and wood land, and the character of the wood land.

A. The land is in a very poor state of cultivation about 3/4 in my judgment is arable land and the balance is bounded by the creek with some second growth material on it and the part next to Briggs perhaps a better quality of second growth but nothing of special, value as to timber.

Q. 5. Than I understand you to say that it can not be conveniently dividee in kind between the parties without a great sacrifice of their respective interests and that the interests of all parties would be best promoted by a sale of the entire tract in a lump and the distribution of the proceeds among those legally entitled to the same.

A. I think so.

Q. 6. Please state what part of this land is in cultivation or was last year .

A. It has been a year s once I saw it then there was an attempt at cultivation of about 30 or 40 cares from what I saw . If it was subdivided you would find no purchaser to pay what it was worth .It would entail quite an expense to subdivide it among the heirs and my observation was when I last saw it that there was but very little fence upon the place. If sold in parcels it would be at a sacrifice to the interests of those entitled to it.

Q. 7. Can you state whether or not Henry William Edmund and Isaac alleged in the bill in this cause to be the sons of Hal Gray are now living and also whether Patsy Mary and Susan alleged in said bill to be the daughters of said Hal Gray are now living.

A. I know that Isaac and Edmund are not living .I did not know the others except Susan who is I believe also dead.

And further this deponent saith not.

Sydney T. Ellis

The witness Jane Gray being sworn deposes as follows.

Q. 1. State your name,age residence,occupation and do you know the parties to the suit.
A. Jane Gray .About 65.Suffolk,Va.I open oysters.I know some of them not all.

Q. 2. Please state whether or not you knew Mary the daughter of Hal Gray mentioned in the bill in this cause and whether she is now living or dead and if dead when she died and how many children survived her and their names.
A. Yes sir I knew Mary and she is dead.I dont know when she died at least ten years ago.She left two children and their names are David Gray and William H.Gray.They were the only children she had.

Q. 3 Please state if David and William are now living.
A. William H.Gray is living but David Gray who was my husband is dead.David has been dead some 25 years.

Q. 4. Please state how many children if any he had by you and name them.
A. Four and their names are Thomas Jeff Gray,dead Joanna Gray who married Robert Walters now dead leaving two children both under age Juniuis C.Walters and David Walters both living,Mary Gray who married Dennis Field now living Clotilda Gray now dead .Neither Thomas nor Clotilda were ever married.

Q. 5 Did you know Isaac Gray one of the four sons of Hal Gray mentioned in this cause and if so state whether he is living or dead. and if dead how long since he died.
A.I knew him He is dead.I dont know exactly but about two or three years I think.

And further this deponent saith not.

her
Jane x Gray
mark

Witness: J. B. Pinner

No other witness appearing the further taking of Depositions is hereby continued to Sept 24th 1900

John B. Pinner
Comr in Chancery

Sept 24. 1900

The witness Wm. H.Gray being duly sworn deposes as follows,

Q. 1. State your name,age,residence and state whther you know the parties to this suit or not/

A.Wm. Henry Gray.67 years.Suffolk,Va. I am in the ministry. I know the parties to the suit.

Q. 2.Please state whther you are the william H.Gray who is one of the plaintiffs in this cause,and whether you are one of the heirs of the Hal Gray land mentioned in the bill in this cause containing 90 acres more or less situated in Chuckatuck District in Nansemond County and bounded by Milner Neck County Road,Scott's Creek,and the lands of E.J.Matthews and Tazewell J.Saunders of which Hal Gray F.N. died seized and possessed.

A. Yes sir.

Q. 3. Please state whether or not you are one of the heirs of the said land under the will of the said Hal Gray admitted to probate on the 12th. day of September 1870 in the County Court of Nansemond County

A. Yes sir.

Q. 4. State whether or not you knew the said HalGray and whether or not you know when he died.

A. Yes sir In 1868.

Q. 5. Under the third clause of the said will the said described land was devised to his four sons Henry,William,Edmund and Isaac and also his wife's dower in the said land after her deathduring life and after their deaths in fee to his several grandchildren by his three daughters Patsy,Mary and Susan,please state whether or not said Henry,William Edmund and Isaac,and the wife of said Hal Gray and his three daughters Patsy Mary and Suasan are now living.

A. All of them are dead.

Q. 6. Please state which of the four sons named survived the others and when he died.

A. Isaac survived the others and he died in 1897.

Q. 7.Please state when the three daughters Patsy Mary and Susan died.

A.Patsy has been dead since 1631,Suasan died in 1868 and Mary died in 1880/

Q. 8. Please state whether or not Patsy had children and if so how many and their names living and dead.

A. Three and two are dead their names being James and William Gunnell and one living named Melvina now Melvina Lawrence.

Q. 9. Please state when if you know James and William died and whether or not they left heirs.

A. William died in1873 leaving a wife and three children I do not know the date of James' death but he has been dead about ten years leaving a wife now dead and no children.

Q . 10 please state whether or not the three children and wife of William are now living.
A. Wife and two children dead the wife dying about 1869 One child is living whose names is Charles Gunnell

Q. 11 Please state whteher the said Charles Gunnell is over or under 21 years of age.
A. All of 25 sir.

Q. 12. Please state if the two children of William Gunnell now dead were married r
A. They were never married.

Q. 13. Please state whether the said mary died leaving a husband and children surviving her and also state how many children the said Mary had during her marriage.
A. She died leaving abhusband who died in 1869. She left two children surviving, her only children.

Q. 14. Please give the names of the two children and say whether or not they are now living .
A. One is living the other dead. The living one is myself the one dead was David Gray.

Q. 15. Please state whther or not David Gray left a widow or not and childrn and if chidren how many and Their names
A. He left a widow and four children and their names are Thomas Jefferson, Joanna and Clotilda and Mary Jane The widow is now living and the first three named children are dead. His only living child is Mary Jane who is now Mary Jane Fields, the wife of Dennis Fields.

Q. 16 Please state whther Thomas Gray and Clotilda Gray died unmarried.
A. Yes sir.

Q. 17. Please state whether or not Joanna Gray died married a nd if so whether she left a husband and children surviving her and give the names of the husband and children.
A. Yes sir she died married leaving a husband Robert H. Walters now living and two children Junius Walters and David Walters who are living.

Q. 18. Are the said children Junius and David twenty years old or not.
A. They are not twenty-one.

Q. 19 When did your brother David Gray die.
A. In 1875

Q. 20. Please state whether or not Susan died leaving a husband and children and if so how many children and the names of the husband and children.
A. She didd leaving a husband Jack Randolph and seven children and the husband and three children are now dead.The names of the children dead are George,John and Peggie all of whom died unmarried except John who left at his death a wife but no children.He died in 1895 I think.The living children are Thomas Edmund Joe,and Laura Ann.

Q. 21. Do you know whether the widow of John Randolph is living or not ?
A: I do not.

Q: 22. How long has it been since you heard anything from or about her?
A: About two months ago I hear a lady say she was in New York.

Q: 23. Please state whether Henry William Edmund and Isaac remained in possession of the said land until they died.
A. They did sir.

Q. 24.Did not David Gray die many years before the life estate of the said four sons ended.
A. Yes sir.

Q. 25. Please state whether or not you are familiar with the tract of land mentioned in these proceedings and if you are state whether or not the same could be conveniently divided in kind among the parties entitled thereto remembering that such division would necessatate parceling the same into some pieces as small as one-twelfth of the whole.
A.I am familiar with the land.I think it can not be divided in kind conveniently.

Q. 26. Upon what ground do you base your judgment that it can not be conveniently divided in kind among the parties:
A. The piece would be too small to be of value and it would be expensive to fence.

Q. 27. Do you know whether any party in interest will take the entire property and pay therefor to the other parties such sums of money as their interests therein would entitle them to.
A. I do not. This was talked abootut among the heirs and no one was able to do it.

Q. 28. Then do I understand from your testimony that the interest of those entitled to sai property will be promoted by a sale of the entire property and the dis-

tribution of the proceeds therefrom among those entitled thereto.
A. Yes sir.

Q. 29 What do you think the property would bring iif sold ?
A/ It ought to bring $600 cash.

Q. 30 Whatdo you consider is its annual or rental value?
A. It ough to be worth Fifty Dollars.

Q. 3i is the said property now rented out and if so what is the rent?
A. It is not rented sir.

Q. 32. Would or would not there be in your judgment a great sacrifice of the interests of the parties entitled thereto of the said land if it were cut up in small parcels among the parties entitled thereto?
A. To a certain extent sir, Yes sir there would be a sacrifice.

QL 33. Then is it or not your desire as one of the heirs that the said land should be sold as a whole and the proceeds divided among the heirs .
A. My desire is that it be sold and the proceeds be divided.

And further this deponent saith not.

W. H. Gray

The witness Joseph Randolph being duly sworn deposes as follows
Q. 1 State your name, age, residence, occupation and state if you know the parties to the suit.
A: Joseph Randolph, 64 years Norfolk, Va. Drayman I know the parties.

Q: 2. Are you one of the heirs of the Hal Gray and one of the parties to this suit.
A: I am.

Q: 3. It has been stated in the testimony in this cause that you are the son of Susan Randolph who was the daughter of Hal Gray who died seized and possessed of 90 acres more or less of land in Chuckatuck District this County and that you had six brothers and sisters among whom was one named John Randolph who died some years ago before the death of Isaac your uncle who died in 1897 being in possession at that time of the Hal Gray tract of land in which he held a life estate please state whether or not these are facts.
A. That is right sir.

Q. 4. Did John die leaving a widow and children by her and if so state whether the said widow is living and the children if she had any.

A. I do not think my brother John ever married though he did come to Norfolk with an old woman many years older than him with whom he lived but this woman was in my judgment and from what I saw with my own eyes a common woman.When they came to Norfolk there was quite a good sized boy and a smaller child a girl about two years old.After they came to Norfolk they lived in Fenchurch Street and there was another child born and afterwards they moved in Tunis Lane where I lived and she continued to live an impropermlife.My brother John died and about three weeks after he died the youngest child dead and the woman not having any money I through sympathy gave her money to bury the child.After the child's death the woman whose name was Alice went to Boston to her mother and took the girl the boy having gone to Boston before I have heard that both the mother of this boy and this girl died last year and that her mother the grandmother of the children is also dead.This girl came to see me last year in a delicate condition and called me her uncle but I was not at home when she first came being in Suffolk and as soon as I got home and she called me uncle and I saw what condition she was in I sent her back to Boston telling her she could not stay in my house.I do not believe she was my brother's child certainly lawfully and I doubt that she was his child at all My brother John when he came first to Norfolk was not much more than a boy while this woman he was with was old enough for his mother.

Q. 5. Please state whether the real estate in the bill mentioned of which Hal Gray died seized and possessed can be conveniently didvied in kind between the parties entitled thereto and if not whether the interests of al the parties would be best promoted by a sale of the entire property and the distribution of the proceeds among the parties entitled thereto.

A. I do not think it can be conveniently divided.Yes sir the interests of all would be promted by a sale and division of the proceeds .

And further this deponent saith not.

his
Joseph X Randolph
mark

Witness.

The witness Robert H.Walters being duly sworn deposes as follows,

Q. 1. State your name age,residence occupation and do you know the parties to this suit?

A. Robert H.Walters,41 years Suffolk,Va.Laborer.I know most of them.

Q. 2. Are you one of the parties to this suit?
A. I am.

Q. 3. Are you the surviving husband of Joanna Walters the deceased daughter of David Gray deceased, mentioned in this cause?
A. Yes sir, I am.

Q. 4. How long since your wife Joanna died?
A. More than ten years ago.

Q. Please state whether or not you are the father of David Walters and Junius Walters mentioned in this cause as plaintiffs by their next friend Robert Walters and state if you are the Robert Walters there mentioned?
A. I am.

Q. 5. Please state the ages of these children.
A. Junius is in his 18th. year and David is in his 17th year.

Q. 6. Are these the only children by the marriage of yourself with Joanna Walters.
A. Yes sir.

And further this deponent saith not.

Robert H. Walters

The foregoing examinations of witness duly taken, sworn to and subscribed before me a Commissioner in Chancery of the Circuit Court of Nansemond County, Virginia.

John D Pruden
Commissioner in Chancery

In the Circuit Court of Nansemond County-

William H.Gray and Others-
)
VS) -----In Chancery---- October Term I90I-
)
Thomas Randolph and Others--

This cause came on this day to be heard on the papers formerly read, and on the report of Special Commissioner,Lee Britt,filed on the 9th day of October I90I,with an account attached(showing the receipt and proper disbursement of funds coming into his hands as such Commissioner, with vouchers for all disbursements filed therewith.)
On consideration whereof it is adjudged,ordered and decreed that the said report,and the acts of the said Commissioner related therein, be,and the same are hereby approved,ratified and confirmed.
And it appearing that there is nothing further to be disposed of in this cause,it it is ordered that the same be removed from the docket.

William H. Gray et Als-

VS

Thomas Randolph et Als-

Decree Confirming Report of Distribution, and Removing Cause from Docket.

To be entered this 15 day of October 1901.

Robert R. Prentis

Entered in Chancery Order Book No. 3. Page 380.

In the Circuit Court of Nansemond County-

To the Honorable Robert R.Prentis, Judge of said Court:-

Complaining, showeth unto the Court, your complainants, William H.Gray, Mary J.Field and Dennis Field, her hushand, and Junius C.Walters and David Walters, infants, by their next friend, Robert H.Walters, the following case:-

That Hal of ~~Coons~~ Gray, of the County of Nansemond and State of Virginia, died sometime in the year 1868, or thereabout, seized and possessed in fee simple of a certain tract of land containing 90 acres, more or less, situate in Chuckatuck Magisterial District in the said County and State, and now bounded on the North by Milners Neck County Road, on the East by the land of E.J.Matthews, on the South by Scott's Creek, and on the West by the Briggs farm, now owned by ~~W.R.~~ Izzwell L. Saunders. That the said Hal of ~~Coons~~ Gray left a will which was admitted to probat on the 12 day of September 1870 in the County Court of Nansemond County, a copy of which will is herewith filed marked "A" and made a part hereof, and under the third clause of the said will the above described land was devised to his four sons, Henry, William, Edmund and Isaac, and also his wife's dower in said land after her death, during life, and after their deaths, in fee, to his several grandchildren by his three daughters, Patsy, Mary and Susan. That the said Henry, William, Edmund and Isaac, and the wife of Hal of ~~Coons~~ Gray have long since died, and that the said Patsy, Mary and Susan had the following children, to wit:-

Melvina Lawrence, the child of Patsy, now living, William H.Gray and David Gray, the children of Mary, the former, William H.Gray, now living, and the latter, David Gray, dead, leaving four children, to wit:- Thomas J.Gray, now dead, Clotilda Gray, now dead, Mary J.Field, the wife of Dennis Field, living, and Joana Walters, now dead, the wife of Robert H.Walters, living, leaving two infant children, Junius C. Walters and David Walters, living. That the widow of said David Gray, Jane Gray, is now living. Thomas Randolph, Joseph Randolph, Edmund Randolph and Laura A.Randolph, the children of Susan , all of whom are now living.

That the said Melvina Lawrence , William H.Gray Mary J.Field, the children of Joana Walters, to wit, Junius C.Walters and David Walters, infants, Thomas Randolph, Joseph Randolph, Edmund Randolph and Laura A.Randolph own the said real estate in fee, jointly under the said devise, and that the said property is now held and possessed by them.

Your complainants are advised and therefore allege that the said David Gray died before the said life estate terminated, and that they believe that the said Jane Gray, widow of said David Gray, deceased, is not entitled to dower in the interest of said David Gray which descended by inheritance to his said child, Mary J.Field and his grandchildren, Junius C.Walters and David Walters, infants, in the said real estate.

Your complainants are advised that the said Joana

Walters- died before the said life ettate terminated,leaving a husband ,Robert H.Walters,now living.Your complainants further state and allege that the said real estate is not,as your complainants,verily believe,susceptible of partition in kind without great sacrifice of the interests of the parties entitled thereto, as it would have to be cut up into many small parcels of land,and if it be not ,then your complainants desire the same to be sold,and the proceeds divided among the parties entitled thereto,according to their respective rights, the shares of the infants to be held as directed by the statute in such case made and provided Should the said real estate not be divisible in kind without such sacrifice, your complainants believe and state that the interests of all parties entitled to the said land,or its proceeds,will be promoted by a sale of the whole of said tract of land together. In tender consideration whereof,and for as much as your complainants are remediless save in a court of equity ,your complainants pray that Thomas Randolph,Edmund Randolph,Joseph Randolph, Laura A.Randolph,Melvina Lawrence,Robert H.Walters,husband of Joana Walters,deceased,and Jane Gray,the widow of David Gray,deceased,may be made parties defendant to this bill,and required, but not on their oaths,to answer the same,the oath being hereby waived;that proper process issue;that the said real estate be divided between the parties entitled thereto,or else that it be sold and the proceeds divided,in case it

be indivisible in kind without great sacrifice of the interests of the parties entitled thereto; that a reasonable fee be allowed to the counsel for complainants, notice being here given that application to the court to allow such fee will be made; that all proper orders and decrees may be made, accounts taken and inquiries directed, and that all such other, further and general relief, as in the premises may be just and right, may be granted. And your complainants will ever pray, &c.

Leo Britt
P.Q.

Wm. H. Gray & others
vs. } In Chancery
Thomas Randolph & others

Bill

D.C.

William A Gray
Vs In Chancery
Thomas Randolph and others

1900 March 1st Process issued returnable to March Rules First Monday.

" " 5th. Thomas Randolph Edmund Randolph Laura A Randolph Melvina Laurence and Jane Gray.

" " " Service Accepted by Robert N Walton,

" " 15. Service Accepted by Joseph Randolph.

" " 19 Bill filed and decree nisi against defendants,

" Apl 2. Decree Nisi confirmed and Cause set for hearing