

1858-012

SOUTHAMPTON COUNTY
CHANCERY PAPERS

JONES and Wife et al vs. GARDNER et al

11/1858

other surnames: Ellis,
Gillette

Jones & wife

to } Papers.

Gardner

Sims wife of
+ } Stat. Rules

Gardner

Wm M Jones & Susan his wife formerly Susan Gardner. & Everett Ellis &
Cornelia his wife formerly Cornelia Gardner

against

Eugenia D & Abraham L Gardner

1854 Sept. 25th Summons issued returnable to first Monday in October

" Oct Rules (1st Monday) Bill filed - L R Edwards assigned for ad litem to
Defts ans. of Defts Gen. Rep. thereto.

" Oct. R. (Last Monday). Cause set for hearing on bill & exhibit. ans. of Defts &
Gen. Rep. thereto.

" Nov. T. Decree for account &c.

1855 Sep 15 Rep.

" Nov. T. Decree for sale &c.

1856 May 2nd Report.

1857 May T. Decree &c.

1858 Nov. Decree final

Jones & wife &c
by 3 Bix
Gardner &

1854 October Rules

To the Honorable Richard H. Baker, judge of
the Circuit Court of Southampton County, October Rules
1854.

Humbly complaining your complainants
Wm. M. Jones and Susan his wife, formerly Susan Gardner,
Ezra Ellis and Cornelia his wife, formerly Cornelia
Gardner, represent to the Court ^{that} Abraham L. Gardner
of Southampton County, Virginia, departed this life sometime
in the month of November 1857, after having duly
made and published his last will and testament,
whereby he gave to his widow Susan Gardner, (one of
your complainants, who since his death has intermarried
with one Wm. M. Jones) the tract of land on which
he resided and lying in the County of Southampton,
for the term of five years, and at the termination
of which period, "he directed that the said land
should be valued and that his son Franklin
should pay over to the other legates the amount
and take possession of it." That the said will
was duly admitted to record in Southampton
County Court at November term 1857, a copy
of which is herewith filed, duly authenticated,
and prayed to be taken and considered as a part
of this bill. That Franklin Gardner has
departed this life since the death of the said
Abraham L. Gardner, under age and unmarried,
and before the termination of the period for which
the said land was loaned to your complainant
Susan Jones, and consequently this clause of his
will was never complied with. That Cornelia Gard-
ner has intermarried with one Ezra Ellis.

Your complainants are advised that according
to the intention of the said testator in his said
will, the said tract of land will have to be divided
at the termination of the period for which

It was loaned to the widow of the said Abraham L. Gardner, between your complainants Susan Jones and Cornelia Ellis, and Eugenia W. and Abraham L. Gardner, the last three, children of the said Abraham L. Gardner dec? - That Cornelia Ellis was a sister of the whole blood to the said Franklin Gardner and Eugenia W. and Abraham L. Gardner of the half blood. Your complainants further represent that two years are yet to elapse before the termination of the period for which the said land was loaned to the widow of the said Abraham L. Gardner dec?, and they state that at the termination of that period it will be impossible to divide the said tract of land amongst the parties entitled thereto without great injury to their several interests, and that it will therefore be necessary that it should be sold for a partition amongst them. That the said land is now being annually rented out, is badly cultivated and the buildings going into decay, and as all experience proves, depreciating in value, and your complainants believe that the interests of all the parties concerned would be promoted by a sale of it at this time - Your complainants are willing that the said land should be sold out and out, and that the Court will proceed to ascertain what the unexpired term of Susan Jones in the said land is worth and direct it to be paid to her. That the said tract of land is worth \$1500. and consequently more than \$300. a share. That Eugenia W. and Abraham L. Gardner are infants of tender years under the age of twenty one.

In tender consideration of all which, and in as much as your complainants are without remedy save in this honorable Court, it is prayed that Eugenia W. and Abraham L. Gardner

be made parties defendants to this bill - That some fit and proper person shall be appointed their guardian ad litem who shall make true and correct answers to all the allegations of this bill.

That your honor will decree a sale of the tract of land, which was loaned by Abraham L. Gardner in his last will and testament to his wife Susan for the term of five years, and a division of the proceeds of said sale amongst the parties entitled thereto according to their respective interests - That the portions of the infants may be invested under an order of this Court. And that your honor will decree such further and general relief in the premises as equity may dictate, and the nature of their case may require - As in duty bound they will every pray Se.

Cobb J. g.

Jones sen ipe de
127 } Answer of infants
Gardner de

1854 October Rules

To the Hon. Rich^d. H. Baker judge of the Circuit Court
of Southampton County. October Term 1854.

The answer of Eugenia D. and Abraham L. Gardner infants
under age by L. R. Edwards their guardian ad litem, to a
bill of complaint exhibited against them in this honorable
court by Wm. M. Jones & wife &c.

These defendants saving & reserving to themselves all
benefit of just exception to said bill, say that they are
infants of tender years and are advised that they cannot
bind themselves by any answer that they may make, and
therefore submit their interests to the care and protection
of this honorable court &c

L. R. Edwards for them

Sons & wives
of 3 Henry
Gardner

Do be entered
R. 14. 13
Nov. co. 54

Sons & wife &c

vs } Name
Garones

This day this cause came on to be heard on the bill of the complainants, answer of the infant defendants Eugene W. and Abraham L. Garones by L. R. Edwards their guardian ad litem, application thereunto exhibit and examination of witnesses, and was argued by counsel, on consideration whereof the Court doth Adjudge, order and decree that a Commissioner of this Court enquire ^{into} and report to this Court whether or not the interests of the infant defendants would be promoted by a sale of the land in the proceedings mentioned, or by a division ^{thereof} in kind; and the Court doth further adjudge, order & decree that the same Commissioner proceed to ascertain the value of the unexpired term of Susan Jones in the said land, and report the same to Court with any matters specially stated, deemed pertinent by himself, or which he may be required to do by either of the parties.

Johns Wife &c

~ } copy done

Bardners

Jones & wife &c
at 3 Decr,
Gardner

To be entered
R. H. Baker
Nov. Co. 1855.

Jones & wife &c

vs 3 Nov^r. Term 1855.
Gardner &

This day this cause came on to be again heard on the papers formally read, and on the report of Commissioner Cobb, made in pursuance of a decree rendered in this cause at November Term 1854, to which report no exceptions have been filed, and the court confirming the same doth adjudge, order and decree that Wm. M. Jones and Esquire Ellis, who are appointed Commissioners for the purpose, after giving ^{at least twenty days} ~~xxx~~ notice of the time and place of sale, by public advertisement at the Courthouse door of Southampton County and other public places in the neighbourhood of the tract of land hereinafter mentioned, sell to the highest bidder ^{on the premises} on a credit of twelve months (except so much as may be necessary to defray the expenses of this decree and said sale) the tract of land of which Abraham L. Gardner dec^d was seized and possessed, and on which he resided at the time of his death, lying in Southampton County, and containing about two hundred acres. That they take bond from the purchaser with approved personal security, and return said bonds to this Court, with their report in order to a final decree, and that they retain the title to the said land until the purchase money is wholly paid.

But this decree is to be suspended until the said Wm. M. Jones and Esquire Ellis, or one of them, shall give bond in the Clerk's Office of this Court in the penalty of \$2000. Conditioned as the law directs.

Jones & wife &c
" } Copy Secured
Gardners

Southampton Circuit Court. November the 9th 1855.

Wm M Jones & Susan his wife formerly Susan Gardner & Everett Ellis and Cornelia his wife
formerly Cornelia Gardner

Plffs.

In Chancery

against

Eugenia D & Abraham S Gardner

Defts.

This day this cause came on to be again heard on the papers formerly read on the report of Commissioner Cobb made in pursuance of a decree rendered in this cause at November Term 1854, to which report no exceptions have been filed and the Court confirming the same doth adjudge, order and decree that Wm M Jones and Everett Ellis who are appointed Commissioners for the purpose after giving at least twenty days notice of the time and place of sale by public advertisement at the Courthouse door of Southampton County and other public places in the neighbourhood of the tract of land herein after mentioned, sell to the highest bidder on the premises on a credit of twelve months (except so much as may be necessary to defray the expenses of this decree and said sale) the tract of land of which Abram S Gardner died seized and possessed, and on which he resided at the time of his death lying in Southampton County and containing about six hundred acres. That they take from the purchaser with approved personal security and return said bonds to this Court with their report in order to a final decree, and that they retain the title to the said land until the purchase money is wholly paid. But this decree is to be suspended until the said Wm M Jones and Everett Ellis or one of them shall give bond in the Clerk's Office of this Court in the penalty of two thousand dollars conditioned as the law directs -

Clerk's fees \$5.94 paid P.R.E.

Shff " 60 p^r Miller Copy

Comm Cobb 10.00 P^r H. H. Cobb

Teste. J. R. Edwards Cky

Law: fees P^r 30.75 P^r H. H. Cobb
\$ 47.29

from Luce
2 3 Decree
Gardner

May Co. 1857.
To be entered.
R & R.

Jones & wife
vs 3 Hecker
Gardner

This day this cause came on to be again heard on the papers formerly read and on the report of Commissioner Wm. M. Jones made in pursuance of a decree rendered in this cause at Nov. Term 1855, to which report no exceptions have been filed, and the Court confirming the same with adjudged order and by and with the consent of Everett M. Ellis & Cornelia his wife decree that the clerk of this Court deliver to Wm. M. Jones the bond of Jacob Senow, Nelson B. Gardner and Edward C. Crumpler for the sum of \$2883.71, and payable on the 8th day of December 1856, ^{Too} and which was returned by the said Wm. M. Jones with his report to this Court, and that the said Wm. M. Jones collect the same and after paying the remaining costs of this suit, retain in the first place as due himself and Susan his wife the sum of \$100, with interest from Decr 31st 185-6, and that he retain one fifth of the balance as due himself & wife, one fifth as due himself individually it being the purchase from Everett M. Ellis & Cornelia his wife, one fifth as the guardian at law of Eugenia W. Gardner and one fifth as the guardian at law of Abraham L. Gardner, and that he retain one half of the remaining one fifth as due himself individually it being the purchase from Everett M. Ellis & Cornelia his wife, and that he retain one half of the remainder as Guardian at law of Eugenia W. Gardner and the other half as the guardian at law of Abraham L. Gardner. That on the payment of the said bond by the said Jacob Senow, that the said Wm. M. Jones shall execute a deed with special warranty for the tract of land of which Abraham

L. Garner died seized and possessed lying in Southampton
County and containing by estimation two hundred and
sixteen acres, reserving one eighth of an acre attached
to and included in the present family graveyard.
But the said clerk shall not deliver to the said Wm. M.
Jones the bond beforementioned until he shall execute a
bond with sufficient security in the clerk's office of
this Court and before the said clerk in the penalty of
\$2000. payable to the Commonwealth of Virginia, Conditions
for the faithful performance of his trust under this
decree. And this decree is to be suspended as to
the said Wm. M. Jones guardian to Eugenia D. and
Abraham L. Garner, until he shall execute bond
payable to the Commonwealth of Virginia with
sufficient security, in the clerk's office of
this Court and before the said clerk in the penalty
of \$2000. Conditions for the faithful investment
and application of the proceeds of said amounts
for the benefit of his wards.

James Smith

Garwood

Commissioner of the Pot

1858 May 6th

Southampton Circuit Court, May Term, 1857.
 W^m M. & Son & Turner his wife formerly Gardner }
 & Cornelia his wife formerly Gardner } Plffs }
 against }
 Argelia D. & Abraham L. Gardner. Dfts }

This day this cause came on to be again heard on the papers formerly read and on the report of Commissioner W^m M. Jones made in pursuance of address issued in this cause at Newbern Tenn 1855, to which report no exceptions have been filed and the Court confirming the same doth adjudge, order and decree by and with the consent of Everett M. Ellis & Cornelia his wife that the Clerk of this Court deliver to W^m M. Jones the bond of Jacob Lenoir Nelson B. Gardner and Edward C. Cumber for the sum of \$2883.71 and payable on the 8th day of December 1856 and which was returned by the said W^m M. Jones with his report to this Court and that the said W^m M. Jones collect the same and after paying the remaining costs of this suit retain in the first place as due himself and Susan his wife a sum of \$100.00 with interest from Dec 31st 1856 and that he retain one fifth of the balance as due himself & wife, and one fifth as due himself individually it being the purchase from Everett M. Ellis & Cornelia his wife one fifth as the guardian at law of Eugenia D. Gardner and one fifth as the guardian at law of Abraham L. Gardner and that he retain one half of the remaining one fifth as due himself individually it being the purchase from Everett M. Ellis & Cornelia his wife and that he retain one half of the remainder as guardian at law of Eugenia D. Gardner and the other half as the guardian at law of Abraham L. Gardner. That on the payment of the said bond by the said Jacob Lenoir that the said W^m M. Jones shall execute a deed with special warranty for the tract of land of which Abraham L. Gardner died seized and proposed lying in Southampton County and containing by estimation two hundred and six teen acres, reserving one eighth of an acre attached to and included in the present grave yard. But the said Clerk shall not deliver to the said W^m M. Jones the bond before mentioned until he shall execute a bond with sufficient security in the Clerk's office of this Court and before the said Clerk in

the penalty of \$2000.00 payable to the Commonwealth of Virginia
conditioned for the faithful performance of his trust under this decree.
And this decree is to be suspended as to the said W^m M Jones guard-
ian to Eugenia D. and Abraham L. Gardner until he shall
execute bond payable to the Commonwealth of Virginia with suffi-
cient security in the Clerk's Office of this Court and before the said Clerk
in the penalty of \$2000. - conditioned for the faithful invest-
ment and application of said amounts for the benefit of his wards.

Test,

Clerk's costs \$2.26. paid

L R Edwards

Samuel J. Howard, D.C.

Jones & wife
v (3 pieces)
Gardner

1859 Nov. Term

Jones & wife
vs
Garmones -

This day this cause came on to be again heard on the paper formally read, and on the report of Commissioner Wm. M. Jones made in pursuance of a decree rendered in this cause at May term 1857 to which report no exceptions have been filed, and on consideration whereof, the Court doth agree order and decree that the said report be confirmed -

Jones & wife &c
By J. Depositions
Gardner

Handed in by the Court.
Oct. 12th 1853 - JRG

The depositions of Jos. E. Gillette and others, taken, by consent of plaintiffs and in the presence of L. R. Edwards guardian ad litem to Eugenia W. and A. L. Gardner, before Wm. W. Cobb a Commissioner of the Circuit Court of Southampton County, at his office, on the 12th day of October 1854, to be used as evidence in a suit in chancery depending in the Circuit Court of Southampton wherein Jones and wife are plaintiffs and Eugenia W. and A. L. Gardner are Defendants.

Joseph E. Gillette being first duly sworn deposed and said as follows.

Question by Commissioner - State whether a division of the land of which Abraham L. Gardner died seized and possessed, and which was loaned by him in his will to his widow Sarah Gardner for the term of five years, amongst the parties entitled thereto can be made without injury to their several interests; and whether in your judgment to effect a division a sale would not be necessary, and whether it would not be best for the interest of all parties concerned that the said land should be sold at this time?

Answer - I do not think that a division amongst the parties is practicable without injury to their several interests, and that to effect a division a sale would be necessary - I further think that a sale at this time would be best for the interests of all parties concerned. The land is now annually rented^{out}, and the buildings going into decay, and every thing about the plantation going down - and further he saith not.

Jos. E. Gillette

William Mumper being first duly sworn

deposed and said as follows -

The same question was asked by the Commissioner as was propounded to Jos. E. Gillette, and the following answer given -

I do not think that a division amongst the parties is practicable without great injury to their several interests, and that to effect a division, a sale would be necessary - I further think that the interests of all parties concerned would be promoted by a sale of the said land at this time.

The land is now annually rented out, the buildings are going to decay, and I think the plantation is depreciating in value every year, and further this deponent saith not -

The above depositions } M^{rs} Murphy
were sworn to and subscribed to before me the 12th
day of October 1864,

Wm. W. Cobb Commissioner

Jones & Wife Jr

2 {pp. chg

Gardners

1854 Oct der Rules.

Cobb p. 7

The Commonwealth of Virginia :

To the Sheriff of Southampton County, Greeting :

We command you to summon

Eugenia of Abraham Gardner

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *October next* to answer a bill in Chancery exhibited against *them* in our said Court by

Wm M. Jones of Susan his wife of Everett Ellis of Cornelia his wife

and have then there this Writ. *Witness,* LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this, *25* day of *September* 1854 in the *79th* year of the Commonwealth.

L. R. Edwards

Commissioner's Office,
Jerusalem, N. Y. ^{Sept. 1st} ~~May~~ 1855.

To Wm. M. Jones and Susan his wife, and Everett Ellis and
Cornelia his wife, plaintiffs,

and Eugenia W. and Abraham L. Gardner, defendants.
You are hereby notified, that I have fixed upon the 3^d
day of ~~February~~ ^{September} next, to take and settle, at my Office, the
accounts required to be taken by a decree of the Circuit
Court of Southamptn. rendered at Nov. Term 1854, in
a suit in chancery depending in said Court, in which
you are parties, plaintiffs and defendants. At which
time and place you are required to attend.

Given under my hand as Commissioner of the said
Court, the day and year first aforesaid.

Wm. W. Cobbleson

I acknowledge service for the
plain tfts.

W. to both atts.

L. R. Edwards for. &c.

James Swift

vs

Garrison

Sept 3^d. 1855-

Jones & wife

v 3 Subpoena

~~Causes~~

Sept 3^d, 1858

Executed by
delivering a copy
of the within notice
to each

A. E. was as dep.
for G. Wells Mfg.

The Commonwealth of Virginia,

To the Sheriff of Southampton County Greeting.
You are hereby commanded to summon James M.
Munfer, William Munfer and Joseph E. Gillette
to appear before the undersigned Commissioner
of the Circuit Court of Southampton County
on Monday the 3^d. day of September 1858, to
testify and the truth to say in a certain
matter of inquiry directed to be taken by
a decree of the said Court rendered at
November term 1854, in a suit therein
pending between Jones & wife &c vs Gardner
&c, at which time and place they are
required to attend. And this they shall in
nowise omit under the penalty of \$100.
And have them there this writ. Witness
my hand as Commissioner aforesaid this
the 20th. day of August 1858.

Wm. W. Cobbler

Jones & wife &c
vs
Gardner

Commissions Report

1855- Sept. 17th

Jones & wife &c

vs

Gardners

Commissioner's Office,

September 15th 1855.

In obedience to a decree of the Circuit Court of Southampton County, rendered at Ct^h term 1854, in the above suit in Chancery therein depending, the undersigned, Commissioner of said Court, begs leave to submit the following report. He gave notice to the parties to the said suit that he would proceed into the matter required by said decree, at his office, in the town of Jerusalem, on Monday the 3^d of September last. At which time and place he proceeded to take the evidence of James W. Murfee, Jonathan Warden, William Murfee and Joseph E. Gillette as to the matters of inquiry directed by said decree, and reports that the tract of land of which Abraham L. Gardner died seized and possessed contains about two hundred acres, and is valued at \$1500, and would probably sell for more. That the interests of the infants would be much more promoted by a sale of the said land than by a division in kind. The witnesses represent the said plantation as rapidly going out of repair, and the Commissioner reports that it would be better for the interests of all parties that the said land should be sold at this time. That Susan Jones, the wife of Wm. M. Jones is entitled to the said land until the termination of the year 1856, and that her unexpired term in said land is valued at \$100.

Commiss fee \$10.00,³
charged to Defts

Respectfully Submitted
Wm. W. Cobb Commissioner

Pursuant to, and by authority of a decree of the Circuit Court of Southampton County, rendered the 9th day of November 1855, The Hon. Leedga Baker presiding: Your Commissioner, having advertised the time and place of sale of the tract of land in the bill mentioned, whereof Abner S. Garson died seized & possessed, thirty days previous thereto, having first given bonds in the Clerk's office of said Court in the penalty of Ten thousand dollars conditioned as the law directs; proceeded on Saturday the 8th day of December 1855, and sold, on the premises, at public sale, the tract of land said to contain Two hundred and sixteen acres more or less (instead of six hundred as named in the decree) reserving however, at the request of the widow and children of said decd., one fourth of an acre square not sold, at and including the Cemetery or burying grounds of the said decd., also reserving the right of way from the public roads to the Cemetery for the family common to go and bury the dead when necessary: this reserve was publicly made known before the land was sold, while making known the terms of sale, so that one fourth of an acre was ~~was~~ reserved and not sold; when Jacob Leno became the last bidder & purchaser for the sum of \$3,000. Your Commr. then deducted 5% Cent on \$300 and 2% Cent on \$2700 the excess, making \$69. and \$47.29 the cost of the suit which has been paid, making

\$116.29

leaving a balance of \$2883.71

Your Commr. then took a bond for \$2883.71 executed by Jacob Leno with Nelson B. Garson & Edward C. Garrople as securities, pay able to your Commr. (as the decree did not inform me to whom to make the bond pay able). which accounts for the purchase money aforesaid: which bond with the reports of his proceedings is herewith returned to the Court, and respectfully submitted. Given under my hand the 20th day of April A.D. 1856.

Wm. M. Jones

May it please your Honor;

I am requested further to report specially, that at the request of the family of the said decd., your Commissioner went for the purpose of laying off and setting apart, the one fourth of an acre square which was reserved and not sold, with the view to have it enclosed, and

ornamented by trees &c, when Jacob Lens, the purchaser, forbid me to do so, because, as he said, you had not decreed that it should be done. Now the family connections are much distressed at the idea of not being allowed to enclose the Cemetery of their dear husband and father, mother, brother and sister, and through me humbly pray your Honors, in making the decree final, to decree that they be at liberty to lay off the quantity of land reserved and not sold, and enclose the same, as their own property together with the right of way, or liberty of ingress & egress unmolested, from the public road to the burying ground.

Respectfully submits.

Wm. M. Jones Commr.

Received 18th day of May 1857 of the Clerk of Southampton
Court Court the bond of Jacob Senor & others for \$2883.71 pay att
8th December 1856-

Wm. M. Loney

James & wife
107 3 Report of Comm.
Lawrence

1856 May 2^d - Pub?

By the authority of the annexed decree, your Commissioner having collected the amount of the bond of Jacob Sene of \$2883..71 Cents with interest thereon for four months & twenty four days, amounting to \$2950..86
 then paid the remaining costs of 2..26
 leaving a balance of \$2948..60
 then deducting \$100 with interest thereon 11 months 102..
\$2846..60

your Commr then retained 2/5 as due himself \$1138..64

also 1/2 of 1/5 it being the purchase of E. W. Ellis 284..66

also 1/5, & 1/5 of 1/5 as share of Eugenia D. Garner 711..65

also 1/5, & 1/5 of 1/5 as share of Abram L. Garner 711..65

\$2846..60 which accounts for the purchase money, for which the said bond was executed.

Your Commr then executed a deed, with special warranty, for the tract of land of which Abram L. Garner died seized & possessed lying in Southampton County said to contain two hundred & sixteen acres; reserving one eighth of an acre attached to and included in the present graveyard of the said decd.

Respectfully submitted.

Wm. M. Jones Commr.

(Copy)

Abraham L Gardner

Will

I Abraham L Gardner of the County of Southampton and State of Virginia do this thirty first day of October one thousand eight hundred and fifty one, make constitute and appoint this my last will and testament in manner and form following, that is to say - First after the payment of my debts, I give to my wife Susan one fifth of my personal and chattle estate to her and her heirs. I loan to her my house and land for five years, I also give to her the necessaries for one years support.

I give to Frankling my gold watch and chain -

My monied estate I divide equally among my wife and four children namely Cornelia, Frankling, Eugenia, Abraham - I desire at the expiration of five years that this house and land should be valued and that my son Frankling should pay over to the other legates the amount and take possession of it, my wife is to share equal in this amount paid for the house and land - the remainder of my estate I divide equally among my four children namely Cornelia, Frankling, Eugenia and Abraham -

Lastly I nominate and appoint my particular friend Joseph I Lawrence for executor to this my last Will and Testament -

In Witness whereof I set my hand and seal this thirtieth day of October eighteen hundred and fifty one.

Acknowledged in the presence of

J. R. Strong

A. L. Gardner (Seal)

Ordyw Druvy

E. F. Murfee.

At a Court held for the County of Southampton, the 17th day of November 1851.

This last Will and Testament of Abraham L Gardner dec^d was this day proved by the oaths of J. R. Strong and E. F. Murfee two of the subscribing witnesses thereto and ordered to be recorded And on the motion of Joseph I Lawrence the executor therein named who made oath thereto and gave bond and security according to law, certificate is granted him for obtaining a probate of the said Will in due form -

Teste J. R. Edwards Ck

Attesty

Teste J. R. Edwards Ck

Jones & wife
to } Copy Dred

Gardner & Co

Filed by Piff. Nov. 21' 1856.

This deed made the 15th day of March 1855 between Everett M. Ellis and
Cornelia D his wife of the County of Sussex of the first part and William M Jones of the
County of Nanssmond of the second part. Witnesseth that for and in consideration of the sum of
Four hundred & thirty three ⁵⁰/₁₀₀ Dollars, the said E. M. Ellis and Cornelia D his wife
do grant, bargain and sell unto the said W^m M. Jones all their undivided and equal
fourth part of the tract of land whereof Abram S Gardner died seized and possessed, and
lying in the County of Southampton and containing Four hundred & Sixty & one half acres
more or less and bounded on the east by the Cedar Swamp (or Simon Murfess line), on
the West by James W Murfess line and a tributary stream of the said Swamp, and on
the North by the late William V. Edwards' lands (now Collin Ricks') The right and title
to the aforesaid interest of One undivided fourth of the aforesaid tract of land, the said E. M.
Ellis and Cornelia D his wife will and do warrant unto the said W^m M. Jones and
his heirs forever. Witness the following signatures and seals.

Everett M. Ellis (Seal)

Cornelia D. Ellis (Seal)

Sussex County Court.

We Tho. D Brown and Ro. A Chappell Justices of the peace
for the County of Sussex in the State of Virginia, do certify that Cornelia D the wife of
E M Ellis whose names are signed to the writing above, hath this day appeared before us
in our County aforesaid and being examined by us privately and apart from her husband
and having the aforesaid writing fully explained to her declares that she had willingly
signed the same and does not wish to retract it. Given under our hands this 15th day
of March 1855.

Tho. D Brown J.P.

Ro. A. Chappell J.P.

Sussex County to wit

I Tho. D. Brown a Justice of the Peace for the County of Sussex
in the State of Virginia, do certify that Everett M. Ellis a party to a certain deed bearing
date the 15th day of March 1855 and hereto annexed hath acknowledged the same
before me in my County aforesaid.

Given under my hand this 15th day of March 1855.

Tho. D. Brown J.P.

Southampton County In the Clerk's Office the 19th day of March 1855.

This deed of bargain and sale from Everett M. Ellis & wife to W^m M Jones was
presented and together with the Certificates of the acknowledgment of the said

Ellis and of the proving examination of a knowledge of the said wife, was thereupon
admitted to record.

Teste

L.R. Edwards 66

Attest

Teste L.R. Edwards 66



At a Court held for the County of Southampton the 20th day of September 1852

The Court doth assign W^m M Jones guardian for Eugene D. & Abraham L Gardner
orphans of Abraham L Gardner dec^d. Whereupon he gave bond & security according
to law.

Attest

Teste L R Edwards Esq

Jones & wife

v } Bond

Gardner

Know all men by these presents that we William M. Jones and
Elliott S. Story are held and firmly bound unto
the Commonwealth of Virginia in the just and full sum of Two thousand
dollars current money of Virginia, 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. Sealed with our seals and dated this
18th day of May. 1857.

The Condition of the above obligation is such that if the above bound
William M. Jones as guardian of Eugene D. and Abraham L. Gardner shall
faithfully invest and apply for the benefit of his wards the moneys which may
come into his hands as guardian as aforesaid under the decree of the Circuit
Court of Southampton County entered on the 5th day of May 1857. in a suit
therein pending between William M. Jones & Susan his wife Plaintiffs
and Eugene D. & Abraham L. Gardner Defendants, then the above obligation
to be void or else to remain in full force and virtue.

Signed Sealed & delivered
in the presence of } 3.

Wm M. Jones (Seal)
E. S. Story (Seal)

Know all men by these presents that we William M Jones
& Elliott L Story — are held and firmly bound unto the
Commonwealth of Virginia in the just and full sum of Two thousand
dollars current money of Virginia, 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. Sealed with our seals and dated
this 18th day of May — 1857.

The Condition of the above obligation is such that whereas by a
decree of the Circuit Court of Southampton County entered on the 5th day of
May 1857 in a suit in Chancery therein depending between William M.
Jones & Susan his wife &c Plaintiffs and Eugenia D & Abraham S Gard-
ner Defendants the above bound William M. Jones was appointed Com-
missioner to do and perform certain things as specified in the said decree.
Now if the said William M Jones shall faithfully discharge the duties of his
trust under the said decree then the above obligation to be void or else to
remain in full force and virtue.

Signed, Sealed & delivered
in presence of }

Wm L. Jones (Seal)
E. L. Story (Seal)

Jones & wife

to } Court bond

Gardner

KNOW ALL MEN BY THESE PRESENTS, That we *M^r M Jones, Everett
Ellis, Seth D. Williams and Elliott S. Story*

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of
Two thousand _____ Dollars, for the
payment of which, well and truly to be made, we bind ourselves, our and each of our
heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this *19th* day of *November*, 185*5*

The Condition of the above Obligation is such, That whereas the above bound
M^r M Jones & Everett Ellis

has by a Decree of the *Orphans Court of Southampton County* _____
pronounced on the *9th* day of *November* 185*5*, in
a cause therein pending wherein *Jones wife & c^o* _____
Plaintiffs and *Eugenia D. Albright & Gardner* are _____ Defendants,
been appointed Commissioners to make sale of certain *real* _____ Estate in
the said cause described.—Now if the said *Jones*
of his office or trust shall faithfully discharge *the* duties ~~as such~~
~~Commissioner under said decree~~, then this obligation to be void, else to remain in full
force and virtue.

Signed, Sealed, and delivered }
in presence of }

M. M. Jones



S. D. Williams



Elliott S. Story



Southampton Circuit Court Clerk's office the 19th day of November. 1855.

This day Seth D. Williams and Ellitt L. Stagg the securities in the within bond made oath before me that their joint estates after the payment of their just debts are worth the just and full sum of two thousand Dollars.

Henry S. Howard, D.C.