

1878-003 Chancery Causes: Josiah P. Gay & ut vs Sally A. Virginia Millner & al
Isle of Wight County Petition of Martha Prouden, by & c

Other surnames: Darden,
Marshall, Adams, Eley,
Bradshaw, Gray, Watkins,
Rawls, Ashburn, Milner,
Milenner

Gay swift tal.

3 Bill &
3

April 1878
Final Decree
"

Milliner tal.

April Rules, 1871. Secured.
Eyes on all adults except Charles
& wife & their sons - good addition
app. to infants & ant. filed &
refl. not found as to standstill.

May Rules - Bill taken for C. & S.
as to adults on whom final and
final for hearing as to them &
infants.

June 5th 1871. Dec. of Children,
tal. filed by home agent.

Nov. 4th 1872. decree for par-
tition

December 1872. Decree
for sale &.

May, 1874, Dr. to collect & pay out

Oct. 1875. Ord. to collect by C. H.
Marshall.

Marshall, Charles A. Marshall, Joseph
M. Marshall & Alice P. Marshall, the
last nine Infants by someone
appointed their Guardian ad litem
to defend them in this suit, may be
made parties Defendant to this Bill
& be required to answer the same, &
that by a decree of this Court partition
may be had of said land among
the heirs aforesaid of the said
Blake & Darden if partition thereof
be practicable, or if not that the same
may be sold & distribution made of the
proceeds among the parties entitled
thereto according to their respective
rights, & that such other & further
relief may be granted in the premises
as to the Court may seem meet, & may
suit the equity of the case, & your
Complainants will ever pray &c
Hayden J. J.

Marshall collectively to $\frac{1}{2}$ & each of them
to $\frac{1}{5}$ of $\frac{1}{12}$ or $\frac{1}{60}$ each — the said Lemuel Eley
to $\frac{1}{2}$ of $\frac{1}{4}$ or $\frac{1}{8}$ & the four said children of
Caranda A. collectively to $\frac{1}{8}$ or to $\frac{1}{32}$ part
each — the said Mills L. Watkins &
Polly Rauls each to $\frac{1}{3}$ $\frac{1}{4}$ or $\frac{1}{12}$ & the said
Josephine & Balsora each to $\frac{1}{2}$ of $\frac{1}{3}$ of $\frac{1}{4}$ or
 $\frac{1}{24}$ part each. That the said heirs of the
said Sally Darden claim the whole
of the tract devised to the said John S.,
& the heirs of the said Lincey claim
the whole of the tract devised to
the said Blake E. to the wrong &
injury of your said complainants.
Intender consideration whereof, &
for as much as your complainants
are without remedy at law, & can
only be relieved by the aid of this
Honorable Court of Chancery, where
matters of this sort are cognizable,
to this end your complainants
pray that the said Sally A. Miller,
Erastus J. Pruden, & Martha T. his wife,
V Adams & Ella his wife, Lemuel
Eley & Indiana T. his wife, Mills L.
Watkins, Eliza Rauls & Polly his wife
Sate Watkins, George A. Marshall, Jacob
Gray, Julia Gray, Dora Gray, Josephine
Ashburn, Balsora Ashburn, Mary.

the said Blake E. & are still living.,
the said Lavanda A. intermarried with
one Thomas E. Gray, both of whom died
before said Blake E. leaving four
children who survived him, ^{who} are
still living to wit: Ella, Jacob, Julia &
Dora Gray all of whom are infants; the
said Ella has intermarried with
Adams. The said Jincy intermarried
with one Minidith N. Watkins, & died
before the said Blake E. leaving the
following children & descendants of a
deceased Daughter who survived the
said Blake E., to wit: Mills L. Watkins a
son, Polly a Daughter who married Eliza
Rauks, & Josephine & Belsora infant children
of A. H. Ashburn & his wife, a deceased Daughter
of said Jincy. The said Mary has inter-
married with one Josiah P. Gay your
Complainant as aforesaid. That the said
land of the said Blake E. descended in
coparcenary on his heirs at law, the said
Mary & the said descendants of the said
Martha, Sally & Jincy, who are entitled
to have partition of said land according
to their respective rights therein, to wit:
the said Mary to $\frac{1}{4}$ — the said Sally
A. V. Wilbur & Martha Pruden each to $\frac{1}{3}$ $\frac{1}{4}$ —
or $\frac{1}{2}$ — the said five children of Mills E.

statute of limitation from all claim to the same. That consequently the said Blake E. on his death was seized in fee simple of both tracts of said land, which on his death passed to his heirs at law. That the said Widow, & the said Permelia, Ann & Mariah have all departed this life; the three latter without children or their descendants. The said Martha married one Thomas Marshall, & with her said Husband has departed this life leaving a daughter Sally A. V. who intermarried with one William G. Millner, who has since died leaving the said Sally A. V. surviving, Martha another daughter of said Martha Marshall intermarried with one Erastus A. Pruden & with her said Husband survived the said Blake E., & still survive. - Mill E. Marshall a son of said Martha died before said Blake E. leaving five children, who survived said Blake E., & still survive, to wit: George A. Marshall, Charles M., Joseph M., & Alice D., the last four infants, the said Sally intermarried with one Robert Eley, both of whom died before the said Blake E. leaving a daughter Lavanda A. & a son Lemuel Eley, who married one Indiana V. Bradshaw, the said Lemuel & Indiana his wife survived

said John S., & Blake E. should die without heirs lawfully begotten by their own respective bodies with remainder to the said Sally as to the land devised to the said John S., & with remainder to the said Gincy as to the land devised to the said Blake E. the said John S. died a few months after the Testator, intestate, & without heirs lawfully begotten of his own body.

On the death of the said John S. the piece of land devised to him as aforesaid, was taken possession of under a claim of title under supposed operation of said Will, & the said Blake E. held adverse possession of the said land for more than 50 years, until his death intestate in December 1879, without heirs lawfully begotten of his own body, Your Complainants are informed, & so charge that under the operation of the laws then prevailing, the said John S. & Blake E. respectively took a fee simple in the lands devised to them under said Will, & that the remainder over to the said Sally, & Gincy are void in law, but that the said Blake E. acquired an absolute title by possession in the tract devised the said John S., & that the heirs of the latter are barred by the

To the Honorable E. R. Atkinson Judge of
the County Court of Islesworth
County in Chancery sitting,

Humly complaining sheweth to the
Court Your Complainants Josiah
P. Gay, & Mary his wife formerly Darden
that on or about the day of 1816
one Mills Darden departed this life,
having previously made & published
his last Will & Testament, bearing
date the 31st day of January 1816, & which
after his death, to wit: on the 6th day of
May 1816 was duly admitted to probate
in the County Court of said County,
as well appear from an official
copy of said Will, with Certificate of
Probate annexed marked A herewith filed
& prayed to be taken as a part of this Bill.

Exhibit
A

The beneficiaries under said Will are
the Testator's widow, & his nine children,
his only heirs at law, to wit: two sons
John S. & Blake E. Darden, & seven
daughters, Martha, Sally, Jincy, Permelia,
Mary, Ann & Merinah. By the 2^d & 4th clauses
of said Will, subject to a life estate therein
to his Widow, the said Testator devised an
estate tail in two separate tracts of land
to the said John S. & Blake E. respectively,
with cross remainders, and if both the

Petition of Martha
Parker per Friend
for Equitable set-
tlement.

Filed in Court
1877

The Petition of Martha
Pruden, wife of Erastus Pruden
by Josiah P. Gay ^{her next friend} respectfully re-
presents

- 1 That she is one of the heirs at law of
Blake Sander deceased
 - 2 That she is as stated the wife of Eras-
tus Pruden
 - 3 That the said Erastus Pruden is
totally insolvent and if her interests
in the estate of the said Blake Sander
be secured to her husband the whole
of it will go to and be consumed by the
said Erastus Pruden and his creditors
 - 4 That she is in need & desires to have
secured to and suited upon her by this
honorable Court for her sole and sepa-
rate use and benefit free from the
control of her said husband and
his creditors whatever she may be
entitled to out of the estate of the
said Blake Sander
 - 5 That such other & further relief
may be granted her as the nature of
her case will require & she will ever pray
- Martha Pruden
by Josiah P. Gay, her next friend

Gay & Wife
vs.
Millner &als.

Infants' Answer

To the Honorable E. R. Atkinson Judge of the
County Court of Isle of Wight County;

The joint & several answers of
Jacob Gray, Julia Gray, Dora Gray,
Josephine Ashburn, Bessora Ashburn,
Mary T. Marshall, Charles H. Marshall,
Joseph M. Marshall & Alice P. Marshall,
infants by A. P. Young, their Guardian
ad litem to the Bill of complaint in said
Court exhibited by Joseph D. Gay & Mary,
defendants against them and others:

These Defendants jointly & severally
answering say they are infants
under twenty one years of age,
& submit their interest in the
premises to the protection of this
Honorable Court & having answered
pray hence to be dismissed with
their costs in this behalf expended &
they will ever pray &c.

(Signed)

A. P. Young *gd. ad litem*

Gay Junfe

n.

Millner, ans^r
of Infants

Neptine Ashburn

Bahora Ashburn

Ellas Gray

Jacob Gray

Julia Gray

Orva Gray

by
A. P. May
J. P. ad
litens

June 5th 1871 - filed
by leave of the court.

The Joint separate answer of Josephine
+ Balora Ashburn, + Ella, Jacob, Julia +
Dora Ely, Infants, by A. P. Young their
guardian ad litem to a Bill exhibited
in the County Court of ~~St. Louis~~ ^{St. Louis} County, by
Mirah P. Gay wife against Sally A. V. Millner
+ others.

These Respondents say that They
deny the allegations in said Bill +
refer to the answer of Miles, L. Wattzin, + others
filed herein as part of their own, but
being Infants + incapable of protecting
themselves, they submit their interests to
the Court, and pray that no order or
decree may be made in the cause to their
injury.

(and is

signed

A. P. Young guardian
ad litem.

Gay Swibe

to

Willner Sal

Assistant of

Will, L. Watkins
Elisha Ranch Swibe &
Leone Ely

June 5th 1878.
filed by order of the court

Sealed & filed

Co. cl. J. of W.

stated by himself are true, and that so far as
others are concerned, he believes them to be true.

A. J. Quincy Clerk.

Law of said Inny are, Miles L. Watkins,
Polly wife of Eliha Rank & Josephine &
Babara Ashburn as stated in said bill

Your Respondents deny that Blake
Harden became the fee simple owner
by ^{adverse possession or otherwise} of the Land devised to Mrs. S. Harden for life
by said will and then to said Blake, but
that the said Blake only took a life estate
therein after the death of his Brother Mrs. S.
Harden.

They pray that the Land devised
by said Miles Harden to said Mrs. S. Harden
may be devised to the heirs as law of said
Sally, as above named, and that the
Land devised by said Miles Harden to
Blake Harden for life, may be devised to the
heirs of said Inny as above set forth

(And Your Respondents are for
Miles L. Watkins,

Eliha Rank Polly his wife
& Lemuel Ely.

By John R. Kelly, atty.

Miles L. Watkins personally appeared before me
A. J. Young, clerk of the County Court of Ist
of Wight County, and solemnly affirmed that the
facts stated in the foregoing answer, so far as all

The Joint and separate answer of Mills
L. Watkins, Elisha Rawls & Polly his wife,
and Lemme Ely, to a Bill in chancery
Exhibited in the County Court of Isle of Wight
County by Josiah P. Gay & Mary his wife
against Sally A. V. Millner & others.

These Respondents admit the making
of the will of said Mills, Garden & that
the devise therein are correctly set forth, but
they deny the legal conclusions set forth in the
said Bill - They admit the death of the
devisee, John S. & Blake Garden as stated.

These Respondents deny that the said
John S. & Blake Garden took estate tail in
the Land, referred to, but say, that they only
took respectively life estates therein which
on the death of Blake Garden, as stated
passed as follows - The Land devised to
Mrs. S. Garden to Sally Garden then her
at law - and the Land devised to the
said Blake Garden to Lucy Garden then
her at law.

That said Sally Garden, heirs
are correctly stated in the said Bill, to be
Lemme Ely (one of these respondents,) & Covanda A.
who married Mr. E. Gay, both of whom are dead
leaving children, infants to wit: Elias, Jacob,
Julia & Flora Gay - That the heirs at

Josiah P. Gay wife

3 Sam. in
3 Chy.
v.

Milner, Ruden wife,
Gay wife, Watkins & Co.

To Apl. Rules 18th 1.

Co. Est.

C. B. Hayden /

As to Peders

1810

Not found

Attest Secy to the D. S. for
Geo: W. Livingston D. S. R.

The Commonwealth of Virginia,

Richmond City
TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We Command you to Summon

Jacob Gray, Julia Gray, and Dora Gray

to appear at the Clerk's Office of the *County* Court of Isle of Wight County,

at Rules to be holden for the said Court, on the first Monday in *April*

next to answer *the Bill in Chancery of Josiah P. Gray and*
Mary his wife, formerly Darden, filed against them and
others in said Court.

a plea of _____ *for \$* _____ *Damages, \$* _____ *And have*
then there this writ.

Witness, NATHAN L. P. YOUNG, Clerk of our said *County* Court,
at the Courthouse, the *24th* day of *February* 18*71*, in the *9th*
year of the Commonwealth.

N. L. Young

Josiah P. Gay wife

#1 } Spun. to
V. } and Bill

Milner, Pruden wife,
Coalington.

To the Hon. Judges of the
County Court.
Haverhill.

not find in a S A 2
Melner at her usual
place of abode I
delivered a copy thereof
+ gave information of
its receipt to her son
Ernest Melner he being
a member of her family
above the age of sixteen years
this the 4 day of March 1877
Oswego New York
Frederick Swedlow Clerk

The Commonwealth of Virginia,

Norfolk City
TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We Command you to Summon

Sallie A. Virginia Milner

to appear at the Clerk's Office of the *County* Court of Isle of Wight County,

at Rules to be holden for the said Court, on the first Monday in *April*

next to answer *the Bill in chancery filed against her*
and others by Josiah P. Gay and Mary his wife, formerly
Darden

a plea of *—* for \$ *—* Damages, \$ *—* And have
then there this writ.

Witness, NATHAN L. P. YOUNG, Clerk of our said *County* Court,
at the Courthouse, the *24th* day of *February* 18*71*, in the *9th*
year of the Commonwealth.

N. L. Young

The Commonwealth of Virginia,

Richmond City
TO THE SHERIFF OF ~~ISLE OF WIGHT COUNTY~~, Greeting:

We Command you to Summon

Jacob Gray, Julia Gray & Dora Gray

to appear at the Clerk's Office of the *County* Court of Isle of Wight County,
at Rules to be holden for the said Court, on the first Monday in *April*
next to answer *the Bill in Chancery of Josiah P. Gay*
and Mary his wife, formerly Darden, filed
against them and others in said Court

~~a plea of~~ for \$ ~~_____~~ Damages, \$ ~~_____~~ And have
then there this writ.

Witness, NATHAN L P. YOUNG, Clerk of our said *County* Court,
at the Courthouse, the *24th* day of *Feby.* 1871, in the *95th*
year of the Commonwealth.

N. P. Young Clk.
a Copy Teste. C. H. Hart, D.C.

The Commonwealth of Virginia,

Richmond City

TO THE SHERIFF OF ~~ISLE OF WIGHT COUNTY~~, Greeting:

We Command you to Summon

*Jacob Gray, Julia Gray and
Dora Gray*

to appear at the Clerk's Office of the *County* Court of Isle of Wight County,
at Rules to be holden for the said Court, on the first Monday in *April*
next to answer *the Bill in Chancery of Josiah P. Gay*
and Mary his wife formerly Darden, filed against
them and others in said Court.

a plea of _____ for \$ _____ Damages, \$ _____ And have
then there this writ.

Witness, NATHAN L. P. YOUNG, Clerk of our said *County* Court,
at the Courthouse, the *24th* day of *Feby.* 1871, in the
year of the Commonwealth.

N. P. Young Clk.
Acopy
Teste C. H. Hart, D. C.

The Commonwealth of Virginia,

Richmond City

TO THE SHERIFF OF ~~ISLE OF WIGHT COUNTY~~, Greeting:

We Command you to Summon

*Jacob Gray, Julia Gray and
Dora Gray*

to appear at the Clerk's Office of the *County* Court of Isle of Wight County,
at Rules to be holden for the said Court, on the first Monday in *April*
next to answer *the Bill Chancery of Josiah P. Gay and
Mary his formerly Darden, filed against them and
others in said Court.*

a plea of _____ for \$ _____ Damages, \$ _____ And have
then there this writ.

Witness, NATHAN L P. YOUNG, Clerk of our said *County* Court,
at the Courthouse, the *24th* day of *Feby*, 1871, in the *95th*
year of the Commonwealth.

N. P. Young clk
Attest *C. H. Hart, D.C.*

Entered by Admiring & true copy
to Samuel Eley Snuff Mills &
Wortham in the 23rd day of Feb 1871

A. M. Eley D.S.
for E. J. Chapman

J. P. Gay wife

Sum. in
chey.

Milner, Pruden, Eley
wife & al.

To April Rules 18th / 71.

Geo. St.

Handwritten sig.

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting :

We Command you to Summon *Sallie A. Virginia Milner, Erastus J. Prudden & Martha L. his wife, Samuel Ely & Indiana O. his wife, Will. L. Watkin, Elisha. Rawls Polley his wife, late Watkin, George A. Marshall Jacob Gray, Julia Gray, Dorcas Gray, Josephine Ashburn, Bels and Ashburn, Mary E. Marshall, Charles W. Marshall, Joseph M. Marshall, & Alice P. Marshall, the last nine infants*

to appear at the Clerk's Office of the *Courty* Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in *April* next to answer *the Bill in chancery of Elisha P. Kay and Mary his wife, formerly Darden*

a plea of *—* for \$ *—* Damages, \$ *—* And have then there this writ.

Witness, NATHAN L. P. YOUNG, Clerk of our said *Courty* Court, at the Courthouse, the *24th* day of *February* 18 *71*, in the *9th* year of the Commonwealth.

N. P. Young

Exhibited Decr 11th 1871 & true Copy hereof
advised to E & Gordon & wife and to
Geo. A. Washburn, All the other
within mentioned persons are now residents
of my County
Chas M. Day (D. A.)

J. P. Gay wife

Sum. in
Chy.
S.

Melner, Prieden wife
Sols.

To April Rules 1871.

Geo. A. T.

Hayden

5
The Commonwealth of Virginia,

Lawrence
TO THE SHERIFF OF ISLE OF WIGHT COUNTY, Greeting:

We Command you to Summon *Sallie A. & Milner, Executors of Martha T. his wife, Samuel Clay*
Indiano, T. his wife, Mills & Watkins, Ascha Paolo Polly his wife, late Watkins, Geo. A. Marshall, Jacob Gray,
Julia Gray, Doris Gray, Josephine Ashburn, Nelson & Ashburn, Mary S. Marshall, Charles W. Marshall,
Joseph W. Marshall & Alice P. Marshall, the last now infants,

to appear at the Clerk's Office of the *County* Court of Isle of Wight County,
at Rules to be holden for the said Court, on the first Monday in *April*
next to answer *the Bill in chancery of Josiah P. Ray and Mary his wife,*
formerly Darden.

a plea of for \$ Damages, \$ And have
then there this writ.

Witness, NATHAN L. P. YOUNG, Clerk of our said *County* Court,
at the Courthouse, the *24th* day of *February* 18*71*, in the *9th*
year of the Commonwealth.
N. L. Young

Wm. Chittenden

Hon. C. B. Hayden Nov. 25th 1872

Sir Yours of the
16th inst. has been received and will
give you the desired information.
The name of the Quakerman that
married Ella is John L. Adams
- I am sure are none others than -
those you mentioned -

Respectfully Yours -
Horace L. Gray

Julia F. Gray

Jacob Gray

Vera Gray

Gay & Mife
Mifner &c

W. P. Gay

Garden Land

Gazette

Miller

Report of Commission
for
Partition

Nov. 1892 filed

To the Honorable Judge of the County Court
of Isle of Wight County

The undersigned, three
of the Commissioners named in the annexed decree
of the said Court of November 8th 1872, in the suit
of Josiah P. Gay wife vs. ~~Millner & al.~~ to make partition
of the land named in said decree, respectfully re-
port to the court that they have said land with the
view of making the partition directed, but they are
of opinion that such partition cannot be conveniently
made because the shares when thus cut up would
be so small as to be almost valueless - that no one
party will accept the whole land & pay the other
parties such sums as ~~their interests & the equity~~
may entitle them to - that your commissioners
are therefore of opinion that the interests of all
parties would be most promoted by a sale of
the whole tract.

We are of opinion that the fee simple value of
the whole tract is \$1450

All of which is respectfully submitted

Signed { Geo. H. Watkins
Clam Rhodes
M. E. Gordon

His two Bonds ~~with~~ with David C. Cassette
as his security - pay about six & twelve months
with interest from date as the above several
directs which are filed herewith and having
paid off a portion of the cost on the first sale
before I knew what Mr. Thomas would not
comply & had taken the Receipts on my report
to be returned by Mr. Sale & herewith send all
my proceedings inclosed - The title to said Bonds
to be Rescindable the last and paid

May 1873

Josiah P. Gay Comr.

Josiah P. Gay & Co -

vs. J. P. Chy.

Midwinter Sales

Report of Sale made
by Josiah P. Gay Comr.
&c.

Returned filed June
2nd 1873.

July 6th 1874 Recd.
of H. P. Goring Clerk
Cir. Ct. Isle of Wight
the bonds which were
filed in this report &
declared to be delivered to
Mr. at New York 1874

J. P. Chumley

To the County Court of ~~Salisbury~~ Worcester County the undersigned Reports to the Court that pursuant to the decree of Decr 1872 made in the Cause of Joseph P. Gay and Mary his wife (formerly Dorden), vs. Sallie A. V. Eldenman & others he proceeded to sell after advertising according to the said decree the Land of which Blake C. Dorden died seized & possessed containing $31\frac{1}{2}$ Acres more or less to be sold according to the view of Mills ~~and~~ Dorden in a tract but finding it would ^{not} sell to an advantage in that way ~~He~~ sold the whole tract consolidated as described in said decree of Decr. 1872 and did on the 6th day of January 1873 - when the same was purchased by John C. Thomas. for. \$1055.00

He failing to comply with the terms of the sale I again advertised it and on the 5th of May 1873 it was sold to John J. Brockwell becoming the purchaser - for the sum of \$705.00
 For which there was paid as follows.

To 5 per Cent. on \$300.	\$15.00
" 2 " " on 2405	8.10
Atty General	51.00
Do. Kilby	30.00
Clarks fees -	14.78
Shff. . .	5.50
John R. Watkins comd.	2.00
Elam Rhodes	2.00
Merit C. Dorden	2.00
Advertising	10.35
Auctioneer -	

Cash \$150.73 ^{10.00} 150.73 ^{150.73} 54.27

for which balanced the said J. J. Brockwell & co

J. P. Gay & wife

vs } Copy decree
} Decr Co., et.
} 1872.

J. A. V. Willner & sons.

=

1055-

Pro. B. Thomas

J. P. Gay & wife

T. J. C.

C. C.

Successive weeks prior to the day of sale in the "Christian Sun", on a credit of Six and twelve months, in two equal payments with interest from the day of sale, except so much for cash as will pay the costs of suit and sale, inclusive of an Attorney's fee of \$50.⁰⁰ to B. Hayden, \$30.⁰⁰ to John R. Kilby for their services in this cause, taking for the credit portion of said sale, two bonds in equal amount, with sufficient security, payable to himself as commissioner respectively Six and twelve months from day of sale with interest from that date, return the same with his report to Court of his proceedings under this decree - selling the said land in two tracts as devised by the will of Mills Darden, But the effect of this decree shall be suspended as to said sale until the said commissioner shall execute in the Clerk's Office of this Court a bond with sufficient security, payable to the Commonwealth of Virginia, in a penalty of \$1500.⁰⁰ Conditioned for the future performance of this or any future decree herein.

Attest, Teste,
 C. H. Hart, D. C.

Costs of suit to Dec. Ct. 1892. to wit:

Atto. Hayden & tax	57.00
Atto. Kilby	30.00
Clerk's fees	14.78
Shiff. "	5.50
Jur. R. Watkins cond. of position	2.00
Elmer Rhodes " " "	2.00
Mint E. Darden " " "	2.00
	<u>\$107.28</u>
Advertising	8.85

In Isles of Wight Quarterly Court Dec'r
2nd 1872.

Josiah P. Gay & Mary his wife formerly
Darden Rt. Off.

vs. 3 Cully;

Sallie & Virginia Willner Dethers Defts.

This cause this day came on to be again heard on the papers formerly read, & on the report of John R. Watkins, Elam Rhodes, and M. E. Darden, three of the Commissioners for partition under the decree herein of November Term 1872, and was argued by Counsel; on consideration whereof the Court confirming said report to which no exceptions were filed, doth adjudge, order & decree that Josiah P. Gay who is hereby appointed Special Commissioner for that purpose, proceed to sell at public auction at Isles of Wight Court-house on some Court day the land in these proceedings mentioned whereof Blake E. Darden died seized & possessed in the County of Isles of Wight, containing by estimation $318\frac{1}{2}$ acres, more or less, adjacent to the lands of Merit E. Darden & Jethro H. Rhodes & others, after having given at least twenty days notice of the time and place of sale by advertisement at the Court-house door of said County on some Court day previous to the day of sale & at other public places in said County, at the discretion of said Commissioner by advertisement once a week for four

payable, at Six ann. Twelve months
with Interest from date which are
filed herewith.

The title to the ^{Land} is reserved.

The till to the ^{Land} is reserved.

Elmer

$$\begin{array}{r} 956 \\ 277 \\ 237 \\ \hline 5-8-4 \end{array}$$

J.P. Photo 705

1873.
Abr. - June.

Recd. One. fee. in

Elam Wood

ME Garden

John R Kelly atty #30.

T. J. Clements, C.C.C.

Jno. R. Watkins

To the County Court of Sec. of. Wjthe County
 the Undersign reports to the Court. That
 pursuant to the Decree. 2^d. Decr. 1872. made in
 the cause of. Oriah P Hay and ^{Wife} formerly
 Larkin. Against Sallie A. Virginia Childers
 and others. We proceeded to advertise the
 Land of. Wjthe Blatter. & Larkin. Lina Lina
 and. property. Containing 318 1/2 acres. more
 or less. to be sold. according to the Will
 of. Mills Larkin. but. finding It. would
 not sell. to an advantage in two Tracts
 upon advice of. Counsel. It. was. consoli-
 dated in One as described in said
 Decree. and. sold on the 6th day of. Jan'y
 1873. When the same. was. purchased by
 Wm. C. Hume for. \$1035.00
 of which there was paid in cash
 as follows:

To 5 per cent. Comm. on \$300.00	\$15.00
2 " " " 755.00	15.10
Atto Hayden & Tay.	57.00
Atto Hilby & " "	30.00
Clerts. fees.	14.78.
Shuff. fees	5.50
Wm. R. Waltham Com. portion	2.00
Elam. Rhodes.	2.00
Merit E Larkin	2.00
Advertising	8.85
Auctioneers fee	10.00
	\$156.23
	\$898.77

For which Balance. the said
 Wm. C. Hume has executed his two
 Bonds. With

as security

94

By cash P.C. checks \$13.75
" " J.E.A. " 119.43

To and for Billy \$30.00

To " for Mrs. H.C. 8.85

Bal cash 96.33

\$33.18 \$133.18

\$100 - from W. B. B. B. B.
100 - from B. B. B. B. B.

10 - from W. B. B. B. B.

23 - from J. B. B. B. B.

22.8

133.18

38.85

94.33

\$23 - from

BOOK, JOB, AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH.

SUFFOLK, VA.

Jan'y 4th 1873

Mr Josiah P. Gay

W. B. Wellons.
D. B. Dunbar.
N. F. McCann.

Co W. B. WELLONS & CO., Dr

TERMS CASH.

KILBY STREET.

1872
Deer

C Adv'g Lana of B. E. Darden for sale 2 egg 92 7/8
" To 50 800 Sheet-Bills

7 35-

1 50,

\$ 8.85-

1375-

885-

\$490

Re pay mnt

W. B. Wellons Dec

$$\begin{array}{r} 8.85 \\ 1.50 \\ \hline 10.35 \end{array}$$

BOOK, JOB, AND ORNAMENTAL PRINTING EXECUTED WITH DISPATCH.

SUFFOLK, VA.

May 11th 1873

Mr. Josiah D. Gay

W. B. Wellons.
D. B. Dunbar.
N. F. McCann.



W. B. WELLONS & CO.,



TERMS CASH.

KILBY STREET.

April 15 to 20 8th Inst - Bills

\$1.50

May 12th 73 Paid

W. B. Wellons & Co
Per C. M. Ward

Gary wife &
15

Milner Lab

J. J. Clements
Report of
Collection Payments

Filed Nov 3/81

To the Circuit Court of Isle of Wight county
 The undersigned Thomas F. Clements Commissioner
 under the annexed decree of said Court of May term
 1874 in the suit of Gay & wife vers Milner et al
 reports to the Court that pursuant to said decree he
 on the 25th day of July 1874 collected the bond in said
 decree mentioned amounting with interest on that
 date to \$594.93, out of which sum, he paid the unpaid
 costs of said suit amounting to \$36.94 leaving a
 balance of \$558.19 for distribution. Statement A
 herewith filed shows the amount of costs of said
 suit and the distributable share of each party
 in said fund, except that Polly Hawke who was
 omitted inadvertently in said decree and was entitled
 to one third of one fourth of said fund, was paid
 by the advice of the Counsel in the cause her
 said share of said fund and the portions of
 the other parties entitled to share in said one
 fourth reduced accordingly. Statement B
 herewith filed contains the receipts of the parties
 for their respective shares of said fund, except
 those whose shares your Commissioner was
 directed to deposit in the Farmers Bank of
 Nansemond, the certificate of deposit of the
 Cashier of said Bank for which is herewith filed,
 and the receipts of the parties for the payment
 of said costs.

All of which is respectfully submitted

T. F. Clements. Attest
 Court

of Josephine Ashburn and Balsora Ashburn
 infant children of Polly Ashburn deceased
 and if no legal guardian deposit the
 same to the respective credits of the said
 Josephine and Balsora Ashburn in the
 Bank aforesaid in the manner aforesaid,
 taking the receipts of the said parties therefor
 and the certificates of deposit of the Cashier
 of said Bank for the several amounts deposited
 therein, and return the said receipts and cer-
 tificates with his report to Court, of his proceed-
 ings under this decree: But the effect of
 this decree shall be suspended as to the col-
 lection of said bonds until the said J. J. Clements
 shall execute and deliver in the Clerk's office
 of this Court a bond payable to the Common-
 wealth of Virginia, with sufficient security in
 the penalty of one thousand dollars, conditioned
 for the faithful performance of this or any
 future decree herein.

Attest, Teste.

Clerk's fees incurred &
 estimated since Dec. for
 sale & . . . \$10.65

C. H. Hart, Secy for
 W. P. Young, Clerk.

Copy wife

Attest, copy of decree
 Wray, Secy. Ct. 1874.

W. J. Clements.

For J. J. Clements.

For J. J. Clements.

Secy -

1
Nauvoo County to the credit of Martha T
Pender wife of Erastus Pender, subject
to the future order of the Court herein, and the
remaining third part of said fourth, he shall
divide equally between the five children
of Mills E. Marshall deed: To wit: George A.
Marshall, Mary T. Marshall, Charles M.
Marshall, Joseph M. Marshall and Alice
P. Marshall, paying the share of the said
George A. to him, and that of the last four to
their legal guardian, if any, and if none, de-
posit their shares to their respective credits
in the Bank aforesaid, subject to the
future order of the Court herein, One
fourth thereof he shall divide into two
equal parts, and one of said two parts he shall
pay to Lemuel Eley, the other of said two parts
he shall pay equally to the legal guardian,
if any, of Ella Gray, Jacob Gray, Julia Gray
Dora Gray, and Gray infant children
of Thomas E. Gray and Lavander Gray, and if
no legal guardian deposit the same in the
Bank aforesaid, subject to the future order of
the Court herein, The remaining fourth
part thereof he shall divide into two equal
parts, one of which parts he shall pay
to Mills E. Watkins, the other of said parts
pay equally to the legal guardian, if any

David G. Lassiter for \$277.¹⁴ each, payable
respectively 6 & 12 months from the 5th
day of March 1873, with interest from that
date, returned with the report of sale afore-
said, which binds the said Thomas J. Clements
who is hereby appointed special
Comm^r, for that purpose, is authorized and
required to collect, and on the payment
of the same to execute and deliver to the
said John T. Brockwell a good and sufficient
deed in fee simple, with special war-
ranty for the tract of land of which Blake
E. Darden died seized and possessed in the
County of Isle of Wight containing by esti-
mation 308 $\frac{1}{2}$ acres, more or less, adja-
cent to the lands of Merit E. Darden. Je-
thro H. Rhodes et als, heretofore purchased
by the said John T. Brockwell under a decretal
sale herein for the sum of \$408.⁰⁰, and the
Court doth further adjudge order and de-
cree that the said T. J. Clements shall pay
the proceeds of said bonds as follows, after
paying thereout the unpaid costs of this suit,
To wit: one fourth ($\frac{1}{4}$) to the plaintiff Mary
Bry; one fourth ($\frac{1}{4}$) he shall divide into
three equal parts and pay one of said parts to
A. H. Milner; and one of said third parts he
shall deposit in the Farmers Bank of

In Isle of Wight Circuit Court, May 26th 1874,

Josiah P. Gay & Mary his wife formerly
Darden Plffs:

vs. } In Chancery

Sallie A. Virginia, Millner, Erastus J. Pru-
den & Martha T. his wife, Lemuel Eley and Indi-
ana T. his wife, Mills L. Watkins, Elisha Rawls
and Polly his wife, late Watkins, George A. Marshall
Jacob Gray, Julia Gray, Dora Gray, Josephine Ash-
burn, Belsona Ashburn, Mary T. Marshall
Charles N. Marshall, Joseph M. Marshall and
Alice P. Marshall, the last nine infants. Defts.
This Cause in which it is suggested that since
the last decree herein the plaintiff Josiah P.
Gay has departed this life, leaving his wife
Mary surviving, it is ordered that this
suit proceed in her name, Come on this
day to be again heard on the papers for-
merly read, and on the report of Josiah
P. Gay Com^r of Sale under the decree herein
of December term 1872, And was argued
by counsel: On consideration whereof the
Court confirming said report to which no excep-
tions were filed, doth adjudge, order and decree
that the Clerk of this Court deliver to Tho^s
J. Brooks on his filing his receipt there-
for the bonds of John E. Brockwell and

Gay wife
of
Melner et al

Distribution Fund

Gay wife

75

Statement A -

Milner et als

Gross collection on land Bonds within to July

25/874

594.93

Costs 1/2 cm at 5 per ct on 200 7.50

1/2 cm at 2 per ct on 294.93 2.95

Taxes for 1873 10.14

clerk's ticket (to find by self. A.P. Gray) 10.60 for in col. hands

Drawing card Paid C.B. Hayden 5.00

Notary fee Paid C.B. Hayden .50 36.74

\$538.19

Mary Gay (1/4) 139.54 3/4

S.A. V. Milner (1/3 of 1/4) 46.51 7/12

Martha J. Pruden (1/3 of 1/4) 46.51 7/12

Geo A Marshall (1/5 of 1/3 of 1/4) 9.30 19/60 ✓

Mary J Marshall (1/5 of 1/3 of 1/4) 9.30 19/60

Charles J Marshall (1/5 of 1/3 of 1/4) 9.30 19/60

Joseph W Marshall (1/5 of 1/3 of 1/4) 9.30 19/60

Alice P Marshall (1/5 of 1/3 of 1/4) 9.30 19/60

Samuel Eley (1/2 of 1/4) 69.77 3/8 ✓

Ella Gray (1/5 of 1/2 of 1/4) 13.95 19/40

Jacob Gray (1/5 of 1/2 of 1/4) 13.95 19/40

Julia Gray (1/5 of 1/2 of 1/4) 13.95 19/40

Dora Gray (1/5 of 1/2 of 1/4) 13.95 19/40

Gray (1/5 of 1/2 of 1/4) 13.95 19/40

Mills & Watkins (1/3 of 1/4) 46.51 7/12

Josephine Ashburn (1/2 of 1/3 of 1/4) 23.25 19/24

Balsora Ashburn (1/2 of 1/3 of 1/4) 23.25 19/24

Polly Davis (1/3 of 1/4) 46.51 7/12

\$538.19

Gaynes

70

Minor chas

Receipt for Payments.

We the undersigned have respectively received from
Thomas Clements loan^r in Gay v wife v Milner et al
the amounts opposite our respective names, being the
amounts generally due us under the decree in said
suit of May Term 1874.

Mary Gay one hundred & thirty & 5/100 dollars	Mary Gay.
S A Millner Forty Six & 5/100 dollars	S A W. Milner
Geo A Marshall nine & 30/100 dollars	G. A. Marshall
Samuel Eley Sixty nine & 7/100 dollars	Samuel Eley
Willie Watkins Forty Six & 5/100 dollars	W. L. Watkins
Elisha Fawcett Forty Six & 5/100 dollars	Elisha Fawcett

Statement B

Gay wife

of

Milner et al

Certificate of consent
of
Polly Law of payment
to her husband

Nansemond County
~~Just of High Court to wit:~~

J. J.

R. G. Porter

a Justice of the Peace for the County aforesaid
in the State of Virginia do certify that Polly
Bawls wife of Elisha Bawls, personally appear-
ed before me in my said County, and being
by me privately examined separate and apart
from her said husband, she, the said Polly
consented that Thomas S. Bennett Com^r in
the suit of Gay & wife v. Wilmer et al., should
pay unto her said husband Elisha, whatever
might be coming to her the said Polly from the
proceeds of the sale of Blake & Darden's land
under the decree of said Court of May term
1874, and authorised the said Com^r to pay
the same to her said husband.

Given under my hand this 2nd day
of November^{ber} A.D. 1874

R. G. Porter J. P.

The Farmers Bank of Nausemond

Suffolk, Va., Sept 1st 1874

Dear Sir,

This is to certify that Thos J. Clements, Commissioner
S. V. Miller & others vs. Gay & wife, has deposited
in the Farmers Bank of Nausemond to the credit of

Martha J. Pruden	46.51
Mary J. Marshall	9.30
Wm. N. Marshall	9.30 ✓
Joseph M. Marshall	9.30
Alice P. Marshall	9.30
Ella Gray	13.95
Jacob Gray	13.95
Julia Gray	13.95
Dora Gray	13.95 ✓
Gray	13.95
Josephine Ashburn	23.25
Balsora Ashburn	23.25

199.96 John R. Copeland Cash

Very Respectfully,

JOHN R. COPELAND, Cashier.

Lewis

Pauline Beck
26th Nov 1877

C. B. Hayden Esq
Hon.

Miss Julia Gray
is very anxious to hear from you.
in regard to the little amount and
as her sister Mrs Ella Adams has
written her and as she is now twenty
one years of age and much in
need of it please do what you can
for her

Yours

Yours
Wm. Lewis

Julia Ray

Barneth Beck Nov 8/57

Mr. Hunter

I Dear Sir

Mr. Lewis

wrote you last week concerning
the money you have in hand
of mine, and as he has received
no answer I have decided to
write myself. My sister
Mrs. Aldams has received her
portion and I do not see why
I cannot get mine I am

Twenty-one and very much in
need of it and must have it
if possible. Please let me hear
from you this week if you can.
By doing you will much
oblige

Julia W. Gray

to her through the source spoken
of, as she absolutely requires
it, and will return you many
thanks to aid her in this matter.

Very truly

Yours,

James Lewis

James
Lewis
&
Mary

Baileys Creek News & Co.
23rd Oct 1877

C. B. Hayden Esq
Sir

Miss Julia

F. Gray, my wife's niece, who is
living with her Uncle Horace
L. Gray, is entitled to a little
money from Mr Blakehardens
estate, she is the daughter of
Mr Thomas E. Gray and Mrs
Kitty Gray, who was formerly
a Miss Ely, and sister to Mrs.
Lomb Ely of Ashcroft & Co.
this young lady is very needy,
and entirely dependant on her friends,
and is in want of several things
necessary to make her comfortable
this winter, and you would do her
a great favor, if you could by any
means let her have a habes coming

No. _____

WINDSOR TOWNSHIP, Isle of Wight County, Va.

Mr. Blaine & Lawrence Esrs.

1873

TO J. C. DARDEN, County Treasurer.

To State Capitation Tax

To State Revenue on acres Land, value \$ at 50c. per \$100.....

To State Revenue on Personal Property, Bonds, &c., value \$ per \$100.....

Amount of State Taxes 75

To County Capitation Tax 2

To County Levv on _____ acres Land, value \$ _____ at 10c. per \$100.....

To County Levy on Personal Property, Bonds, &c., value \$ 11 at 10c. per \$100...

To County School Tax on Real and Personal Property, value \$ _____ at 10c. per \$100 _____

Amount of County Taxes.....

Total amount of State and County Taxes \$

December 1st, 5 per cent. added ↗

Received payment, of J. J. Church & Son,
Lebanon, Mass., of said ash,

Treasurer.

W. A. Butler

Collector.

Gay Snipe
is
Millner & Co.

Rough Creeper
Nov: Dec 1872

To be entered -
W. H. Robinson

Entered
G

equal parts & assign one of said two parts to Samuel
Eley, & the other of said two parts divide equally
between the five children of Thomas C Gray & Caranda
A his wife, to wit Ella, Jacob, Julia, Vora & an unknown
child -

The remaining fourth part they shall divide into
~~four~~ ^{two} equal parts & assign one of said parts ~~respectively~~
to Mills & Watkins, & the other of said parts divide
equally between the two children of Polly Ashburn
to wit; Josephine & Balena Ashburn -

but if the said commissioners shall be of opinion
that such partition cannot be conveniently made,
they may allot the entire subject to any party who
will accept it, & pay therefor to the other parties
such sums of money as their interest therein
may entitle them to, or that the interests of all parties
will be promoted by the sale of the entire subject, or
allotment of part & sale of the residue they will
so report with the reasons upon which their
opinion is founded & if they should allot
the entire subject to any party, they will report what
amount such party shall pay & to whom - &
in any event they shall report the fee simple
value of the said land -

Gay wife

Milner & Co -

This cause in which the bill
is taken for confessed as to the Defendants Sallie A O Miller
Martha T. his wife
Erastus J. Pruden, Miliana O Eley, George A Marshall, ~~Jacob Gay~~

on whom process has been duly served they still failing
to appear plead answer & demur, came on this day to
be heard on the said bill, the answers of Mills & Watkins
Elisha Rawls & Polly his wife & Samuel Eley, of the infant-
defendants Josephine & Betsy Ashburn, Ella, Jacob,
Charles H, Joseph M, & Alice P Marshall
Julia & Bora Gay & on the Petition of Martha Pruden
wife of Erastus Pruden was argued by counsel,
on consideration whereof the Court doth order
that - Wm E. Barron, Thomas Marshall, Eben
Rhodes, Mint E. Darden & Jas R. Watkins

who are hereby appointed special commissioners
for that purpose any three of whom may act proceed
to divide the two tracts of Land of which Mills & Darden
died seized & which were occupied by Blake & Darden
at the time of his death into 4 equal parts having
regard to quantity & quality & assign one of said
Four parts to Mary Gay wife of Loriah P Gay; one
of said Four parts into three equal parts & allot one
of said parts respectively to S O Miller & Martha T Pruden
wife of Erastus Pruden & the remaining third part divide
equally between the five children of Mills & Marshall
dec'd. to wit: George A, Mary T, Charles N, Joseph H,
& Alice P, Marshall -

One of said Four parts they shall divide into two

J. P. Gay wife &c -

vs. } Copy of decree
 } of Nov. Co, Ct,
 } 1872,

Millner et als.

Darden died seized, and which were occupied by Blake E. Darden at the time of his death. into four equal parts, having regard to quantity and quality, and assign one of said four parts to Mary Gay wife of Josiah P. Gay; one of said four parts into three equal parts, & allot one of said parts respectively to S. A. V. Millner & Martha T. Pruden wife of Erastus P. Pruden, & the remaining third part divide equally between the five children of Mills E. Marshall dec'd. to wit: George A. Mary T. Charles W. Joseph W. & Alice P. Marshall. One of said four parts they shall divide into two equal parts, & assign one of said parts to Samuel Eley, and the other of said two parts divide equally between the five children of Thomas E. Gray & Amanda A. his wife. To wit: Ella. Jacob. Julia. Dora, & an unknown child. The remaining fourth part they shall divide into two equal parts, & assign one of said parts to Mills S. Watkins, & the other of said parts divide equally between the two children of Polly Ashburn. To wit: Josephine and Bessora Ashburn. But if the said Commissioners shall be of opinion that such partition cannot be conveniently made, they may allot the entire subject to any party who will accept it, & pay therefor to the other parties such sums of money as their interest therein may entitle them to, or that the interests of all parties will be promoted by the sale of the entire subject

or allotment of part & sale of the residue they will so report, with the reasons upon which their opinion is founded, & if they should allot the entire subject to any party, they will report what amount such party shall pay, & to whom, & in any event they shall report the fee simple value of the said land,

A Copy, Teste,
C. D. Hart, D. C.

County of Wright County (Nov. 8th 1842,

Josiah P. Gay & Mary his wife formerly Darden^{Plffs.}
vs. 3 In Chy:

Sallie A. V. Millner, Erastus J. Puden & Martha
his wife, Lemuel Eley & Indiana V. his wife,
Mills L. Watkins, Elisha Rawls, & Polly his wife,
late Watkins, Geo. A. Marshall, Jacob Gray
Julia Gray, Dora Gray, Josephine Ashburn
Belsora Ashburn, Mary T. Marshall,
Charles M. Marshall, Joseph M. Marshall,
& Alice P. Marshall, the last nine infants, Defts.

This Cause in which the bill is taken for
confessed acts the defendants, Sallie A. V. Mill-
ner, Erastus J. Puden & Martha his wife, In-
diana V. Eley & George A. Marshall on whom pro-
cess has been duly served, they still failing to
appear, plead, answer, or demur, came on
this day to be heard on the said bill, the answer
of Mills L. Watkins, Elisha Rawls & Polly his wife,
& Lemuel Eley, of the infant defendants Jose-
phine & Belsora Ashburn, Ella, Jacob, Julia,
& Dora Gray, Charles M. Joseph M. & Alice P.
Marshall, and on the petition of Martha
Puden, wife of Erastus J. Puden, And was ar-
gued by counsel; On consideration whereof
the Court doth adjudge, order & decree that
William C. Barnes, Thomas J. Marshall,
Elam Rhodes, Merit E. Darden and John R.
Watkins who are hereby appointed special
commissioners for that purpose, any
three of whom may act, proceed to di-
vide the two tracts of land of which Mills

Gay snipe
as
Milner snipe salt

Rough Sleaze
Dec Term 1872
To be entered
by Robertson

Entered,

payments with interest from the day of Sale
except so much for cash as will pay the costs of
Suit & Sale inclusive of an attorneys fee of
\$ 50.00 ^{of \$ 30.00 to the Clerk} to C B Hayden for his services in this
cause - taking for the credit portion of said
Sale two bonds in equal amount with sufficient
Security payable to himself as commissioner
respectively ~~the~~ ^{for twelve mos} ~~two~~ ~~years~~ from day of Sale
with interest from ^{that} date return the same
with his report to court of his proceedings
under this decree - Selling the said
land in two tracts as devised by the will
of Miles Gordon.

But the effect of this decree shall be suspended
as to said Sale until the said commissioner
shall execute in the clerks office of this court a
Bond with sufficient Security, payable to the
Commonwealth of Virginia in a penalty of
\$ 1500.00 conditioned for the ~~future~~ perfor-
mance of this or any future decree herein -

Gay wife

vs

Milner & als

This cause ^{this day} came on to be
again heard on the papers formerly read on
the Report of Mrs R Watkins, Eliza Rhodes
& M. E. Warden Three of the Commissioners
for partition under the decree herein of Nov Term
1872 was argued by counsel, on consideration
whereof the court confirming said Report to
which no exceptions were filed doth adjudge
order & decree that Josiah P Gay ~~or~~
who is hereby appointed special commissioner
for that purpose proceed to sell at public auc-
tion at Isle of Wight Court House on some court-
day the land in these proceedings mentioned
whereof Blake E Warden died seized & posses-
sed in the County of Isle of Wight containing
by estimation $318 \frac{1}{2}$ Acres more or less adjacent
to the lands of Meritt E Warden & Let two H

Rhodes & others

after having given ^{at least 20 days} notice of the time & place of
Sale by a advertisement at the Court House door of said
County on some court day previous to the day of Sale
& at other public places in said County ^{at the discretion of said Commissioner} by a advertise-
ment once a week for four successive weeks
prior to the day of Sale in the Christian Sun -
on a credit of ^{five & twelve months} the ~~two~~ ^{two} ~~years~~ ^{years} in two equal

Gay wife

no

Millner et al

in the Bank of America in the manner
aforesaid; taking the receipt of the
said parties thereof the certificate of
approval of the Cashier of said Bank for
the several amounts deposited therein
whenever said receipt is exhibited
with this report to Cash of the Bank
under this decree; But the effect of this
decree shall be such that in the ex-
ecution of said Bond with the said
of the Bank shall be executed under
in the Bank of America of this Bank a
check payable to the amount of
of the said with sufficient security
in the Bonds of one person or persons
unconditional and the said Bank for-
mation of this or any future decree
therein

Rough Decree
May Term 1874

To the undersigned
Geo. B. Blount
John R. Kelly atty
for Washington D.C.

C. B. H. de Sel
for Kelly & Co.

Entered

18

Joseph M. Marshall & Alice F. Marshall
paying the share of the said George A. to
him & that of the last four to their legal
guardian if any, if none deposit their
shares to their respective credits in the
Bank aforesaid subject to the future
order of the Court herein:
one fourth thereof he shall divide into
two equal parts, ~~assigning~~ ^{one} of said two
parts he shall pay to Lemuel Gray,
the other of said two parts he shall pay
equally to the legal guardian if any of
Ella Gray, Jacob Gray, Julia Gray,
Dora Gray & Gray infant children
of Thomas E. Gray & Margaret Gray, if
no legal guardian deposit the same in
the Bank aforesaid subject to the future
order of the Court herein:—
the remaining fourth part thereof he
shall divide into two equal parts and
whichever parts he shall pay to Mills &
Watkins, the other of said parts he shall pay
to the legal guardian if any of
Josephine Ashburn & Bessora Ashburn
infant children of Polly Ashburn de-
ceased & if no legal guardian deposit
the same to the respective credits of
the said Josephine & Bessora Ashburn

in fee simple, with special warranty for the
tract of land of which Blake & Darnum
died seized & possessed in the county of
Allegheny, containing by estimation
308 1/2 acres more or less, adjacent to the
lands of Merit & Darnum, situate in
Rhodes was heretofore purchased by
the said John V. Brockwell under a de-
cretal sale therein for the sum of \$705.00,
the court doth further capias order
thereon that the said J. V. Brockwell shall
pay the proceeds of said bonds as follows
after paying thereout the unpaid costs of
this suit, to wit one fourth (1/4) to the Plaintiff
Mary Gay, one fourth (1/4) he shall divide
into three equal parts & pay one of said
parts to J. A. V. Miller; and one of
said third parts he shall deposit in
the Farmers Bank of Pennsylvania
to the credit of Martha V. Pruden wife of
Erasmus Pruden, subject to the future
order of the court therein, & the remain-
ing third part of said fourth he
shall divide equally between the five
children of Mills & Marshall decen-
sed to wit, George A. Marshall Ware
& Marshall, Charles A. Marshall,

Gay wife

v

Millner et al

This cause in which it is suggested that since the last decree therein, the Plaintiff Josiah P Gay has departed this life, leaving his wife, Mary, surviving, it is ordered that this suit ~~be~~^{be} proceed in her name, came on this day to be ^{argued} heard by the Court, firmly read, and on the report of Josiah P Gay Comr of said under the decree therein of December term '872, and was argued by counsel, on consideration whereof the Court confirming said report to which no exceptions were filed, doth adjudge, order & decree that the clerk of this Court deliver to Thomas Clements on his filing his receipt therefor the bonds of John V Brockwell & David Le Lassiter for \$277⁴⁴ each, payable respectively, 6 & 12 months from the 5th day of March 1878, with interest from that date, returned with the report of said ofore said, which bonds the said Thomas Clements who is hereby appointed special Comr for that purpose is authorized & required to accept & on the payment of the same to execute & deliver to the said John V Brockwell a good & sufficient deed

Gay & Wife vs. Milner. Memo. for Feby. Cir. Ct. 1875.

Charles W. Marshall one of the parties in the above mentioned suit has attained the age of 21 years. I want an order made allowing him to collect the amt. of money on deposit in the Farmers Bank of Wausau to his credit &c.
C. H. Hart,

Gay snipe

u

Melna snipe

Order of Oct 1875

Table enclosed -

Geo. B. Snow.

Entered 44

For wife

"

Milner -

This cause in which it is
suggested that ^{said} the last decree herein
that Charles & Marshall one of the defendants herein
has attained 21 years of age it is ordered that
he be authorized to collect from the Farmers
Bank of Newremond the sum of \$9.30
with accrued interest thereon, & same by the
report of Commissioner Clement herein to
be deposited in said Bank to the credit
of said Charles & Marshall -

Laysan
Is
Milne Bay

Order
April June 1878
To the extent
Geo. B. Shaw.

Entered 30

Gay wife

14
Milner Lab -

This came on
which it is suggested that -
since the last decree herein
that the infant defendants Julia
Gray, Jacob T Gray & Nora
Gray have respectively attained
2 1/2 years of age, it is on their
respective motion ordered that -
the cashier of the Farmers
Bank of Newbern pay them
each the sum of \$13.95 with
accruing interest deposited
to their respective credit in said
Bank & T. J. Clements - Commission
in this suit & that they pay jointly
the unpaid costs of this suit -
And the court doth further
adjudge a last decree that -
this cause be removed from
the docket nothing more
remaining further to be
done herein, with liberty to
any party interested to
renew the same for good
cause -

Mills Darden's

Will

Attest

Exhibit

A

Filed - 1904.

thousand Dollars, Conditioned as the
law directs, Certificate is granted
them for obtaining letters of admin-
istration with the will annexed
of the said Mills Darden dec'd,
in due form of Law.

Teste

Nathl. Young. C.C.

Attest

Teste

C. H. Hart D.C.

In the name of God amen. I. Miller
Darden of Isle of Wight County & State
of Virginia, do think fit and proper
to make this to be my last will and Testament
In manner & form as followeth:

1st I leave one third part of my land & Slaves to the use
of my wife, her single life. N.B. the land to be
bounded as follows, Beginning at the Mouth of
Cockpit Branch, running up the said branch
by the gate & up Denson's branch to a fork thence
running the east prong through a pond to William
Darden's line then down the said line along the
Dam Branch to the beginning with the plantation
Thereon, (to wit) Names of Slaves, Clarence, Jas. Joe
Saml. Jacob, Peg, Solomon, Fulgham, and after her
single life, or in case she should die, I give the
land and Slaves as hereinafter mentioned:

2nd I give a part of my land with the plantation thereon
Two Negroes Tim & Jacob to my Son John Darden
to him & his heirs Lawfully begotten by his own body
If he should die without such heir as before men-
tioned then & in that case the Land & Slaves to go
to my Son Blake E. Darden

3rd I give to my Daughter Martha Darden Two Negroes
Mourning & Joe & one Feather Bed & furniture to her &
her heirs Lawfully begotten by her own body, &
if she should die without such heir then & in that
Case the Slaves to be equally divided between all my
living Daughters

4th I give to my Son Blake E. Darden one hundred & three acres of land lying over the bog pit Branch more or less the bog pit branch & the fish pond branch to be the line between my two Sons. & two Negroes Tony & Sam to him & his heirs lawfully begotten by his own body & if in case he should die without such heir as before mentioned then and in that case the land & Slaves to go to my Son John S. Darden, & if both of my two Sons should chance to die, without such heir as before mentioned then & in that case my land & plantation as I give to John S. Darden to go to my Daughter Sally Darden and the land as I give to Blake E. Darden to go to my Daughter Fincy Darden, & Slaves too. I give to my two Sons to be equally divided between the rest of my living Daughters

5th I give to my Daughter Sally Darden, Two Negroes Lucy & Ned to her and her heirs lawfully begotten by her own body, if in case she should die without such heir as before mentioned then & in that case the Slaves to be equally divided among all my living Daughters —

6th I give to my daughter Fincy Darden Two Negroes Tom & Peg to her & her heirs lawfully begotten by her own body & if she should chance to die, without such heir as before mentioned then & in that case the Slaves to be equally divided

among all my living Daughters:

7th I give unto my Daughter Fernelia Darden two Negroes, Cate & Everett to her & her heirs lawfully begotten by her own body, if in case she should die without such heir as before mentioned then in that case the Slaves that I give to her to be equally divided among all my living Daughters

8th I give unto my daughter Mary Darden two Negroes Belasunder & Jack to her & her heirs lawfully begotten by her own body, if in case she should die without such heir as before mentioned then in that case the Slaves that I give to her, to be equally divided among all my living Daughters

9th I give unto my Daughter Ann Darden two Negroes Esther & Julgham to her & her heirs lawfully begotten by her own body, if in case she should die without such heir as before mentioned then in that case the Slaves that I give to her to be equally divided among all my living Daughters

10th I give unto my Daughter Merinah Darden two Negroes, Hagar & Solomon to her & her heirs lawfully begotten by her own body, if in case she should die without such heir as before mentioned then in that case the Slaves that I give to her to be equally divided among all my living Daughters; also I leave all the rest of my estate that I have not

given away to be equally divided between
my wife and nine children, John S. Dar-
den, Martha Darden, Blake E. Darden
Sally Darden, Jincy Darden, Ann Darden
Merimah Darden, to them & their heirs forever
Lastly I do appoint my two sons John S.
Darden & Blake E. Darden my Executors to
this my last will & Testament making void
all other wills before made by me. I wish for
my Brother William Darden & my friend Exum
Eley to assist my sons in managing my
Estate. Given under my hand and seal
this 31st day of January 1816.

Witness

Mills Darden (seal)

Jones Griffin,

Robt. Lawrence,

At a Court held for Isle of Wight County
the 6th day of May. 1816. This will was presented in
Court & proved by the oaths of Jones Griffin & Robt. Lawrence
the witnesses thereto & ordered to be recorded. John S. Darden &
Blake E. Darden the Executors therein named, being under
twenty one years of age, could not agreeable to law qualify as
executors to the said will, and on the motion of
Wm. Darden & Exum Eley who made oath
thereto according to law, & together with
Godwin Council & John M. Eley their
securities, entered into & acknowledged
their bond in the penalty of twenty

Gay wife

W. L. Bond

Miller, J. C.,

Jan. 6th 1843.
Received & filed.

Know all Men by these Presents, That we Josiah P. Gay
John C. Thomas, Thomas J. Clements & Augustus W. Ballard
are held and firmly bound unto the Commonwealth of Virginia in the sum of Fifteen
Hundred Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this 6th day of January
in the year of our Lord, one thousand eight hundred and Seventy three

The Condition of the above Obligation is such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 2nd day of December
in a cause depending in the said Court, in which Josiah P. Gay wife Mary
are

Plaintiff, and

Sallie A. V. Millner & others are

Defendant, the

above bound Josiah P. Gay was appointed a special
Commissioner to sell the tract of land in said decree
mentioned whereof Blake E. Darden died
seized & possessed in the County of Isle of
Wight containing by estimation \$318 1/2
acres, more or less according to the directions
of said decree and make report thereof to
the court

Now, if the above bound Josiah P. Gay shall faithfully discharge
his duties as Commissioner under the said Decree, then the above Obligation to be void, otherwise
to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

Josiah P. Gay 

John C. Thomas 

T. J. Clements 

A. W. Ballard 

Gay wife

to: Comm. Bond

William H. H.

Executed filed 6th of
July 1874.

Know all Men by these Presents, That we *Thomas J. Clements*

and *Augustus W. Ballard*

are held and firmly bound unto the Commonwealth of Virginia in the sum of *one*

Thousand Dollars to the payment whereof, well and truly

to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly

by these presents. As witness our Hands and Seals, this *6th* day of *July*

in the year of our Lord, one thousand eight hundred and *Seventy Four*

The Condition of the above Obligation is such, That whereas, by a Decree of the Circuit Court of Isle of Wight County, pronounced on the *11th* day of *May 1874*

in a cause depending in the said Court, in which *Josiah P. Gay & Mary*

his wife are

Plaintiffs and

Sallie A. T. Millner also

Defendants the

above bound *Thomas J. Clements* was appointed a special

Commissioner to *execute the bonds in said decree mentioned*
& pay the proceeds & deposit the same as in said
decree mentioned

Now, if the above bound *Thomas J. Clements* shall faithfully discharge his duties as Commissioner under the said Decree, or any future Decree in said cause, then the above Obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered }
in the presence of }

T. J. Clements

[SEAL.]

W. W. Reed and

[SEAL.]

[SEAL.]