1752-001 SOUTHAMPTON COUNTY CHANCERY PAPERS JONES et al Vs. RIDLEY, 12/1752

other SURNames: Holt, Binns, Richards, Cary

George 8 } Papers
Simmons &c
Ex. April 1751.
Decree to foreclose.
Exr of Red.

	£.	s.	d.
Principal.	863	1.	1 1/2
Interest 7 1/2 } 1 Nov. to 1752 } 6 yrs.	258	19.	6 1/2
	122	3	8
Int. by Schedule.	141.	11.	1. 1/2
Negroes already sold.	195	10	
	347	1	1 1/2
	778	2	6 1/2
5 yrs. 6 1/2 deduct	237	7	11 1/2
	537	14	7 1/2
373.	373		
	164		
	120		
	44		

£.
Wm Cary. 373
Collier 123. 537. 14. 7.
496 496
41 14 7

To the Worshipful the Court of Southampton County.

Jones Esq^r
v.
Ridley

Bill in Chancery

Jones Esq^r
v.
Ridley

Bill in Chancery

April 1751.
Times to Ans.
Nov^r 1751.
Ans^r filed & Time
to Consider it
Dec^r 1751.
Rec^d & Cons.
Feby 1752.
Cons^d & Costs awarded.
May 1752.
Cons^d
Sept^r 1752.
Cons^d as Def^t's Cost.
Dec^r 1752
Demurrer Ov^d

Dec^r 1752.
Ans^r

Dec^r 1751.

To the Worshipful his Majesty's Justices of the Peace for the County of Southampton Sitting in Chancery

Humbly Complaining Shew unto your Worships your daily Orators Albridgton Jones of this County Gent Thomas Holt & Anne his Wife & Thomas Binns & Margaret his Wife which said Albridgton Jones Anne Holt & Margaret Binns are ~~[illegible]~~ residuary Legatees of Matthew Jones late of the County of Isle of Wight Gent decd That the said Matthew Jones decd was in his Life Time & at the Time of his Death seised and possessed of a considerable real & personal Estate Consisting of Lands Slaves Stocks Household Stuff & other valuable Things That being so seised & possessed he made his last Will & Testament in Writing bearing Date the twenty eighth Day of July one Thousand seven Hundred & twenty seven Eight & therein after devising several specific Legacies he did devise as follows. "I desire that my Land and " Stock at Brunswick County may be sold and the nett Proceeds of it " to return to my Estate And it is my Desire that when all my Debts " and Legacies are paid I leave the Rest & Remainder of my Estate to be " equally divided between my loving Wife & Britton Anny Margett " Agethy my Children" That the said Anne Jones married Mr. Thos. Holt the said Margett married Mr. Thomas Binns the said Agethy died in her Minority unmarried without Issue And the said Testor by his said Will appointed his Wife Eliz.a Jones full & whole Ex'x. Who after the Death of the said Testor proved the same in the Worshipful Court of the County of Isle of Wight and thereby possessed herself of the personal Estate of her said Testor And returned an Appraisement thereof to the Court of the said County of Isle of Wight Amounting to two Hundred & fifty nine Pounds three Shillings & two Pence Your Orators further shew unto your Worships That the said Eliz.a Jones the Ex'x sold the said Land in the County of Brunswick & the Stock thereon by Virtue of the said Devise & received the Money for the same But never paid the same or any Part thereof or any Part of the Residue of her Testor's Personal Estate (after Debts & Funerals deducted) to your Orators but kept the same

her Eliz.a [illegible] until the Time of her Death wch happened on or about
the twenty fifth Day of one Thousand seven Hundred
& after whose Death Admon of all & singular the Goods
& Chattels Rights & Credits which were the said Eliz.a Jones's at the
Time of her Death was in due Form of Law comitted to one Nathaniel
Ridley of this County (who your Orator prays may be made a Party &
Respondent to this their Bill of Complaint) by the Court of the County
of Isle of Wight on the twenty fifth Day of December one
Thousand seven Hundred & forty eight That the said Nathaniel
Ridley by Means of the said Admon or by some other Ways or Means
got into his Possession all the Estate of the said Matthew Jones decd in
the Hands of the said Eliz.a Jones his Exx and now keeps the same
Altho' your Orators have often in a friendly Manner applied to him to
make up a fair & just Account of his said Intestate's Admon Account
of the said Matthew Jones's Estate & to account with your Orators for
the same & the Purchase Money of the said Land sold by the said Eliz.a
Jones as aforesd & to pay to your Orators their respective Parts thereof
well hoping that he would have complied with such their reasonable
Demands as in Justice & Equity he ought to have done But now
so it is may it please your Worships That the said Nathaniel
Ridley combining & Confederating to & with diverse Persons unknown
to your Orators (who when discovered your Orators pray may be made
Parties & Respondents to this their Bill of Complaint with apt Words
to charge them) how to ruin & impoverish your Orators Altogether
refuses to come to any Settlement with your Orators or to pay them
any Part of their said Father's Estate Giving out in Speeches that at
some Times That he is not obliged to pay your Orators any Part of
their said Father's Estate And at other Times That there is Nothing
due on a Settlement tho' he altogether refuses to make one All
which Actings and Doings of the said Defts are contrary
to Equity & good Conscience & tends to the Ruin & Impoverishment of
your Orators & tender Consideration whereof & for that
your Orators are only & properly relievable in this Worshipful Court
of Equity where they may have a Discovery of the whole Matter by
the Oath of the Defts To the End therefore That the said Defts
may on his Corporal Oath full true & perfect Answer make to all &
singular the Premisses as if here again particularly repeated &
interrogated And more especially That he may set forth Whether the
said Matthew Jones decd did not make such Will & appoint such Exx
as is herein before set forth Whether the said Eliz.a Jones did not prove
the same & take on the Burden & Execution thereof Whether she did
not thereby possess herself of all the Testators personal Estate How
much the same Amounted to Whether she did not sell the Land &
Stock in the County of Brunswick by Virtue of the said Will and
receive the Money for the same How much the same sold for How
much was due to the said Testors Estate on a fair Settlement
thereof after Deducting Debts Legacies & Funeral Expences Whether
the said Eliz.a Jones did not depart this Life as is herein before set
forth Whether he did not administer on her Estate & whether he did
not thereby possess himself of the Testors Estate in the Hands of the s.d Eliz.a Jones
How much the same amounted to Whether there ever was a Settlement of the said
Estate if there was How much was due on the said Settlement to
your Orators Whether the Consideration Money for which the said
Land was sold was included in such Settlement And That the said
Defts may be obliged to come to a fair Settlement on the said Testors
Estate & to stand to & abide by such Order or Decree as your Worships
shall make in the Premises And That your Orators may be decreed
their respective Parts & Shares of the said Estate and be further or
otherways relieved in the Premises as to your Worships shall seem
agreeable to Equity & good Conscience May it please your Worships
to grant unto your Orators his Majesty's most Gracious Writ or Writs
of Subpœna &c

Miles Cary Junr. & Compl.ts

Ridley
ad
Answer
Jones bet
&
16.

filed Nov. 1751.

The answer of Nathaniel Ridley Defendt to the Bill of Complt of Albridgeton Jones Thos Holl & Ann his Wife Thomas Binny & Margaret his Wife Complts.

This Defendant now & at all times hereafter saving and reserving to himself all and all manner of advantage of exception to the manyfold untruths imperfections and incertainties in the Complts. s.d Bill of compll. contained for Answer thereunto or to so much thereof as this Defendant is advised is materiall & effectual for him to Answer unto he Answereth & Saith That true it is that the s.d Testator Matthew Jones did make such Will as it is setforth by the Complts. in their Bill of Compll. and did appoint Eliz.a Jones his Relict Exec.x thereof and that the s.d Eliz.a did prove the same & thereupon her the Execution thereof and she might lawfully & Rightfully her-self of the personal Est.e of her Testator for ought this Def.t knows she did Saith That the appraisment of the s.d Test.r Est.e amounted to the sum of Two hundred & Ninety four Pounds ten Shillings & five pence Saith that the sum of Eleven pounds five Shillings & five pence was & is due to the s.d Estate and no more upon a fair settlement as appeares by an Acc.t thereof stated & Settled by an Order of the County Court of Isle of Wight and remaining now of Record, Saith That the s.d Legatees did intermarrie as they have setforth in their s.d Bill of Compll. Saith That Agathy one of the Legatees did die as it is Setforth in the Complts. Bill of Compll. Saith That he this Defend.t doth not know whether the s.d Eliz.a Jones in her Lifetime did ever sell the s.d Lands & Stocks in the County of Brunsw.k mentioned in the Complts Bill Saith he hath heard that

the was

She was about to sell the same but whether he Bargain took effect he doth not know [illegible] Saith that the s.d Eliz.a Jones did depart this life as the D.ts Compl.t in their said Bill of Compl.t hath set forth and Adm.r of her Est.e was in due forme of Law granted to him and that he did possess himself thereby of the Est.e of the s.d Eliz.a of her Test.t that was in her Hands at the time of her Death to be Adm.d Saith that he is ready & willing to come to a settlement of his d.s Intestate Est.e And this Def.t prays [illegible] hence dismiss.t with his reasonable Costs in this behalf most wrongfully sustained

Ye without that, that he

Novem.r 14. 1751

Sworne to before me

Tho.s Williamson

T. Claiborne J.r for Def.t

Ridley
add.l Answer
Jones vers
Wolf
16.

filed Nov.r 1751.

Jones vab } Ston.
adv } Rupt.
Ridley }

Jones & the Exrs of Ridley — Repl. Replication

The Replication of Aldridge Jones Gent to the Answer of
Nathaniel Ridley Gent Defendant

This Repliant saving unto himself all and all Manner of Advantages of Exception to the manifold Insufficiencies of the said Answer for Replication thereunto saith That he will aver and prove his said Bill to be true certain & sufficient in the Law to be answered unto; And that the said Answer of the Defdt is uncertain untrue and insufficient to be replied unto by this Repliant. Without that that any other Matter or Thing whatsoever in the said Answer contained and herein not replied unto confessed & avoided traversed or denied is true All which Matters and Things this Repliant is and will be ready to prove as this Worshipful Court shall award And humbly prays as in and by his said Bill he hath prayed

Miles Cary Junr & Compt

Jones Dab
vs
Ridley Dual
Shaw in Cause

Excpt. by
Mich. Blow Sr. Shff
Aug. 1750
Rule to file Bill
Sept. 1750
time to Shff.
Oct. 1750 Cont.
Dft. Time to file Bill

This is to Serbine that Nath[a]ll Ridley Esq[r] hath Gade
twelve pounds Costs by Order of Albridgton Jones to
Samson Newson on the Act of Ejectment Between
Act of Ejectment Laid Bayned for
Jones & Samd Newson
& Jone Reated

Nath[a]ll Ridley

No[r] 23: 1742

GEORGE the second by the Grace of God of Great Britain
France and Ireland King Defender of the Faith &c To the Sherr
of Southampton County Greeting We command you that you
Summon Nathaniel Ridley Admor &c of Elizabeth Jones decd
wh appear before our Justices of our said County in Chancery
at the Courthouse on the second Thursday in August next
to answer a Bill in Chancery exhibited against them by
Albridgton Jones Thomas Holt & Anna his wife Thomas
Binns & Margaret his wife And this they shall in no
wise omit under the Penalty of ~~one hundred pounds~~ £100 And
have then there this Writ Witness Richard Kello Clerk of
the said Court at the Courthouse the Sixteenth Day of
July In the twenty third Year of our Reign

R Kello Clk

Rec.d of Nath.o Ridley twelve pounds Three Shis & two pence Money of Virginia the Same being paide to him for the Use of Eliz.a Jones for a Tract of Land lying in Boones Back which bargen is Sence Releas=ed by me the Octobr 4.th 1742

his
Samson + Newsom
Marke

Jones Exd
vs
Ridley Defd
Sha
in
Case

Expect.a by

Mich.l Blow S.r Sig.r

Aug.t 1750

Rule to file Bill

Sept.r 1750

time to Answ.r

Oct.r 1750 Cont.d

Def.t Time to file Bill

Jones Lessee
vs
Ridley
} Dedd Pot.

Southampton ss George the Second by the Grace of God of Great Britain
France and Ireland King Defender of the Faith &c To John Darden

Gent Greeting Know ye that we trusting to your Fidelity and Provident
Circumspection in diligently Examining whatsoever Witnesses as well
on behalf of Albridgton Jones Thomas Hols and Ann his wife Thomas
Binns & Margaret his wife Plaintiffs as on behalf of Nathaniel
Ridley Admor &c of Elizabeth Jones dcted Defendant Command you
or any two or more of you that at such Certain Daies & Places as you
shall appoint you assemble yourselves, and the Witnesses aforesaid
before you or any two or more of you You shall ~~Swear~~ & Call & Cause
to Come and diligently Examine on the Holy Evangelists of Almighty
God & their Examinations into our Court of our County of Southampton
distinctly & plainly you shall send & Certifie enclosed returning also to
us this Writ Witness Richard Shelly Clerk of our said Court of
Southampton County at the Courthouse of the said County the
fifteenth Day of February In the twenty fifth Year of our Reign

R. Shelly Cl

Peters

Del.a June 1752

Jones agst Ridley Cans.

Wm Richards of full Age being sworn Saith That he was a Wit to a Deed from Wm Eliz. Jones to Wm Binns for the Land in the Bill mentiond That he saw the Eliz.a acknowledge the same & That he proved the same as a Wit. in Brunswick County Court But does not remember that there was either Livery of Seizin or Deed endorsed on the Back of the Deed And further saith not.

Wm Richards

Hs. Casey of Age being also sworn in this same Cause saith That he was present when Hs. Eliz.a acknowledged the Deed mentd by the other Witness That he saw Hs. Eliz.a acknowledge the same And saw the other Witness the Compl.t Albert Jones & one Mr. Brantley Sign the said Deed as Witnesses Hs. this Depn. never Signed the same himself

Hs. Mark Casey

The above Depns were taken by Virtue of a Dedimus Potestatem to me directed from the Court of Southampton County hereto annexed in a Suit in Case wherein Albridgton Jones Gent & others are Pls. and Wm Ridley Gent Deft. in Succession of Hs. Compl.t Jones and the Deft.

Isle of Wight County 4. June 1752 John Dawson