

1794-011

Chancery Causes. Samuel Holloday vs Josiah Holloday & 4th, along, at

Isle of Wight County

Thomas Holloday

other SURNAMES. GROCE,
Hawkins, Holliday

Holoduckal.
to B. B.
Holoduckal & B. B.

To the Court, the Court of Solis of Weymouth County sitting in the Court
Humbly concurring, that unto your worship, your Honor Samuel Holoday
& Anthony & Edmund Holoday infants by Adam Green their next friend &
Mary Hawkins & Esther Hawkins That one Thomas Holoday some time ago
died in this County intestate ^{without any issue} possessed of a considerable personal estate leaving
Ann his Widow & Relief & your Court his Brothers & Sisters That his Widow
& Relief have administered upon his estate & since married with one Josiah
Holoday They further shew that as their brother Thomas Holoday does
intestate & without issue ^{or his} Brothers & Sisters are intitled to their
proportionable part upon a distribution of his said estate after the said
own ~~same~~ part is allotted unto him ^{so} But now it is may is please your
wishes that the said Josiah Holoday & Ann his Wife under many mis-
tious pretences & artifices refuse to pay them their proportionable part
of the same as in said Justice & Equity they ought to do in tender
consideration whereof One to the end that the said Josiah may true
answer make to the allegations of this Bill And that by a decree of
this Worshipful Court the said Debt may be compelled to return an
Inventory & Appraisement of the said Estate & a regular & true account
of their proceedings in & concerning the same And that they may be fur-
ther decreed to pay unto the Complainers their proportionable parts of
the said Thomas Holoday's estate & that your Court & Relief may
have all such further & better relief in the premises as shall be reasonable
with Equity & good conscience & May it please your worship to grant to them
the Commission at the most gracious Will or Wishes of your Honor
Verall for Compt. to

The joint & separate Answer of Josiah Holliday, one of the
defendants to the Bill of Complaint of Samuel Holliday & others Complainants

This defendant saving to himself all advantages of exception to the errors & imperfection
of the Complainants Bill. For himself he answers & saith: That it is true
he many years past intermarried with the other defendant Ann who was the Widow
& Adm^r of Tho^s Holliday dec'd. that the said Ann survived the Marriage
not more than 1st or 2nd the & departed this life long before the Complainants
of the present Suit. That he found & there is now in his possession sundry
books & papers relating to the estate of the said Thomas Holliday which he
has been always ready & willing to deliver up to any person legally
authorized to take possession thereof. & is willing to Account for to this Court
or to any persons appointed by them for all just money or other estate
that came to his hands possession or knowledge during his marriage that
this defendant conceives no power survived to him to collect or administer the
said estate after the death of his wife & that he has preserved all the
aforesaid papers ready to be delivered to this Court or to any future
Administrator of said Tho^s Holliday He prays that such proportion
of the said estate as was due to his wife may be saved to him & that
he may be hence discharged. Without that he

August 9th 1700
Sworn before Geo Purdie

Josiah
his X Mark
Holliday

Holliday's Answer
v. }
Holliday's Answer }
Bice

X A. Hallam Esq.

To the worshipful Court of Lord of Wight County sitting in Chancery
Humbly Complaining shew unto your worship, your Orators Samuel
Holliday & Anthony & Edmund Holliday Infants by Sham Grace their
Next Friend, and Mary Hawkins and Esther Hawkins, That one Thomas
Holliday some time ago, died in this County intestate possessed of a
considerable personal Estate without any issue, Leaving Ann his
Widow and Relict, and your Orators his Brothers and Sisters, That his widow
and Relict Ann committed upon his Estate, and intermarried with one
Josiah Holliday, They further shew that as their brother Thomas Holliday
died intestate and without Issue, they as his Brothers and Sisters are intitled
to their proportionable part upon a distribution of his said Estate
after the widow's part is allotted unto her But so it is may it please
your worships that the said Josiah Holliday and Ann his wife under
many frivolous pretences positively refuse to pay them their proportion-
able part of the same, as in Law Justice and Equity they ought to
do. In longer Consideration whereof and to the end that the said
Defendants may true answer make to the allegations of the Bill
and that by a decree of this worshipful Court the said Defendants
may be compelled to return an Inventory Appraisalment of the said Estate
and a regular true Account of their proceedings in and Concerning
the same, and that may be further decreed to pay unto the Complainants
their Proportionable parts of the said Thomas Holliday's Estate
and that your Orators Petitioners may have all such further and
Other relief in the premises as shall be agreeable with Equity &
good Conscience, May it please your Worships to Grant to them
the Commonwealth's most Gracious writ or Writs of *Spex* &c

Verrell for Compts

Abby Isaac Young Clerk

Holliday 68 & 69

Holliday 68 & 69 } Sp. a.
Chant.

Counted Edm?

Godwin D. M. L.

May 1705.

Bills filed & time

May 1706 A. day

Cont. for Answer

Nov. 1706

Order of Answer

July 1708

Decree pro confes.

August 1708

Answer of D. & Decree that

D. & Decree that

Oct 1708

Decree pro confesio

August 1794

States by the death of the P. &

& D. &

The Common^{wealth} of Virginia To the sherriff of
Sole of Night County Greeting You are hereby
Commanded To summon Josiah Holliday and Ann
his wife Admin^{istrators} of Thomas Holliday dec^d.

To appear before our Justices of our Court of
our said County in Chancery at the Court
House on the first Thursday in April
next to answer a Bill in Chancery Exhibited
against them by Samuel Holliday, Mary Hopkins, Hester
Hawkins, Anthony & Edmund Holliday infants by Isham Green their next
friend
and this they shall in no wise omit
under the penalty of £100. Each and
they shall then this Writ Witness Francis
Garrison Clerk of our Court at the Court
House at Henric the seventh Day of
March — 1785 in the 9th Year of the
Commonwealth

Francis Young D^{istrict} Clerk

It is not appearing to answer the Bill of complaint exhibited against them by
James, Anthony, & Edmund Mollay & Mary & John & Anne & by whom Goodwin
was joined -

By their according to law

James & Anthony & Edmund Mollay
& Mary & John & Anne

Holliday, 128.

Wich

v.

Holliday,

Admors.

128.

for

Ans.

Executed on Jewish
Holliday and Ann
his wife is dead

The Hall D. J.

The commonwealth of Virg.^a To the Sh^{ff}. of Isle of Wight
county Greeting: you are hereby commanded to attach
Isaiah Holliday & him his wife Admon^{rs} of Thomas Holliday dec^d.

So that you have their bodies
before our Justices of our Court of our said County in Chancery
at the Court house on the first Thursday in March
next to Answer us as ^{well} of a certain matter of Contempt by
them - to us Offered as it is said as upon those things
which to them then & there shall be Objected and further to do &
Receive what our said Court shall in this part consider &
this you shall in no wise omit. and have then there this
writ witness Nathaniel Burwell Clk. of our said
Court at the Court house the 8th day of November.
1786 in the 11th year of the commonwealth

Thos: Young M^o Clerk:

Holladay 1848:

v. } Alter
Holladay } with
Adm. } Proclamation

Exultation Society
Monday 11th Nov
Wee Doe?
J. H. D. S.

Ch

of and appearing to answer the Bill of Complaint exhibited against them by
James, Anthony, Thomas, William, Monday, many and other persons by whom
those their next friends

By John of Court
Thos. Young Esq. 1848

The Common Wealth of Virginia To the Sheriff of Isle of Wight
County greeting: we command you that in all and singular
places in your bailiwick, when to you it shall seem most
expedient, you cause it publicly on your part to be
proclaimed, that Josiah Holliday and Ann his wife debtors
of Thomas Holliday dead: under the penalty of this allegiance
before our Justices of our Court of our said County, in Chancery
at the Court house on the first Thursday in May next,
personally do appear, and nevertheless, the said
Josiah Holliday and Ann his wife, in the mean time if
you can find, you attach so that you have their bodies
before our Justices of our said Court at the Court house
aforesaid, to answer us as well of a certain Contempt by
them to us offered, as it is said as upon those things which
to them then and there shall be objected, and further to
do and receive what our said Court, shall in that part
consider, and this you shall in no wise omit, And have
then there this writ witness Francis Young Clerk of our
Court at the Court house the 8th day of April 1780.
in the 12th Year of the Commonwealth

Francis Young Clk.