

1845-053 Chancery Causes:
Sale of Wight County

Josiah Wail, executor of Thomas Holladay vs. John Holladay's adm., Wiley H.
Bagwell & al

Thomas Holladay's executor vs. Joseph Holladay's admr & al

Other surnames: Lawrence,
Philips, Hubbard, Reynolds,
Chamiehl, Pasture, Drew,
Phillips, Pruden, Channell,
chanell, Herbert

⁴⁴
Kolla days Exor.

ps. 3 Bill & Co

Bagnall & Co.

August Rules 1842.

Bill & Exor. filed.

Sept. Rules 1842. Bagnall & Co.
also - filed & given notice.

also rules. Bail taken for
confessed into Drew Shiff. & Co. Exor.
Kolla day in his own right &
as a driver. & John Phillips.

Mon. 1843. Sp. ex. on the
also on Pastures & Co.

May Rules set for hearing.

1843. May term.

Leave to file and bill
pd.

August Rules 1843.
and bill filed & sp. ex.
on the depts.

Octo. Rules 1843 set for
hearing.

Octo. Term 1843. Decree
in depts. & Co.

1844 report
to returned

May Term 1844.

leave to file amended
bill & can act to rules.

Sept. term.

Jan. 1845. term

April Rules 1845.

Dismissed.

~~Amended list
of
Miss W. H. H. H.
at the~~

Holladay, Esq.

n: $\frac{1}{2}$ and. Rice
Bagnall Val,

Aug. 1843 felice

To the hon. Rich^d. H. Baker judge of the circuit Sup^r Court of Law &
Chancery for the County of Isle of Wight, in Chancery sitting. Humbly complain-
ing, sheweth unto your honor, your orator Josiah Waid Esq^r of the last will
and testament of Tho^s Holladay Dec^d; that heretofore, at Aug^r Rules 1862, your orator
filed a Bill ~~in~~ the Chancery side of S^d Court, against, the heirs, legates, administrators ~~off~~
other representatives of one Jno. Holladay Senior & Junior, Joseph Holladay S^r & others
& ~~that~~ suit thus instituted is now pending in said Court, (for the purpose, ~~besides~~
other objects) of bringing to the consideration of the Court, the Intents of Jno. Holladay
Sr. and Joseph Holladay S^r, and Mary F. Bagnell wife of John F. Bagnell, and of
Martha Hubbard (otherwise) which are not properly before the Court: your
orator therefore prays, that Benjamin Iron Shiff of Isle of Wight County
to whom the administration de curis of the estate of the S^d Joseph Holladay
Sr. and of Jno. Holladay S^r and of Martha Hubbard was committed; ^{and of her & her executors & adms^r as part of the} and Mary
F. Bagnell may be made parties defendant, to this Bill (amended) & the suit
heretofore instituted; and may be compelled to answer the same: and
especially to answer the several Interrogatories set forth in the original Bill
filed (with the S^d Bill & all other paper in S^d suit are hereto annexed & prayed to
be taken as part & parts of this amended Bill) - as much so, as if each
of the said Interrogatories, allegation &c, were herein again set forth. Your orator
prays that all relief proper, and heretofore, in said original Bill prayed
for, may be granted: and he further prays that Sub^o &c -

Wm Whitfield Ch

for the said Mary Holladay was the only guardian the said Thos Holladay ever had; his father, the said Joseph Holladay sr, never qualified as such to your orator's estate. But that the said sum of \$200. with interest thereon, is due to your orator's estate: and that, as the said Joseph Holladay sr advised, as aforesaid of the said John Holladay sr, his brother, received from his the said John Holladay's estate, as his brother & only distributee, a considerable sum of money over & above

what was necessary for the purposes of his the said John Holladay's sr will; your orator says and therefore charges that the said Joseph Holladay's estate is responsible for the said sum of \$200. and interest: and that his the said Joseph Holladay's, several legatees, heirs & distributees, being

as aforesaid, the said John Holladay jr, Wm Holladay, Joseph Holladay, James Hubbard in right of his wife Martha (formerly Martha Holladay) and Wiley S. Bagwell in right of his wife Mary Frances, and as admirer of the said Mary Holladay wife (and

also a legatee and distributee) of him the said Joseph Holladay sr: And your orator, has repeatedly called on the said Wiley S. Bagwell in right of his said wife Mary Frances, and as admirer as aforesaid of the said Mary Holladay, and upon John Philips admirer as aforesaid of the said John Holladay jr, and upon Joseph Holladay jr, as well in his own right, as admirer as aforesaid of the said Wm Holladay sr, and upon the said James Hubbard in right of his wife, the said Martha, to refer to your orator

a proportionable portion of the estate, property, goods, &c, which each of them, in their respective individual & representative rights, have received from the estate of the said Joseph Holladay

sr &c, in order to make up to your orator as Erin as aforesaid of the said Wm Holladay the said sum of \$200. with interest one thousand. which the said John Holladay sr, as aforesaid, has received to his own use: and your orator, has, for the same purpose, called upon Benjamin Drew Sheriff of the said county, to whom, the administration of the de bonis ^{non} of the estates of John Holladay sr and Joseph Holladay sr, have been committed, to settle the same, & pay the said legacy of \$200. with int. to your orator, but so it is, may it please your honor, they & each of them, as well as the said several legatees, distributees, & the representatives of each (as above) as an admirer wholly neglected & refused, contrary to equity & conscience, and for as much as your orator, is admirer

not adequate remedy, I am in a court of equity, your orator prays the said Benjamin Drew admirer de bonis non of John Holladay & Joseph Holladay's estates, together with you and wife J. Bagwell in right of his wife, the said Mary F. and as admirer of Mary Holladay sr, John Philips admirer of John Holladay jr, and Joseph Holladay jr in his own right, and as admirer of Wm Holladay, as aforesaid, and Catherine Parbury & his wife, Adm D. family wife of the said Wm Holladay, and James Hubbard in right of himself & wife Martha,

be made parties defendants hereto; and they & each one of them be compelled, on his several corporal oath, to answer every portion of this bill, fully, clearly, as if the same were here again specially put & charged: and that each & every one of the said parties defendants, state fully, what portions and how much, he has in his own right, or in right of his wife, or as the representative capacity, or his testator, or testatrix, as the case may be, has received from the estates of John Holladay sr, and of John Joseph Holladay sr, and of Mary Holladay and of John Holladay jr,

and of William Holladay sr: & that each of the said Representatives be compelled to settle up his testator, or testatrix, respectively: that is to say, the said Wiley S. Bagwell shall state, how much of estate of John or Joseph Holladay sr, and John Holladay jr, and William Holladay sr, he in right of his wife Mary F. has received, & how much his testatrix the said Mary Holladay sr, from the same sources: and how much, from the same sources, the said John Holladay jr, in his own right, and admirer of William Holladay & how much the said William received: And the said John Philips to answer & say how much his testator was entitled to, or received, from the said estates of his father & uncle, and the said James Hubbard, how much, therefore, he in right of his said wife, he received.

And, the said Benj. Drew, to render an account of the estates of John Holladay sr & Joseph Holladay sr & estate, whether the said Joseph Holladay sr rendered any account or account of his transactions, as admirer of his the said Wm Holladay sr: And may it please your honor, to grant all other equity & more against the proper parties, for the said sum of \$200. and interest, and to grant all other & necessary relief, in the premises & award the Commoatts supra, commanding defendants, to answer & your orator's prayer &c.

Joseph Holladay Sr., and of the ^{order} ^{no. 7} of the said Mary Holladay's guardianship, which are prayed to be taken as parts of this Bill: That the said Joseph Holladay, besides his said wife, left living at his death, the following children: to wit: John, Joseph, William, Martha, Thomas, & Mary Francis Holladay: of whom, the said John departed this life, intestate, of full age and before his Mother the said Mary (or Polly) Holladay, ~~and~~, possessed of a considerable real & personal estate, the last of which was taken in possession by one John Philips who qualified as administrator of his the said John (whom we shall more than designate as John Holladay Jr.) - estate, as will appear by the ~~or~~ copy of the order of his qualification & administration bond, no. (588) & prayed to be taken as parts of this Bill: And that the said John Holladay Jr. left, as his heirs & distributees at law, his said Mother, Mary, & his said Brothers & Sisters: to wit: Joseph Jr., Wm. Thomas, & Mary Francis Holladay (his sister the said Martha Holladay who after marrying one James Hubbard died before the said John Holladay Jr.), and that ~~the~~ said William Holladay - (one of the children as aforesaid of the said Joseph Holladay Sr. & nephew of the said John Holladay Sr.) - also departed this life, about the year 1840, intestate, of full age, seized & possessed of a considerable real estate & personal, which the last, was taken possession of, by his administrator one Joseph Holladay Jr., who duly qualified as such & gave as his surety in his admin. bond, one Wiley S. Bagwell, all of which will more clearly by copies thereof, no. (9) & (9) hereto annexed & prayed to be taken as parts of this Bill. & who left, as his heirs & distributees at law, his brothers the said Joseph Holladay Jr. & Thomas Holladay, his sister the said Mary Francis Holladay & Mother the said Mary Holladay. And that sometime after wards, about the first of the year 1841, the said Mary Holladay wife & executrix as aforesaid of the said Joseph Holladay Sr., departed this life, seized & possessed of a ~~considerable~~ ^{considerable} real & personal estate, and after making and publishing her last Will & Testament, which has been duly proved & recorded, which will appear by annexed copy thereof No. 10: & prayed to be taken as a part of this Bill. That one Wiley S. Bagwell, qualified ~~as~~ as the administrator under the will annexed, of the estate of the said Mary Holladay Sr., giving as his sureties one Richard Reynolds & Wm. B. Chamblee, as will appear by the annexed copies of the order of his qualification, & administration bond, No. (11) and (11) & prayed to be taken as parts of this Bill. That the said Wiley S. Bagwell, has received possession & now holds all of the personal estate, goods, chattels &c of his said testatrix the said Mary Holladay Sr.

Your orator further charges, that one James Hubbard, intermarried with the said Martha Holladay, daughter of the said Joseph Holladay Sr. and niece of the said John Holladay Sr., and by virtue of said intermarriage, became possessed of the several legacies & distributive shares, to which this said wife deceased, was entitled to, under the respective Wills, (if by the law of distribution) of her said father, the said Joseph Holladay Sr. and her said uncle the said John Holladay Sr. and that, also, the said Wiley G. Bagnell, a short time before the death of the said Mary Holladay the brother, intermarried with the said Mary Frances Holladay & by virtue of such intermarriage became possessed, of his said wife's legacies, share, portions &c. to which she was entitled, either under the respective Wills of her said father, the said Joseph Holladay, & her uncle, the said John Holladay Sr. and by the law of distribution. as well, as her, the said Mary F. interests, in the estates of her deceased brothers the said John Holladay Jr. & Ben Holladay, & her mother, the said Mary Holladay decd.: That your orator's testator, the said Thomas Holladay, when he made his last will & testament as aforesaid, giving therein all, or the greater part of his estate to his said wife the said Ann (now past) (who has since intermarried with one Cuthbert past), & departed this life a very short time after ^{he} had come of age, & never had any settlement with his guardian, the said Mary Holladay his mother, who qualified, as your orator believes & therefore charges, as guardian to the said Thomas Holladay decd.: and your orator has never had settlement thereof with the said Wiley G. Bagnell, as ~~was~~ as aforesaid of the said Mary Holladay.

: Your orator further says, & charges that the said John Holladay Sr., by his last will & Testament (viz. the same) "did give unto" his "nephew Saml Holladay" (who was infant son of Joseph Holladay Sr. & brother to your orator's testator) - "two hundred dollars to be applied by my [his] executor, to his [Saml Holladay's] education, if he (Saml) should arrive to the age of 13 years, but [if] he dies before ~~the~~ he [Saml] is thirteen it is my [his] will ~~to~~ the above sum should be appropriated to the education of Thomas Holladay?" who is your orator's testator. Your orator charges, that the said Saml. Holladay did die before he arrived "to the age of 13 years, and that he" ^(Saml) also died, before his uncle the said John Holladay Sr. died: and that - Therefore, the said legacy of \$200, did not lapse, but rested in your orator's testator, the said Thomas Holladay the承租 and underman. That no part of the said sum of \$200, was ever applied ^{there} to education of the said Saml Holladay Thomas Holladay, either by the exec or advice of the said John Holladay" Sr. nor by his guardian the said Mary Holladay, for your orator believes & charges that the said Mary Holladay guardian as aforesaid, did never receive, as she ought to have done, the said sum of \$200, for her ward's the sd. Thos. benefits:

To the honorable Just^s. H. Baker, Judge of the Circuit Sup^r. Court
of Law & Eq. for the County of Alle of right in chancery Sitting, Humbly complain-
ing, sheweth, unto your honor, your orator Josiah Trail Esq^r of Thomas Holladay
dec^d.: That some time in the month of November - in the year 1841 -
one Thomas Holladay (for a long time a resident of the county aforesaid) died,
leaving a widow, but no children, seized and possessed of a considerable real & personal
estate, the last of which was duly taken possession of, by your said orator, who
was appointed the exor of the said Thos Holladay, by his last will & testament
duly executed, proved & recorded, all of which will more fully appear, by referen-
ce to an annexed copy of the said Last Will and Testament, and a copy ~~of~~
~~the order~~ of the order of his the said Will's qualification as exor thereof,
marked nos. "1." & "2", both of which copies are prayed to be taken & regarded as parts of
this Bill: Your orator further states, that some time ago, there resided in the
said County of Alle of right, one John Holladay Esq^r, who departed this life, sometime
in the year 1826, after having ^{made, executed &} published his last will & testament, a copy of which he has
annexed ^{or referred to} "no. 3", and prayed to be taken as a portion of this Bill, and which was submitted
to probate, & recorded in the Clerk's office of the county aforesaid: That one Robert Lawrence
therein appointed as exor, did not qualify, but administration on the estate, under the
will annexed, of the said John Holladay Esq^r, was granted to one Joseph Holladay Esq^r
the brother (and heir & distributee at law) of the said John Holladay Esq^r, as well appear
by the "order" granting administration thereon, to the said Joseph, hereto annexed, marked or
no. "4" and prayed to be taken as a part of this Bill: That the said Joseph Holladay
Esq^r took possession of the estate, goods, chattels, money, books &c. to a large amt. of the
said John Holladay Esq^r, and received into his possession & used as his individual property
a large part of the said personal estate of the said Thos. Holladay Esq^r, over & above
what would have been necessary to pay the legacies, mentioned & bequeathed in the
said John's will; if ^{he} as he ought to have done, paid the same, to the several legates.
and that the said Joseph Holladay gave as his surety, ~~John~~ John Philips, in his administration
bond, a copy of which is hereto annexed, & prayed to be taken as a part of this Bill.

Your orator further states, that sometime afterwards, to wit: in the year 1827, the said Joseph
Holladay Esq^r, departed this life, after making & publishing, his last will & testament, in
or by which, he appointed as executrix, his wife Mary (or Polly) Holladay, who qualified
& as such, ^{or} took possession of the her said testator's (and husband's) estate, all of which
will satisfactorily appear, by reference, to annexed copies of the said will (no. 5) of the

Bagnall &

and Zamm

Holladay

et al.

Sept. 1842

Sept. 1842 filed

att. p.

to the said child, the said Wiley Bagnall
says he believes he is the owner with the
said annuity of Mary Holladay but
whether she did ever receive or not,
the legacy of \$200 said in the complain-
-ant's bill to have been given by John
Holladay senior to his nephew said
Holladay for education purposes, provided
he reached the age of 13 years, & if not
then to the education of the said Holladay,
the defendants cannot say - but they
~~the defendants cannot say - but they~~
require strict proof of the allegations in
that case - but if it was paid over then
it was without doubt, or a great part
thereof, expended for the education of the
said Thomas Holladay. The defendants
insist that if any right of action does
exist, it is only against the representatives
of the said John Holladay & of Mary
Holladay - and being ignorant of
the matters and things charged in the
complainant's bill, the defendants
require strict and rigid proof of
the several allegations in the bill of
the complainant - they are willing
to have a settlement of this estate of Mary
Holladay when required by this Court -
and having answered, they pray
leave to be dismissed with their
reasonable cost in this behalf sustained.
And the defendants expect to show
that the said Thomas Holladay in his
lifetime, did acknowledge that he
had no claim for the said \$200
now sought to be recovered by the
plaintiffs - (Signed) M. B. Bagnall

Shirley Wright County Feb. This day came
before the undersigned a justice of the peace for
said County, Wiley Bagnall, who
made oath that the foregoing answer
contains the truth so far as he knows.
Given under my hand and seal, ~~this~~
~~4th day of Feb.~~

J. H. Jordan (JP)

To the Judge of the Circuit Superior Court of
Law and Chancery for the County of Ill. of
Wight. The joint and separate answers
of Miles E. Bagwell, ~~a defendant~~ & minor son
-ta with the wife and name of Mary H. Ma-
-day, and the said Miles Bagwell &
Mary Francis his wife, and the said
Miles Bagwell in his own right, to
the bill of complaint in the said Court
exhibited against him and others in the
said Court by Josiah Wail executor of
Thomas H. Hays deceased: Then a finding
saving and reserving to themselves now
and at all times hereafter all benefit
and advantage of exception to the
error, imperfections and false allega-
tions in the complainant's bill contain-
ed for amendments so much as they are
advised it is material for them to
make amendments - To answer, say,
the said defendants protest &c., say
that the complainant ought not to
have and maintain this said
suit against them, because they
say that the complainant's bill is
multifarious, and because the
matter and things are so stated and
charged in said bill, as not tending
to show the matter and subject in contro-
versy - various persons are made de-
fendants who ought not to be parties,
and for this and for other reasons,
the defendants demand to the said
bill of the complainant and ask that
it be dismissed. And for further answer

Mail

17 { Spa

Drew Sh^d Lad

To July Rules 1842

Whittell

not found

J S Gayle Dy: t

R L Baylon off

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Norfolk* County, GREETING:

WE COMMAND YOU to summon

*James Hubbard in right of himself
and wife Martha formerly Martha Holladay*

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight,
at the Court House of said County, on the first Monday in *July* next,
being Rule day, to answer a bill in Chancery in the said Court exhibited against *him* by and others
*by Josiah Wail up: of Thomas Holladay and with the
will annexed*

and if *he* shall fail to answer the Bill within ^{*Two*} ~~four~~ months thereafter, the Court will take the said Bill
for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness
NATHANIEL YOUNG, Clerk of our said Court at the Court House, the *30* day *May* 1842
~~1837~~, in the *66th* year of the Commonwealth.

N. P. Young, Clerk

C. S. C

Wail upon of Holladay

(23) } Spa in Chy

Draw Shf had

To July 1842

Whitfield

Come to hand two

late to one each

E S Bayle Dr: p

R S Bayle suff.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Norfolk* County, GREETING:

WE COMMAND YOU to summon *James Hubbard in right of*
himself & Wife Martha decd. formerly Martha
Holladay.

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight,
at the Court House of said County, on the first Monday in *July* next,
being Rule day, to answer a bill in Chancery in the said Court exhibited against *him* by *Bene*
Drew Shl. V. Potter by Josiah Wail upor. of
Thomas Holladay decd. With the Will annexed.

and if *he* shall fail to answer the Bill within ^{*Four*} ~~four~~ months thereafter, the Court will take the said Bill
for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness
NATHANIEL YOUNG, Clerk of our said Court at the Court House, the *30* day of *May* 1842.
~~1842~~, in the *66th* year of the Commonwealth.

N. C. Young, Clk.

C. S. C.

Wail war of Holladay
or { Spa in Chy
Drew Shf had
To July Rules
Whitfield

Memo. This Spa. is not to
be executed on James Hubbard
H. F. Banks L.C.

June 1842 Executed on the Defendant. Benjamin Davis
as owner of Dr. Holladay. As owner of Joseph Holladay and
on the Defendant. Dr. Holladay in his own right. As owner of
William Holladay. On John Phillips
the Defendant. As owner of James Hubbard. As not
owner of this County. The defendant. Matthew C. Cullen
is and
Bonds. Legitimate former

THE COMMONWEALTH OF VIRGINIA,

To the ^{Courier} Sheriff of Isle of Wight County, GREETING:

WE COMMAND YOU to summon Benjamin Drew Shl of Isle of Wight as admor: de bonis non of John Holladay Sr. dec. and also of Joseph Holladay Jr. dec. and Wiley G. Bagnell in his own right and in the right of his Wife Mary Frances and as admor: with the will annexed of Mary Holladay dec. Joseph Holladay in his own right and as admor. of William Holladay dec. John Phillips admr. of John Holladay Sr. dec. Nathaniel Puden Security for said John Phillips, Wiley G. Bagnell John Phillips, Robert Lawrence James Hubbard in right of himself and Wife Martha dec. formerly Martha Holladay -

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight, at the Court House of said County, on the first Monday in July next, being Rule day, to answer a bill in Chancery in the said Court exhibited against them by Josiah

Wail upr: of Thomas Holladay dec. with the Will annexed.

and if they shall fail to answer the Bill within ^{Two} ~~four~~ months thereafter, the Court will take the said Bill for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness

NATHANIEL YOUNG, Clerk of our said Court at the Court House, the 30 day of May 1842, in the 66th year of the Commonwealth.

N. C. Young, Clerk.

No.

Wm Holladay.

Joseph Holladay in his own right as administrator of

Catherine Hastings in right of his wife Ann P.

Joseph Holladay, administrator of Wm Holladay dec. in his own right &

Molly & Maryall administrators of Mary Holladay dec. and in his own right & right of his wife

~~Elizabeth~~ Mary Farmers.

of the shares owned by Wm Holladay dec.

I James Hubbard, a clerk duly sworn, hereby certify
of the within notice this the 4th day of
February 24th, 1843. Given under my hand.

[Signed]

James Hubbard

March 6th 1843

March 7th 1843

John Phillips

Melroe Baynell

M & P Pastor

Ann P. Pastor

John Phillips

To. Two. Whitts and one of Two Holladay Jr. & in my the capacity
& Mr. James Fullers. Sec.

Take notice that, on Thursday, the 23^d day of
March next, at the store of Mr. Ralph Gibbs. at in the county of Isle
of Wight, Va. I sh^d between the hours of 10 A.M. & 7 P.M. of that day
I shall proceed to take the depositions of Mr. Arthur Phannel
& others to be read as evidence in a certain suit pending in the
Circuit Sup^r Court of Law & Ch^y for the county of said in which
I as the Ex^r of Thomas Holladay de^d am Complainant & you & others
are defendants. And if for any cause, the^d depositions should not
be taken or completed on that day, they will be adjourned from
time to time until completed. Given under my hand this

7 day of Feb^y 1843

Isle of Wight Co. Va.

Jonah Trail Ex^r
of Thomas Holladay de^d
by W. M. Whetstone his atty

I James Sutton acknowledge service of the
within Subpoena, this the 24th ~~February~~ day of Feb^r 1843
(Signed).

James Herbert

W. H. H. & Co.
M^r J. H. in City.
Barnwell & Co.

5
The Commonwealth of Virginia to the Sheriff of
Norfolk County. Greeting: We command you to
summon James Hubbard to appear before the Judge
of the Circuit Superior Court of Law and Chancery
for the County of Isle of Wight on the first Monday
in March next to answer a bill in Chancery
exhibited against him (and others by Josiah I. Wail
Executor of Thomas Holladay decd: (And if he
shall fail to answer the said bill with two
months then after, the Court will take the same
for confessed and proceed to decree the matter
thereof accordingly. And have them then this next
Meeting Nathaniel P. Young, Clerk of our said
Court at the Court-house the 8th day of February
1843 in the 67th year of the Commonwealth.

N. P. Young Clk.

Mr. Holladay, Encl.

or } \$1.00

Pastor, & wife

To March 1st 1843

we acknowledge service of the within. This 7th day
of March 1843

M. L. Justus

Ann P. Pastor

J. W. Murdaugh, printer, Portsmouth, Va,

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of *Isle of Wight* County, Greeting:

WE COMMAND YOU TO SUMMON *Matthew C. Pasture & Ann P.*
his wife, formerly Ann P. Holladay

to appear before the Judge of the Circuit superior Court of Law and Chancery for the County of Isle
of Wight, at the Court House of said county, on the first Monday in *March* next,
being rule day, to answer a bill in Chancery in the said Court exhibited against *them* by *Josiah*
J. Nail Executor of Thomas Holladay decd

and if *they* shall fail to answer the Bill within two months thereafter, the Court will take the said
Bill for confessed, and proceed to decree the matter thereof accordingly. And have then there this
Writ.—Witness Nathaniel P. Young, Clerk of our said Court, at the Court House, this *10th*
day of *February* 184*3*, in the *67th* year of the Commonwealth.

N. P. Young Clk.

see a knowledge service of the
within notice of time

R. Reynolds

Wm. B. Hamble

To Messrs. Richd. Reynolds, & ~~Wm~~ Channel

Take notice that on Thursday the 23^d of March 1843
at the Store of Mr Ralph Gibbs in the County of Lee of Virg^{ny}.
No. between the hours of 10 A.M. & 7 P.M. of that day, I shall
proceed to take the depositions of Arthur Channel & others
to be used as evidence in a certain suit pending in
the Circuit Court of ~~the~~ the held for the County of
Lee of night, in which, I, as Exor of Thos. Holladay &c
am Complainant and you & others are defendants
And if for any cause the said depositions shall not be
taken or completed on that day, they will be adjourned from
time to time until completed, Given under my hand
that the 10th of March 1843.

Jos. Hall Exor
of Thos. Holladay &c
By Robt Whitfield his atty

Requested August 27th 1843. on mdy G. Bagmace
delivering a true copy of the written

affidavit head & for
Benj. Drew Mfr

Source Acknowledged

August 30th 1843

W. Drew

Isiah J. Wail Esq. of
Thomas Holladay
vs $\frac{1}{2}$ sp. in chy.
Wiley G. Bagmace Esq.

do. August Rules 1843

Whitfield p 96

W. Drew

Acknowledged under of the within
July 29th 1843.

THE COMMONWEALTH OF VIRGINIA,

To the ^{Clerk} Sheriff of Isle of Wight County, Greeting.

WE COMMAND YOU TO SUMMON Wiley L. Bagnall and Mary H.
his wife, Mendis Drew Shiff of Isle of Wight and comle: of Ino:
Holladay sen: decd: Joo: Holladay sen: decd: and Martha
Hubbard

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle
of Wight, at the Court House of said County, on the first Monday in August next,
being Rule day, to answer ^{the said:} a bill in Chancery in the said Court exhibited against ^{Them} by Josiah
J. Waile exor: of Thomas Holladay

and if ^{They} shall fail to answer the Bill within two months thereafter the Court will take the said
Bill for confessed, and proceed to decree the matter thereof accordingly. And have then there this
Writ.—Witness Nathaniel P. Young, Clerk of our said Court, at the Court House, this 13th

day of July

1843, in the 68th year of the Commonwealth.

N. P. Young

Wait enor. of Holladay
as Notice
Holladay's Adm. VAD

. L

5th of Benjamin Drew Shff. & as admor. of Martha Hubbard formerly Martha Holladay daughter of Joseph Holladay Sen. wife of James Hubbard (or Hubert).

6th of John Phillips as admor. of John Holladay Junr. decd.

7th of Joseph Holladay as the admor. of William Holladay decd.

8th of Wiley G. Bagnall as admor. with the will annexed of Mary Holladay decd. I further to report as near as possible the names of slaves & other personal estate of all kinds whatev^{er} the said John Holladay Sen. did possess. what became thereof, & how, & to whom & in what proportions the estate of Joseph Holladay Sen. was distributed among his children John, Joseph, William, Martha, Thomas, Mary Francis Holladay & his late wife Mary Holladay; & such other matters as he may deem pertinent or required by the parties to be stated.

Attest
Copy

J. P. Mills Dec. 1846

Seal of Wright County Commissioners Office Feb^y 12th 1844

The parties to this suit as well as all others interested in the subject matter of the foregoing record, are hereby notified that I have appointed Thursday the 15th day of March next, to execute the duties therein required of me. on which day at 9 o'clock AM they must attend at Edwin Morrisons Tavern in Smithfield with the necessary proofs & documents.

Barth. Lightfoot Comr.

Service acknowledged

B. Drew. Shff. - admr. re. of J. Holladay, Joseph Holladay & Martha Herbert;

M. H. Parker

Re. Lawrence

John Phillips

Joseph Holladay

Wiley G. Bagnall

Wiley G. Bagnall

At a Circuit Superior Court of Law & Chancery continued
& held for the County of Isle of Wight on the 13th day of October 1843.
Josiah Nail Executor of Thomas Holladay decd. Plt.

2 In lch?
3

against
Benjamin Drew Shiff of Isle of Wight as Admor. ac-
bonis non of John Holladay Sen. decd. also of Joseph
Holladay Jr. decd. Wiley G. Bagnall in his own
right, & in the right of his wife Mary Frances, and
as Admor. with the Will annexed of Mary Holladay
decd. Joseph Holladay in his own right & as Admor.
of William Holladay decd. John Phillips Admor. of
John Holladay Sen. decd. Nathaniel Pruden security
for said John Phillips, Wiley G. Bagnall, John
Phillips, Robert Lawrence, James Hubbard in his
own right & in right of his wife Martha decd. formerly
Martha Holladay - Matthew L. Pastor & Ann P.
his wife, formerly Ann P. Holladay, Wiley G. Bagnall
& Mary J. his wife & Benjamin Drew Shiff of Isle of
Wight & Committee of John Holladay Sen. decd. & Joseph
Holladay Sen. decd. & Martha Hubbard.

It appearing to the satisfaction of the Court, that the
original bill & amended Bills in this cause having been filed, & the
Subpoenas executed on all the Defendants for more than two months
& they except Wiley G. Bagnall who has answered the original bill
still failing to appear & answer the said Bills: An motion of the
Plaintiff by his Counsel, the Court doth (as to such Defendants
failing to appear and answer as aforesaid) take the said Bills
for confessed, & the cause coming on this day by consent, on the
Bills, & exhibits filed therewith, the answer of said Bagnall, &
the depositions of Arthur Channell & Robert Lawrence taken by
Plaintiff, & other the papers filed in this cause & was argued by
counsel: On consideration whereof the Court doth order, adjudge,
& decree that the Commissioners of this Court take the following
accounts - 1st the transactions of Joseph Holladay Sen. as Admor.
with the Will annexed of John Holladay Sen. decd.

2^d of Benjamin Drew Shiff & as Admor. debonis non of said John
Holladay Sen. decd. - 3^d of Mary (or Polly) Holladay as Exec.
of Joseph Holladay Sen. decd. - 4th. of Benjamin Drew Shiff
and as Admor. debonis non of Joseph Holladay Sen. decd.

Wail exor. of Holladay
is Zlotin
Holladay's name & ad

4th of Benjamin Drew Shff. and as Admor. de bonis non of Joseph Holladay Sen. decd. — 5th. of Benjamin Drew Shff. & as Admor. of Martha Hubbard formerly Martha Holladay daughter of Joseph Holladay Sen. wife of James Hubbard (or Hubert) — 6th of John Phillips as Admor. of John Phillips John Holladay Jun. decd. — 7th of Joseph Holladay as the Admor. of William Holladay decd. — 8th of Wiley S. Bagnall as Admor. with the will annexed of Mary Holladay decd. — And further to report as near as possible the names of slaves & other personal Estate of all kinds whereof the said John Holladay Sen. decd. possessed, what became thereof, & how, & to whom, & in what proportion the estate of Joseph Holladay Sen. decd. was distributed among his children John, Joseph, William, Martha, Thomas, Mary Francis Holladay this late wife Mary Holladay: & such other matters as he may deem pertinent or required by the parties to be stated —

• Copy

Teste

J. P. Mills Dec. 1844

Jess of Wright County Commissioners Office Feb. 12th 1844

The parties to this suit as well as all others interested in the subject matter of the foregoing decree are hereby notified that I have appointed Thursday the 15th day of March next to execute the duties therein required of me — on which day at 9 O'clock Am they must attend at Edwin Morrisons Tavern in Smithfield with the necessary proofs & documents —

Barth Lightfoot Comr.

Service acknowledged

James Herbert

At a Circuit Superior Court of Law & Chancery
continued & held for the County of Isle of Wight the 13th day of
October 1843 —

Josiah Baile exor. of Thomas Holladay decd.

against

Benjamin Drew Shff. of Isle of Wight. as Adminor. ^{of} ^{Joseph}
debonis non of John Holladay sen. decd. of Joseph
Holladay Sr. & Wiley G. Bagnall in his own right.
& in right of his wife Mary Frances, & as adminor. with
the wife annexed of Mary Holladay decd. Joseph
Holladay in his own right & as Adminor. of William
Holladay decd. John Phillips adminor. of John Holladay
Sr. decd. Nathaniel Priden Security for said John
Phillips, Wiley G. Bagnall, John Phillips, Robert
Lawrence, James Hubbard in right of himself &
wife Martha decd. formerly Martha Holladay.
Matthew G. Pastor & Ann P. his wife formerly
Ann P. Holladay, Wiley G. Bagnall & Mary F.
his wife, & Benj^a Drew Shff. of Isle of Wight and
Committee of John Holladay sen. decd. Joseph
Holladay Sr. decd. & Martha Hubbard.

Att

In Chy

It appearing to the Satisfaction of the Court, that the
Original & amended Bills in this cause having been filed, and
the Subpoenas executed on all the Defendants more than two
Months & they excepting Wiley G. Bagnall who has answered the
Original Bill, still failing to appear & answer the said Bills:

On motion of the plaintiff, by his Counsel the Court doth as to
such Defendants failing to appear & answer as aforesaid, take
the said Bills for confessed, & the cause coming on this day by
consent, on the said Bills, exhibits filed therewith, the answer of
said Bagnall & the depositions of Arthur Charnell & Robert
Lawrence taken by plaintiff & other the papers filed in the cause
and was argued by Counsel: On consideration whereof the Court
doth order, as judge & decree that the Commissioners of this Court,
take the following accounts — 1st The transactions of Joseph
Holladay Sr. as Administrator with the wife annexed of John Holladay
sen. decd. — 2^d Benjamin Drew Shff. & as adminor. debonis non
of said John Holladay Sr. decd. — 3^d of Mary (or Polly) Holladay
as Exor. of Joseph Holladay Sr. decd. —

Holladay's exec.

m. 3 Depts.

Bagnall Dec.

Ap. 19th 1843.

Came to hand and

Recd.

N. P. Gentry.

Agreeable to an order of adjournment made, on the 23^d
of March 1843, for the purpose of taking or completing the deposition
of Samuel & Robt Lawrence & others - The deposition of Robt
Lawrence, after having been first sworn on the holy Evangelist
taken on this the 15th day of April 1843, between ^{the} hours of
11 o'clock A.M. & 4 P.M. of this day, at the store of Ralph Gibbs
to be read as evidence in a certain suit now pending in the
Circuit & Dist. Court of Law & Chancery for the County of Isle of Wight
State of Va. in which Josiah Wail Exor of Thos. Holladay dec.
and complainant and Wiley G. Boykin, & others ^{as heirs of said Thos. Holladay & for including others.} are Defendants.
Deed was taken at instance of Compt. atty.

Question by Compt. atty: Did you know & write Jack Holladay's will
and what were his circumstances?

Ans. I knew him very well & wrote his will at his request
& was appointed ^{as atty} executor but did not qualify & to the best
of my belief his money & goods were worth to the amount of
twenty or twenty three hundred dollars, which almost entirely
derived & principally learned from his brother, Joseph
Holliday. Guess was John Holliday in debt, and I do
not think he owed twenty dollars.

J. C. Lawrence
The above deposition of Robt Lawrence ^{being first duly sworn} was taken this
the 15th April 1843, between the hours of 11 A.M. & 4 P.M. of this
day agreeable to an order of adjournment, at the time & place of
Ralph Gibbs, before me a justice of the peace for the County
of Isle of Wight State of Va.

A. G. Boykin J. P.

1840 or ~~the~~ first of the year 1841

Arthur Chancell *jure*

The foregoing deposition of Arthur Chancell was taken & sworn to, before me, a justice of the County of Isle of Wight, Va. given under my hand this the 23rd of March 1843; and the said depositions not have been taken or completed, the Completion is adjourned unto the 15th of April 1843, to be taken ^{at} the Store of Ralph Gibbs in the County of Isle of Wight, Va. & between the hours of 10 A.M. & 7 P.M. of that day -

Anthony G. Roegner J.P.

Maile. Exor. of Arthur Chancell
vs.
The depositions

Baginelle too.

1843. March 23rd

Came to hand need be

that and filed

The Deposition of Arthur Charnel, &

taken at the store of Mr Ralph Gibbs near Smiths-neck in the
county of Albemarle, State of Virginia, to be read as evidence in a
suit depending in the circuit-Superior Court of Law & Chy for the county
aforesaid, in which suit Triah Wail Esq of Mrs. Holladay is
Complainant, and Wiley G. Bayard in his own right-as admr of
Mary Holladay dec. - James Hubbard, ^{or Admr} of Mrs Philips admr of Leno Holladay
dec. and Joseph Holladay admr of William Holladay dec. & in his own
right, and Dick Reynolds & Wm. P. Charnel & Benj. & son Shiff of admr
of Mrs Holladay or dec. & others are defendants - & taken at the instance
of the s^d Complainant - the deponent, being first duly sworn in the Holy Book
gives deposth & says, that: Question by the Plffs Atty: were
you acquainted with Mrs. Holliday Senr & Jos^r Senr and how
long, Ans: I knew them intimately & lived within four hundred
yards of Jos. Holliday at his death

Ques: Do you know that Jos. Holliday Senr had a child
by the name of Samuel, Ans: I do, Ques: what was the
relationship between Saml Holliday the son of Joseph as
aforesaid and Mrs. Holliday Senr: Ans: Saml was the
Nephew of Mrs Senr: who was the brother of Jos. Hollid-
ay Senr, Ques: How old was Saml Holliday when
he died, Ans: He was about seven, although I am sure
he was not ten when he died, Ques: did Saml die
before his Uncle John Ans: He did because I know
- did the boy Samuel & was present when John died or I
was there when John was laid out. Ques: Do you
know the Children of Jos. Holliday Senr: Ans: I did
as follows, John, Joseph, William - and Martha who
intermarried with Col Herbert, Betsy, and Thomas,
and Mary Frances who intermarried with Wm. G.
Bayard, Ques: How many are dead & when did they die
Ans: Saml & Betsy died before Jos. Holliday & Mary his
wife their parents, John & William died after their
father & Uncle but before their mother Mary,
Thomas died after his mother who died in the fall

Corn to hand in due date March
23rd 1843. N. P. Young & Co

To Walter P. Young

Freight. Co. House

The Affidavit of John Phillips taken at Edwin Morrisons
Tavern in Smithfield in the County of Isle of Wight this 15th day of
March 1844 before me Barth. Lightfoot a Commr. in the Circuit
Supr. Court of said Hbys. to be read as evidence on account to be
taken in a suit depending in the said Circuit Supr. Court of Law
& Chancery for the County of Isle of Wight in which Joseph Wail ear.
of the Holladay decd. is Plaintiff - & Wiley Bagnall Wife & others
are Defendants: - The Affiant says that he was well acquainted
with John Holladay Sen. decd. that at his death he died possessed of
an estate worth about three thousand dollars in negroes & money -
that Joseph Holladay brother to said John Holladay became the
representative of the estate of said John Holladay: that some two
or three years after the death of the said John - the said Joseph
Holladay purchased a tract of Land in Rases Neck. from Nathl.
Young - that in the presence of the Witness he the said Joseph
Holladay paid to the said Young bonds belonging to the estate
of said John Holladay to the amount of between fifteen hundred
& two thousand dollars - at the death of Joseph Holladay - he
gave the said Land (purchased from Young) to his two sons Jos.
& William Holladay - that portion to which William was entitled
was sold by the said William Holladay to a Mr Wright: -
the portion to which Joseph Holladay was entitled, is still in
the possession of said Joseph Holladay - that the said Joseph
Holladay in his Will gave to his daughter Martha Ann Negro's
man Moses, & woman Lucy & her children, which negroes went
into the possession of James Hubbard who intermarried with the
said Martha Ann Holladay - that the said negroes at the time they
went into Hubbard's possession were worth fifteen hundred dollars
at the death - The Affiant further saith that he represented
the estate of John Holladay Sen. decd. son of Joseph Holladay &
that the estate of said John Holladay was worth after the payment
of his debts \$90.11. exclusive of Negros Jack - which said Jack was
sold by Affiant under an order of Court. for \$151: which sums were
paid over to Jos. Holladay - William Holladay - & to Polly Holladay
in her own right & as Exr. to Tho. & Mary F. Holladay - now the wife
of Wiley G. Bagnall. - The said Negros Jack was given to the said
John Holladay Sen. by the Will of his father Joseph Holladay -
He further saith not -

John Phillips

Aggravated by
(John Phillips &
Arthur Browne)

The Affidavit of Arthur Charnell of lawful age, taken before me
Barth: Lightfoot a Commr. in the Circuit Supr. Court of Law and
Eqy. for Isle of Wight County - to be read as evidence in an account
to be taken in this - Writ Cor. of Tho. Holladay against Holladays
Eas. & others - The affiant saith, he was well acquainted with
John Holladay Senr. and that the said Holladay owned several Negroes,
Men, Women & Children - he believes the said Holladay at his death
was worth between three & four thousand dollars - he had always
understood that he ~~was~~ owed nothing - that he lived very near
to Joseph Holladay the brother of said J^r Holladay - & who qualified
as a comor. & - From him he frequently learn'd that the said John
Holladay S^r. died almost intirely out of debt - that Joseph Holladay
in his Will gave to his son Jos. Holladay one half of the Land he
purchased of A. Young which one half is worth of \$50 - The said
Joseph Holladay S^r. also gave to his said son Joseph, two hundred
dollars - Cash - The said Joseph Holladay S^r. in his Will gave
to his son William Holladay one half of the Land he purch^d
of A. Young - which Land the said W^r. in his lifetime sold to Jos

Joseph Holladay gave him his mill ~~grain~~ to his daughter Mary Francis, (after the death of her mother) Negro man Dick & Negro woman Poll & her children - that at the death of Mr Holladay - the said Dick & Poll & boy Mills were worth of 300 - the said Dick & Poll are in the possession of Wiley Bynall who intermarried with said Mary Francis - the boy Mills is dead -

The said Joseph Holladay in his Will gave to his sons John & Thomas Holladay the Land he lived on - & to the survivor of them, that Thomas survived said John & took possession of the whole tract of Land - the said Land is worth \$1200 - he also gave to said Thomas Holladay a Negro boy Ned, ~~worth at the death of Joseph~~ was worth \$300 - that the said Joseph Holladay left one to his Wife Mary Holladay for life all his estate ~~and the Land~~ where he lived, with the said Land - her interest in said estate was worth \$400 - Martha Ann Hubbard died - leaving John, Joseph, William and Thomas, ~~Joseph~~ Mary Francis, Stephen, Sarah, John, and George. Arthur Chace

The report

Waite cor. of Holladay
as Report
Holladay's corner. I ad

William Holladay, Polly Holladay (the mother) in her own right has
Gdn. to Thomas & Mary M. Holladay.

Polly Holladay died, & admsn.

with the will annexed was committed to Wiley C. Bagnall - an
account of whose transactions is hereto annexed marked. A.
which shows that on the 3^d of January 1843 the said Bagnall was
indebted to the estate of said Polly Holladay the sum of \$ 686.79 principal
& \$ 35.13 Interest, making total \$ 721.92.

Benjamin Drew called
Sheriff & admsn. on the estates of John Holladay Sen. Joseph
Holladay Sen. & Martha Ann Hubbard - has rendered no account
of his transactions on neither of the estates of said John, Joseph
& Martha Ann.

The Legacy of Polly Holladay devised under the will of her
husband Joseph Holladay Sen. was worth \$ 400.00

The Legacy of William Holladay under the will of his
father Joseph Holladay Sen. was worth \$ 1000.00

The Legacy of Joseph Holladay under the will of his
father Joseph Holladay Sen. was worth \$ 1200.00

The Legacy of Martha Ann Hubbard under the will
of her father was worth \$ 1500.00

The Legacy of Mary Frances under the will of her
father was worth \$ 300.00

The Legacy of Thomas Holladay was worth \$ 1500.00

The Legacy of John Holladay Sen. was worth \$ 246.11

All of which is submitted to the Court.

Benjamin Lightfoot Secy.

Time employed 3 1/2 hours of 27.00
charged to the Plaintiff

Seal of Wright County to wit:

Benjamin Lightfoot this day made
out before me a Justice of the Peace for the said County that the fee
charged by him for this report is just & proper. Given under my hand
this 13th day of April 1844.

John W. Duck J.

Common Pleas Office April 8th 1844

Remains to an order of the Circuit Superior Court of Law & Chancery continued and held for the hearing of the 13th day of October 1843. And at the instance of the plaintiff, a notice was issued on the 12th of February 1844 appointing the 15th of March 1844 as Court day for the hearing of said cause for taking the accounts directed by said Order. The notice was returned, with service acknowledged by the parties which is herewith filed marked A. On the day set, the parties, to-wit: the defendants, Wiley Bagnall, John Phillips, Leath. B. Parker, & Joseph Ballouay attended. When said papers were read before your Commissioner. The affidavit of John Phillips was taken which is herewith filed marked B. For want of other proof & documents, the settlement of the accounts directed as aforesaid, the Court was continued to the 22nd of March 1844 when the affidavit of Arthur Charnick was taken which is herewith filed marked C. The settlement was continued from day to day till the 8th of April 1844 when completed. John Ballouay Senr. in his last Will & Testament, nominated & appointed Robert Lawrence his Executor, the said Lawrence refused to qualify. And administration with the Will annexed was granted to Joseph Ballouay Senr.

The said Joseph Ballouay returned no Inventory of the estate of said John Ballouay Senr. nor did he make any return of his transactions in the Estate of the said John Ballouay.

The said Joseph Ballouay by virtue of his appointment as aforesaid, took possession of the Estate of said John Ballouay Senr. consisting of Slaves, Arms, Poles, Mares, Mules, Race, Jack and Calf, & lands amounting to about fifteen hundred or two thousand dollars. Soon shortly after the death of said John, the said Joseph with the bonds belonging to the estate of said John, purchased a tract of land of 12000 sq. ft. for fifteen hundred dollars or \$2000.

At the death of Joseph Ballouay Senr. he bequeathed to his wife Polly, the use & profit of all his Estate during her life.

He gave to his sons Joseph & William Ballouay the land he purchased of 12000 sq. ft. William Ballouay sold his one half of said land to a Mr. Wright for one thousand dollars.

The remaining half of said land is still in the possession of Joseph Ballouay Senr. to the said Joseph Ballouay Senr. he also gave two hundred dollars.

He gave to his daughter Martha Ann, Negroes "Annie, Lucy & her children", worth fifteen hundred dollars. The said Negroes are in the possession of the defendants Anne Hubbard who intermarried with said Martha Ann Ballouay.

He gave to his daughter Mary Frances, after the death of her mother Polly Ballouay, Negroes "Dick & Kate & her children", worth at the death of Polly Ballouay of 300. (one of the children having died). The said Negroes are in the possession of the defendant Wiley B. Bagnall who intermarried with said Mary Frances Ballouay.

He gave to his sons (after the death of his wife John & Thomas Ballouay, the land he lived on worth 1200. Thomas Ballouay survived his brother John, & took possession of the whole tract of land. He also gave to his son Thomas, Negro boy and, worth of 300. To his son John, he gave Negro "Jack". The tract of land & Negro boy and is in the possession of the defendant Wm. Parker who intermarried with the widow & Legatee of said Thomas Ballouay.

Martha Ann Hubbard former Martha A. Ballouay died; leaving, Mary Frances, John, Joseph, William, & Thomas Ballouay (sons & brothers). See the affidavits of John Phillips & Arthur Charnick herewith filed marked D & E.

Wm. Ballouay died & Adamson on his estate was committed to Joseph Ballouay Senr. An account of said Joseph's Adamson is herewith annexed marked F. which shows that the said Joseph on the 31st of October 1843 was indebted to the estate of said William of \$1202.75.

John Ballouay Senr. died & Adamson on his estate was committed to John Phillips. An account of said Phillips' Adamson is herewith annexed marked G. which shows that on the 12th of December 1843. the said Phillips was indebted to the estate of said John Ballouay Senr. of 90.11. The said Phillips noting as learned under an order of the County Court of Isle of Wight, sold Negro man Jack, belonging to the Estate of said John for \$151. which sum of 90.11. & 151. were paid over to Joseph Ballouay,

Dr. The Estate of Mary H. Holladay decd.

1841.

Jan 6	To paid Danson D. Hall	Acct.	17 34
" 15	" paid Arthur Channell for crying the est.		6 00
" "	" paid Benjamin Sykes for appraising the est.		2 00
" "	" paid Josiah Wale & No. J. Gibbs for appraising the est.		2 00
Mar 1	" paid John Morrison for coffin		13 00
May	" paid Joseph Goodwin	Acct.	5 75
Dec 31	" 5 Cent Comm ⁿ on \$997.54 receipts		49 87
" "	" Balance due the Estate	Pro contra	901.08
			<u>\$997.54</u>

In Acct. with Wiley G. Bagnall Admor. with the Will annexed & Co.

1841.

Jan 15	By cash & bonds found in house decedent	\$ 188 43
Oct 15	By amount of Sales of the estate due this day	809 11

\$997.54

1842

Feb 10	To paid Geo. H. Holland	Acct.	2 00
Mar 26	" paid Josiah Wale exor. of Thomas Holladay Guardian claim on acct. of John Holladay Int. decd. with Int.		64 95
" "	" This sum retained by the Admor. in right of his wife Mary H. Holladay claim on acct. of John Holladay Int. decd. with Int.		64 95
May	" paid Elizabeth Matthews	Acct.	1 30
July 23	" paid A. Atkinson Att ^y at Law		25 00
" 26	" paid A. G. Boykin Med ^l . Acct.		24 00
Aug 15	" paid J. H. Southgate		18 75
" "	" paid Belvid of Isle of Night	Tickets	2 18
Nov 7	" paid Joseph Holladay	Acct.	11 90
" "	" paid Barth. Lightfoot	"	5 00
Dec 10	" Balance due the Estate	Pro contra	580 79
			<u>Intest. \$35.15</u>
			<u>35.15 901.08</u>

1842

Jan 1	By this sum balance due last year	901 08
Nov 10	By Interest on \$680.79 from Jan. 1. '42 being the bal. in hand after deducting disbursements	\$ 35.15

\$ 35.15 901.08

Due the est. Nov. 10. 1842 of prin. \$680.79
 Intest of Int. 35.15
\$715.94

Dr. The Estate of William Holladay decd.

1840

May 2	To paid John Morrison for Coffin	\$ 12 00
" "	" paid Darden D. Hall	4 00
June 1	" paid Samuel R. Jordan	5 08
" "	" paid Elizabeth Bradley bond	103 00
" "	" paid Josiah I. Waite admor. of Providence Smith decd. amount found due from the said W ^m Holladay on admon. acct.	197 50
" "	" paid Anthony G. Weykin indl. acct.	28 04
" "	" paid Barth. Lightfoot acct.	2 00
" "	" paid the Court of Isle of Rights	3 30
" "	" paid Commr. for making up admon. acct.	2 00
" "	" 5 cent Commr. on \$ 350.84 being so much received by the admor. to pay debts: the balance of the bonds found in the house of the Intestate, were paid over to the heirs of said William Holladay	19 04
" "	" Balance due the Estate of Contra	812 27
		<u>\$ 1192 15</u>

In Account with Joseph Holladay, Administrator 1840

Feb. 21	By this sum in cash found in the house of the Intestate at his death	224 00
June 4	By amount of Willis Groce's bond with Int.	105 78
" "	By amt. of Wiley S. Bagnall's bond	109 93
" "	By amt. of Deeds	33 85
" "	By amt. of William J. Fottels	114 58
" "	By amt. of Ralph Gibbs	68 50
" "	By amt. of Robert T. Gibbs	15 75
" "	By amt. of Samuel R. Jordan's	24 33
" "	By amt. of William Corbell's	57 25
" "	By amt. of Ro. T. Gibbs	65 43
" "	By amt. of bond vs. the admor. Jos. Holladay	125 20
" "	By this sum for a bay Colt sold	15 00
" "	By this sum for a black cow sold	10 00
" "	By this sum for a Saddle sold	5 00
" "	By amt. of Daniel Schorn's bond	25 00
" "	By amt. of Slaughter Coffin's bond	132 55
		<u>\$ 1192 15</u>

Oct. 5th 1840

Dr. ⁸ The Estate of John Holladay decd.

1833

May 16	To this sum paid Charles Rountree, amount of Subscription	34	2 00
Apr 1	" paid for appraising the estate		3 00
"	" " paid Charles Rountree		1 50
Oct 1	" paid William Campbell for Coffin &		15 00
"	" " paid Susanna Godwin Acct.		2 00
"	" " paid Levin W. Dick		1 00
"	" " this sum paid the Clerk of the Court		1 07
"	" " 5% cent comm ^o on \$121.76 receipts		6 08
"	" " Balance due the Estate Contra		90 11
			<u>\$121.76</u>

In Account with John Phillips, Administrator Cr.

1833

By amount of Sales of the estate \$121.76

\$121.76

daughter of Joseph Holladay Sr. wife of James Hubbard (or Hubert)
6th of John Phillips as admor. of John Holladay Jr. died. 7th of
Joseph Holladay as the admor. of William Holladay died.
8th of Wiley & Pagnell as admor. with the view annexed
of Mary Holladay died.

And further to report, as near as possible the
names of slaves and other personal estate of all kind whereof the
said John Holladay Sr. died possessed, what became thereof,
and how, and to whom and in what proportions the estate of
Joseph Holladay Sr. was distributed among his children,
John, Joseph, William, Martha, Thomas, Mary Frances Holladay
and his late wife Mary Holladay and such other matters as he
may deem pertinent or required by the parties to be stated.

A copy

Teste

J. P. Mills D.C. W.C.

X²

Wail exor: &c.

3rd M. Chancery

2nd Sep: 8th 44

copy Decree

Came to hand Feb. 10. 1844

Notice to Thursday the 13th of

March 1844 for settlement at

Edwin Morrison Town in

Smithfield

At a Circuit Superior Court of Law & Chancery Continued and
held for the County of Isle of Night on the 13th day of October 1843
Josiah Wail exor. of Thomas Holladay decd. Plff.

Against In Chancery
Benjamin Drew Shf. of Isle of Night as admor. de bonis non of
John Holladay Sr. decd. and also of Joseph Holladay Jr. decd. and
Wiley G. Wagnere in his own right and in the right of his
wife Mary Frances, and as admor. with the ^{will} annexed of Mary
Holladay decd. Joseph Holladay in his own right and as
admor. of Wm. Holladay decd. John Phillips admor. of John
Holladay Jr. decd. Nathaniel Pruden security for said
John Phillips, Wiley G. Wagnere, John Phillips, Robert Lawrence,
James Hubbard, in sight of himself and wife Martha decd.
formerly Martha Holladay, Matthew C. Paston and ann. P.
his wife, formerly Ann C. Holladay, Wiley G. Wagnere and
Mary & his wife, and Benj^d. Drew Shf. of Isle of Night and
Comtee of John Holladay Sr. decd. Jos. Holladay Sr. decd.
and Martha Hubbard — — — — — Defs.

It appearing to the Satisfaction of the Court, that the original and
amended Bills in this cause having been filed, and the subpoenas
executed on all the defendants for more than 2 months & they,
excepting Wiley G. Wagnere who has answered the original
Bill, still failing to appear and answer the said Bills on
motion of the plaintiff by his counsel, the Court doth as to such
defendants failing to appear and answer as aforesaid
take the said Bills for confessed, and the cause coming
on this day by consent, on the said Bills & exhibits filed there-
with the answer of said Wagnere, and the disposition of Arthur
Channell & Robert Lawrence taken by plaintiff and other the
papers filed in the cause, and was argued by counsel, on
consideration whereof the Court doth order, adjudge, and
decree that the Commissioners of this Court take the following
accounts. 1st The transactions of Joseph Holladay Sr. as admor.
with the will annexed of John Holladay Sr. decd. 2nd Benj^d.
Drew Shf. & as admor. de bonis ~~non~~ of said John Holladay Sr. decd.
3rd of Mary (or Polly) Holladay as executrix of Joseph Holladay
Sr. decd. 4th of Benj^d. Drew Shf. and as admor. de bonis of
said Joseph Holladay Sr. decd. 5th of Benjamin Drew Shf.
and as admor. of Martha Hubbard formerly Martha Holladay

To be entered
R. H. B.

stated

It appearing to the satisfaction of the Court, that the original and amended bills in this cause having been filed, and the subpoenas executed on all the defendants, for more than two months, & they, excepting Wiley & Bagnell who has answered the original bill, still failing to appear and answer the 1st bill: On motion of the plaintiff by his counsel, the Court both (as to such defendants failing to appear and answer as aforesaid) - take the 1st bill for confessed; and the cause coming on this day by consent, on the 2^d bill & exhibits filed therewith, the answer of 2^d Bagnell, and the depositions of Arthur Channell, Not Launcel taken by plaintiff, and other the papers filed in the cause, and was argued by counsel, On consideration whereof the Court both order, adjudge & decree that the Commissioner of this Court take the following accounts: - 1st The transactions of Joseph Holladay sr as admin with the will annexed of John Holladay sr dec^d. 2^d Of Benj. Iron Shp. & comm^{er} admin^{er} de bonis, of 2^d John Holladay sr dec^d. 3^d Of Mary (or Polly) Holladay as executrix of Joseph Holladay sr dec^d. 4th Of Benj. Iron Shp. and ^{ad} admin^{er} de bonis of 2^d Joseph Holladay sr dec^d. 5th Of Benj. Iron Shp. & admin^{er} of Martha Hubbard formerly Martha Holladay daughter of Joseph Holladay sr, wife of James Hubbard or Hubert. 6th Of John Phillips as admin^{er} of John Holladay jr dec^d. 7th Of Joseph Holladay as the admin^{er} of William Holladay dec^d. 8th Of Wiley & Bagnell as admin^{er} with will annexed of Mary Holladay dec^d.

and further to report, as near as possible the names of slaves, other personal estate of all kinds, whereof the 1st John Holladay sr died possessed, what became thereof - And how & to whom and in what proportions the estate of Joseph Holladay sr was distributed or ~~taken~~ ^{as he may} among his children - viz, Joseph, William, Martha Thomas, Mary Francis Holladay - and his ^{late} wife Mary Holladay - and other matters ^{as he may} pertinent to the cause, either by himself, the parties, or their respective ~~counsel~~, or required by the parties to be stated -

note

May Term '44

accordingly.

4. If the plaintiff expects to succeed he should first have the amount of his demand ascertained before a court and the same corner, if the dis-
^{of Joseph Holladay}tributors are to be held liable sh.
also state an account showing out of what funds, and by whom and in what proportions it sh. be paid.

5 The Bill does not charge that the property ~~of~~ rec^d by Mary and Martha Holladay under the will of their father Joseph, was so rec^d before or after their marriage - Martha, who married Herbert, being dead, her share of the payment cannot be thrown upon her surviving husband, if the property were rec^d before her marriage.

6 It seems to me also that the court, when the case is again submitted to him, should also be directed to make sagging into the estate of Mrs Holladay,

acc^o as guardian of Tho. Holladay, & if materials can be found to state & settle it.

7. I submit whether Sam^l Holladay as charged, did die, under the age of 13 so as to give Tho. Holladay right to the legacy of \$200. - if no answer was filed the court sh. consider it: but Bagwell does answer and does not respond to that allegation of the Bill -

Holladay vs

vs $\frac{5}{3}$

Bagnall tal.

This case is not ready for a final decree, and is still in much confusion -

1. The 'subp.' on the amended bill seems to have been issued a month before the bill was filed
2. The comr. states his report was concluded on the 8.th Apl and if retained by him 10 days, as it ought, the report could not have been returned until 18.th and after the commencement of the court.
3. The comr. has failed to carry into effect the decree of the 13.th of Octr 1843 - He states that the admsr. of Joseph & John Holladay did not render before him an account as required by that decree - The admsr. ought to have satisfied the comr. that there was no account to render and the comr. should have reported

3^d. That the sum of \$200. has never been received by the guardian of
Mrs. Holladay, (^{now Mrs.} Mary Holladay his mother & wife of Joseph Holladay sr.)
is apparent from the answer of her administrator, who, if any existed, would
be produced,
the evidence, (accepts &c) of the application of it, according to the Demonstrations
of the will. It should not be forgotten that Joseph Holladay sr. the father
of Thomas - gave on to his wife Mary H. the property, in his said will given
to her, on the condition that it be appropriated to the education, support &c
of Mrs. Holladay; and it should be what was applied by her for such purpose
should be considered as made by virtue of the will of Joseph Holladay sr.
and not in fulfilment of the will of Mrs. Holladay sr., bequeathing
the legacy of \$200.

P. H. Whitfield

Notes -

Will Exec of Thos Holladay vs Baynell & Others -

The only points, I conceive necessary to be considered, to establish the right of will as Exec to demand the legacy of two hundred dolls bequeathed in Jno Holladay's will - are, the time when Jam Holladay the first donee died - the fact of the ability of Jno Holladay's ex estate to pay the legacy, - and that it has never been received by Thos Holladay, or for him by his Guardian.

If though it is generally true that if a donee die, before the testator, the legacy lapses, yet there many exceptions which are founded on the reasons which support the general principle itself. In most cases of legacies given in Remainder if the remainderman survive the testator the legacy will go to him - not lapse. and whenever a legacy is given to one upon a certain event, which, and if such event does not take place, then to go to some other who survives the testator; the last donee invariably takes. In this case the legacy of \$200. is given to Jam. Holladay should he attain the age of 13 years; if he should die before 13 ys then it is given to Thomas. Had Jam died after attaining the age of 13, and before the death of his testator, the legacy would have lapsed; as the intention is clear that Thomas should have no interest therein, unless Jam should not attain the age of 13. But as Jam did ^{he attained} "die before" 13 ys, and that event happened too, before the death of the testator, the legacy clearly, by intention of testator, as well as by known principles of Law, vested in Thomas; who, by surviving his testator, obtained a complete right & title to demand & recover the same of those who, in the distribution of Jno Holladay's estate received the same. See in full confirmation of these views, the following authorities. vide Matter in on Exec Pa 74, (May 164). & Tomax on Exec 2. Pa 50. The right in Law, on the part of Thos Holladay's Exec, to recover the legacy being established, the next point to establish is the ability of the estate of testator Jno Holladay ex, to pay the same, is established by the undoubted testimony of Robt Lawrence, see his deposition; as well as the deposition of Another Charnell, as to the period of Jam Holladay's death &c.

Thomas Holladay

Will

~~Will~~

No. 1

I Thomas Holladay of the county of Isle of Wight and state of Virginia being of sound mind & memory do make and ordain this my last will & Testament in manner & form following viz I give & bequeath unto my wife Ann P Holladay and her heirs forever all of my real personal & chatte estate, And I do hereby nominate, appoint, & constitute Asiah I Nail my sole executor. In witness whereof I have herunto set my hand & seal this 25th day of October eighteen hundred and forty one.

signed sealed & delivered in presence of,

William P Channell

Robert T Gibbs

Elizabeth^{her} X Mathews
mark

At a court held for the county of Isle of Wight Nov^r 1st 1841.
The last will & Testament of Thomas Holladay decd proved by William P Channell, Robert T Gibbs, and Elizabeth Mathews the witnesses thereto and ordered to be recorded and thereupon on motion of Asiah I Nail who took the oath ^{required} ~~prescribed~~ by law and with William P Channell, and Willis W. Groe his securities who justified on oath entered into and acknowledged a bond in the penalty of \$8000 conditioned as the law directs, Certificate is granted him for obtaining a probat of the said will in due form

Teste

A. P. Young, C.D.

Copied

Teste W. Young C.D.

John Holladay's will

No 3.

for 60¢

the same amount of one hundred dollars to her forever.
I give unto my second cousin Patsy Bradley daughter
of the above Elizabeth, fifty dollars forever.

I give unto my brother Joseph Holladay, one hundred
dollars, to him and his heirs forever. I give unto
Patsy Gibbs daughter of John Gibbs, forty five dollars,
it being the balance after paying expenses, of a judgment
which I obtained against her father) to her and her
heirs forever. I give unto my nephew Sam^l Holladay
two hundred dollars to be applied to his education
by my executor, if he should arrive to the age
of 13 years, but he dies before he is thirteen, it is
my desire the above sum should be appropriated
to the education of Thomas Holladay. I give my
horse and gold watch to my executor hereafter
named to settle my estate, to him forever.

I give to my brother Joseph, the residue of my estate
of whatever kind it may be, to him and his
heirs forever. I wish my negro Jack to be treated
with great humanity, and given a hat & blanket
every year when he is shined out. It is my wish

to be decently buried on the land belonging to
Capt. Godwin by a Sycamore tree, and a tomb
with my name and age engraved on it.

I hereby nominate and appoint Robert Lawrence
my whole and sole Executor to this my last
will. Given under my hand and seal this 31st
day of Decr. 1830.

Witness
Stephen T. Hosley } John Holladay (Seal)
James Melby }

In the County Court of Solifield Febuary 5th
1836. This will was proved in fact by the oath
of James Melby one of the witnesses here and
continued for further proof.

Teste N. Goringe:

Copy

Teste N. P. Goringe ed.

In the name of God amen, I John Holladay of the County
of Loudoun and state of Virginia being of a sound
and disposing mind and memory, do make this my
last will and testament in manner and form following.
I give unto my brother Joseph Holladay a negro boy
Jim to him and his heirs forever.
I lend unto my sister in law Polly Holladay a negro
woman Poll for the term of five years after my
death, and I then give said negro to my niece Martha
Holladay. I lend unto my nephew John Holladay
a negro boy Moses, until he arrive to the age of
21 year, and in case he should live, I then give
him said negro, but in the event of John's death
I then give said Moses to my nephew Thomas Holladay
to him and his heirs forever. I lend unto my
nephew, William Holladay, a negro girl Matilda
until he arrive to the age of fifteen years, if he
live longer I then give him said negro to him
and his heirs forever. I lend unto my nephew,
Joseph Holladay, a negro girl Rose until he
arrive to the age of 15 years, and if he attains
to that age, I then give him said negro to him
and his heirs forever. I lend unto my niece Elizabeth
Holladay a negro man Jack until she arrive to the
age of 14 years, and if she arrive to the age of 14 years,
I then give Jack unto her and her heirs, and wish
the proceeds of said negro, him to be appropriated to
the schooling of Elizabeth for 3 years commencing
at the age of 12 years. But in case of her death
before she arrive to the age of 14 years, I then give
said negro to my nephew Saml Holladay to him &
his heirs forever. I lend unto my cousin Manah
Corbell, a negro girl Sal for the term of 5 years
after my death, and if said Manah should have
any heirs, I then give unto her him, the said negro
forever; but if not child I then give said negro
to her husband Josiah Corbell forever. I give unto
my cousin Elizabeth Bradley one hundred dollars
to be paid unto her by my Executor hereafter
named. I give unto my cousin Prudence Smith

Order of Mr. Holladay, Secretary
Carter of Mr. Holladay, Esq.

No. 4.

In S^{ts} of Wight County Court February 6th 1826 (10)
On motion of Joseph Holladay admon: with the Will annexed
of John Holladay decd: he gave bond with Security in the penalty
of \$8000. Conditioned according to Law.

A Copy
Taken

Wm. J. Banks Secy.

John Holladays Esq
admin. bond with the
will annexed

a Copy

No 5

Know all men by these presents that we Joseph Holladay and John Phillips are held and firmly bound unto Parker Wells, Edmund Pedin Exum Eley and Augustus Ballau Gent. Justices of the Court of Isle of Wight County, now sitting in the Sum of Eight thousand dollars, to the payment whereof, well and truly to be made to the Said Justices or their Successors, we bind ourselves and each of us, our, and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents, Sealed with our Seals and dated this 6th day of February 1826 in the 50th year of the Commonwealth

The Condition of the above obligation is Such that if the Said Joseph Holladay admin with the will annexed of all the goods chattels, and Credits of John Holladay deceased, do make a true & perfect inventory of all and singular the goods, chattels and Credits of the Said deceased, which have, or shall come into the hands, or possession or knowledge of the Said Joseph Holladay or in the hands or possession of any other person or persons, for, and the Same so made, do exhibit into the County Court, at Such times as shall be thrusts required by the Said Court, and Such goods, chattels and Credits do well and truly administer according to Law, and further do make a just and true account of his actings and doings therein when thrusts required by the justices of the Said Court, and all the rest of the Said goods, chattels and Credits which shall be found remaining upon the account of the Said Administrator, the Same being first examined and allowed by the Said Court for the time being, shall deliver and pay unto Such persons respectively as are entitled to the same by Law; and if it shall hereafter appear that any last Will and Testament was made by the Said deceased, and the executor obtain a Certificate probat thereof, & the Said Joseph Holladay do in Such case being required, render and deliver up his letters of Administration. Then the above obligation to be Void, or else to remain in full force and Virtue.

Signed Sealed and acknowledged

in presence of

Ralph W. Bidgood.

Joseph Holladay

John Phillips

Seal

Seal

debt, and having perfect confidence in my executor
 request the Court to require no security whatever
 In witness whereof I have set my hand and seal
 this 19th day of December 1826.

Witness
 R. Lawrence
 Joseph Goodwin

Joseph Holladay Esq

In the County Court of Selkirkshire February 5th
 1827 This will was proved by the witnesses, reads
 and ordered to be recorded.

Teste Nathl. Goring Esq.

Copy

Teste

N. G. Goring Esq.

Joseph Holladay's Will

Copy

No. 6.

27. 527

270
135
135
10.80
135
24.30
1.25
25.55

25.18
24.62
511.50

In the name of God amen, I Joseph Holladay of the County of Salt Lake, being of a sound and disposing mind & memory, do make this my last will and testament in the following manner, to wit: First, I give the reasonable use and profit of all my estate, lands, negroes and stock unto my wife Polly during her natural life, and enjoin on her to keep the children and school the young ones as much as she shall be able to do, with the exception of the land purchased of Nathl. Young and wife, which land I leave unto my said wife for the term of five years, and at the expiration of five years, I give the said land unto my sons Joseph and William Holladay, to them and their heirs forever.

Secondly, I give unto my daughter Martha and my negro man Moses and woman Lucy and her children, to be divided unto her when she shall be married, to her and her heirs forever.

Thirdly, I give unto my daughter Mary Francis after the death of my wife, my negro man Dick and woman Pott and her children Holland & Andrew together with all her increase, to her and her heirs forever.

Fourthly, I give unto my sons John and Thomas, after my wife's death, the lands whereon I now live, to them or the survivors of them, in case either should die without issue, and their heirs forever. Also I give unto John my negro man Jack, in lieu of a boy Moses given to him by his uncle John, and I give to Thomas a boy Ned to him forever.

Fifthly, It is my desire that after the death of my wife, that the chattel property except the beds be sold, and out of the proceeds of the sale pay to my son Joseph two hundred dollars in lieu of the legacy left him by his uncle, and the balance to be equally divided among all my children or the survivors of them.

I nominate, name and appoint my wife, my whole and sole executrix of this my last will and testament, and being not involved in

Charge Holland; quarter
on a tar of Jos Holland
over.

No 7

In S^{ts} of Wight County Court February 5th 1827.
The last Will of Joseph Holladay dec^d. presented in Court and proved
by the Witnesses Thereto and Ordered to be recorded. Polly Holladay
the re^{ve}: therein named qualified and gave her bond in the
~~sum~~ in the penalty of \$10,000 Without Security Conditioned as
the law directs.

A Copy Test

Wm. J. Banks D.C.

Jos. Holladay's Est
Ex: bond

a copy

No 7'

KNOW ALL MEN BY THESE PRESENTS, That we

Polly Holladay

are held and firmly bound unto *Benjamin Drew, Ipham Jordan*
James C. Jordan, Solomon Butler and Watson J. Jordan

Gentlemen, Justices of the Court of Isle-of-Wight County, now sitting, in the sum of *Ten*
Thousand Dollars, to which payment
well and truly to be made to the said Justices, and their Successors, we bind ourselves, and each of us,
our and each of our Heirs, Executors and Administrators, jointly and severally, firmly by these
presents—Sealed with our Seals, and dated this *5th* day of *February*
one thousand eight hundred and *27-* and in the *57th* year
of the Commonwealth.

THE CONDITION of the above obligation is such, That if the said *Polly Holladay*

Executrix of the last will and testament of all the goods, chattels and credits of *Joseph Holladay*
deceased, do make a true and perfect inventory of all and singular the
goods, chattels and credits of the said deceased, which have or shall come into the hands, possession or
knowledge of *her* the said *Polly Holladay*
or into the hands or possession of any other person or persons for *her* and the same so made, do exhibit
unto the County Court at such times as shall be thereto required by the said Court, and the same goods,
chattels and credits, do well and truly administer according to law, and make a just and true account
of *her* actings and doings therein, when thereunto required by the said Court; and further do well
and truly pay and deliver all the legacies contained and specified in the said will, as far as the said
goods, chattels and credits will extend, according to the value thereof, as the law shall charge *her*
then this obligation to be void or else to remain in full force and virtue.

Signed, sealed and acknowledged }
in presence of

Barth. Lightfoot

Polly Holladay



No. 8.

In Isle of Wight County Court January 7. 1833.
On motion of John Phillips admon. is granted him on the estate
of John Holladay dec.^d and with Nathaniel Pruden sen. his Security
signed and acknowledged a bond in the penalty of \$1000. Conditioned
as the law directs.

Attest
J. H. Banks D.C.

John Holladay's ^{for} Est
admon. bond

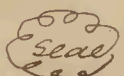
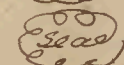
copy.

No 8'

Know all men by these presents that We John Phillips and
Nathaniel Pruden Sent. are held and firmly bound unto
Josiah Holleman, Jordan Parr. Watson P. Jordan and
John P. Thomas Sent. Justices of the Court of Sls of
Wright County now sitting in the Sum of One thousand
dollars, to the payment whereof, Well and truly to be made
to the Said Justices or their Successors, We bind ourselves
and each of us, our and each of our heirs, executors and
administrators, jointly and severally, firmly by these
presents. Sealed with our Seals, and dated this 7. Day
of January 1833. in the 57.th year of the Commonwealth

The Condition of the above obligation is Such, That if the Said John
Phillips admor: of all ~~and singular~~ the goods, Chattels and credits
of John Holladay decd. do make a true and perfect inventory of all
and singular the goods, chattels and credits of the Said deceased,
which have or shall come into the hands, possession or knowledge
of the Said John Phillips or into the hands or possession of any other
person or persons for and the Same so made, do exhibit unto the County
Court at Such times as he shall be thereto required by the Said
Court, and Such goods, chattels and credits, do well and truly
administer according to Law, and further do make a just and true
account of his actings and doings therein, when thereto required
by the justices of the Said Court, and all the rest of the Said goods
chattels and credits which shall be found remaining upon the account of
the Said administrator, the Same being first examined and allowed by the
said Court for the time being, shall deliver and pay unto Such persons
respectively, as are intitled to the Same by Law; and if it shall hereafter
appear that any last Will and testament was made by the Said
decd. and the exec: obtain a Certificate probat thereof, and the
said John Phillips do in Such case being required, render and
deliver up his letters of administration: then the above obligation to be
void, or else to remain in full force and Virtue.

Signed Sealed & acknowledged
in the presence of

John Phillips 
Nath: Pruden Sent. 

No. 9"

In Isle of Wight County Court February 3.rd 1840.

On motion of Joseph Holladay who took the Oath of Administrator
required by Law, and with Wiley F. Baguel his Security justified on and
Oath &c. entered into and acknowledged a bond in the penalty of \$1500
Conditioned as the law directs, Admon: is granted him the said Holladay
on the estate of Wm D. Holladay ~~on the estate of Wm D. Holladay~~
dec'd.

Attest

Wm F. Banks D.C.

Wm D. Holladay Esq
admon: bond

a copy

No. 9'

Know all men by these presents that we Joseph Holladay and Wiley Bagnall are held and firmly bound unto John P. Thomas, Watson P. Jordan David Roberts and Edwin Morrison gent. Justices of the County Court of Isle of Wight in the just and full Sum of \$1500 dollars: to the payment whereof well and truly to be made to the Said justices for the time being and their Successors, We bind ourselves, our heirs, execs. and admors. jointly and severally, firmly by these presents: Sealed with our Seals, and dated this 3rd day of February in the year one thousand eight hundred and forty. The Condition of this obligation is Such, that if the, said Joseph Holladay Administrator of the goods, Chattels and Credits of Wm. L. Holladay dec^d do make a true and perfect inventory of all and singular the goods, Chattels and Credits of the Said dec^d which have, or shall come to the hands, possession or knowledge of him the said Jos. Holladay or in the hands or possession of any other person or persons for him, and the same so made do exhibit into the Court aforesaid when he shall be thereunto required by the Said Court; and Such goods, Chattels and Credits do well and truly administer according to Law; and further, do make a just and true account of his doings and doings therein, when thereunto required by the Said Court; and all the rest of the said goods, Chattels and Credits which shall be found remaining upon the account of the said Administrator the same being first examined and allowed by the justices of the said Court for the time being, shall deliver and pay unto Such persons respectively, as are entitled to the same by Law; and if it shall hereafter appear, that any last will and testament was made by the deceased, and the same be proved in Court, and the executor obtain a Certificate of the probat thereof and the said Jos: Holladay do in Such case, being required, render and deliver up his letters of Administration, then this obligation to be void, else to remain in full force.

Witness.

N. P. Young.

Joseph Holladay *Seal*

Wiley Bagnall *Seal*

Attest

Wm. Banks DC

Mary Holladay's
price (co)

No. 10.

Fee 32¢

In the name of God amen, I Mary Holladay of the
County of Isle of Wight & State of Virginia, do make
and ordain this my last will and testament in
manner ^{of form} (viz) I give and bequeath to my son
Thomas Holladay and his heirs forever, negro
woman Sandy and her increase, I give also to
said Thomas Holladay one horse, 4 yearlings, 3
sows and pigs, 17 shoats & geese, also 25 barrels corn
and 1000 lbs. pork. Item, I give unto my daughter
Mary F. Bagnall, and her heirs forever, negro
man Jack; all the rest and residue of my
estate, goods and chattels, I leave to be equally
divided between my children Joseph Holladay,
Thomas Holladay and Mary F. Bagnall, this
being my last will and testament revoking
all other wills by me made. In witness whereof
I have hereunto set my hand and seal this 5th
day of December 1840. In presence of
W^m P. Charnell } Mary^{his} Holladay ~~deced~~
Robert J. Gibbs } mark
Edmund Heath }

In the County Court of Isle of Wight, January 4th
1841 This will was presented in Court, proved
by the oath of the subscribing witnesses, and
ordered to be recorded.

Teste A. P. Corning cd.
Copy Teste
A. P. Corning cd.

Ms. {11.3}

In Sess of Wright County Court Jan'y 4th 1841

The last will and testament of Mary Holladay proved
by the Oaths of W. P. Channell. Ro. T. Gibbs and Edmund Heath
and Ordered to be recorded and on motion of Wiley G. Bagwell
who took the Oath required by Law and with Richard Reynolds
and William P. Channell his Securities entered into and acknowledged
a bond in the penalty of \$3000. Conditioned as the Law directs
certificate is granted him for obtaining a probat of Said Will
in due form.

A Copy Teste

Wm. F. Banks Clk

Mary Holladay's Ed
admon: bond with the
will annexed

a copy

No 5717

KNOW ALL MEN BY THESE PRESENTS, That we *Wiley G. Bagnell*
Richard Reynolds William P. Channell

are held and firmly bound unto *Josiah Holleman* *Meit Womble*
Albert E. Wrenn and *Monroe Clements*

Gentlemen, Justices of the Court of Isle-of-Wight County, now sitting, in the sum of *Three Thousand*
Dollars, to which payment
well and truly to be made to the said Justices, and their Successors, we bind ourselves, and each of us,
our and each of our Heirs, Executors and Administrators, jointly and severally, firmly by these
presents—Sealed with our Seals, and dated this *4th* day of *January*
one thousand eight hundred and *forty One* ~~and in the~~ *year*
~~of the Commonwealth.~~

THE CONDITION of the above obligation is such, That if the said *Wiley G. Bagnell*
Administrator with the Will annexed of Mary Holladay

~~Executor~~ ~~of the last will and testament of all the goods, chattels and credits of~~

deceased, do make a true and perfect inventory of all and singular the
goods, chattels and credits of the said deceased, which have or shall come into the hands, possession or
knowledge of ~~him~~ the said *Wiley G. Bagnell*
or into the hands or possession of any other person or persons for ~~him~~ ^{he} and the same so made, do exhibit
unto the County Court at such times as shall be thereto required by the said Court, and the same goods,
chattels and credits, do well and truly administer according to law, and make a just and true account
of ~~his~~ ^{his} actings and doings therein, when thereunto required by the said Court; and further do well
and truly pay and deliver all the legacies contained and specified in the said will, as far as the said
goods, chattels and credits will extend, according to the value thereof, as the law shall charge
then this obligation to be void or else to remain in full force and virtue.

Signed, sealed and acknowledged }
in presence of

Wiley Bagnell



Richard Reynolds



Wm P. Channell



Ord. Comtg. is that of
Suo. & Lio. Holladay to
the Shop.

In Sale of Wright County Court May Term 1842.

On the motion of Josiah I. Wail, Orderd that
The estates of John Holladay Sen. and Joseph
Holladay Sen. be committed to the hands of
Benjamin Drew Sheriff of this County, and that
he administer the same according to Law.

Copy
Jas. W. H. H. R.

Benj. Drew Stiff.

7"

At a monthly Court held for the County of Suffolk
the 3^d day of July 1843.

Ordered that the estates of Joseph Stolliday s^r,
Mrs. Stolliday s^r, and Mary Hubbard decd be committed
to the hands of Benj. Drew Shiff of Suffolk
County —

A Copy,

Teste

J. P. Niles D.C.

