1841-016 Chancery Causes; Mary Pruden, John M Nathaniel Pruden, Junior's children vs Nathaniel

Isle of Wight County E. Pruden, John T. Pruden et al, by v c v d

other surnames: Philips, Phillips, Briggs, Darden

Prudens Heads

& 3 Bills &c

Prudens &c. vs

July 6th 1840. Bill & exhibits filed. Nath. Prudens Sr. & adlem to the infant defendts. & Defts. and other defts. filed.

August 4th 1840 Interrogatories filed by Plaintiffs.

Page 9 Oct. C. 1840. Decree for Sale of the Mill. Comrs. app. to value the Slaves & report of the Same to be returned.

May Term 1841. p. 98. Continued.

August - Rec. May Prudens's bond as Sr. filed.

Octo. Term 1841. p. 100. final decree

To the Judge of the Circuit Sup. Ct. of Law & Chy. for the Dist of Wright Co. The answers of John J. Pruden who sues about the age of 14 years, to the bill of complaint in said Court exhibited against him and others, by Mary Pruden Guardian of them &c

The defendant for answer say they do believe that the statements in the bill are consistent with truth, & that it would be much to their advantage to have a sale of the said property therein alluded to and an investment is a part of the slaves or some thereof and they unite in the desire that such shall be done - they submit this right to the Court & pray that they may be protected -

(sign) John J. Pruden

Sworn to before me a Justice of the Peace for Dist Co. County by John J. Pruden

(sign) J. M. Jordan J.P.

To the Judge of the Circuit Sup. Ct. of Law and Chancery for Dist of Wright - The answer of John J. Pruden, Mary J. Pruden and Mary C. Pruden infants under the age of twenty one years by their guardian by this prochein ami to the bill of complaint in the said Court exhibited against them and others by Mary Pruden guardian of them &c - The defendants say they are of tender years & ignorant of the premises and what would be for their benefit to do in the premises - they do not admit the allegations in the bill & deny the same but are willing for the Court to direct & decree in the premises as right & equity may require - and pray

To the Ct. with proceed thereupon &c

Nathaniel E. Pruden

Dist Wright County ss. This day personally appeared before me a Justice of the Peace in & for said County Nathaniel E. Pruden and made oath that the matters & things set forth in the foregoing answer are true so far as he knows, & so far as it depends on his knowledge & belief & that the facts stated in the foregoing answer are true to the best of his knowledge & belief - Sworn to & subscribed before me at my office in said County this 6 day of July 1850

J. M. Jordan J.P.

To the Judge of the Circuit Sup. Ct. of Law & Chy. for Dist. Wright - The answer of Mary Pruden and Nathl. Pruden for the use of the widow of Nathl. Pruden dec'd & mother of the infant children of the said Pruden, the other one of the children & said defendant to the bill of complt. in the said Court exhibited against them and others by Mary Pruden guardian of John J. Pruden & Edward Pruden and Mary C. Pruden

The defendants say they believe the statements in the complainants bill is true and correct and that it is meet to the advantage of the infant children that the said slaves should be sold, & the money invested in slaves, or in some other mode not objectionable to the Court - and they submit that fact in the said bill that the Court may do therein as

(sign) Nathl. E. Pruden
Mary Pruden

Dist Wt. County to wit. The above answer was sworn to before me a Justice of the Peace for said County this 6 day of July 1850 by Nathl. Pruden & Mary Pruden

J. M. Jordan J.P.

that in conformity to the act of the
annual assembly in such case made
and provided, depositions may
be taken, and that the premises
considered, your honor
will make a decree for a
sale of the real estate of the said
Edwin Phillips deceased, or any part
thereof, to be sold, or such other decree
in the premises as may comport
with equity and the nature of the
case &c

Mary Pruden
pltff

&c

Edwin E. Phillips

Edwin E. Phillips

Edwin E. Phillips

Your complaint says that the said estate was considerably indebted at the time of his death, and that his whole estate real & personal consisted of the following property, that is to say - the chattel estate sold for about $1400 slaves of the estate, to wit, Jack & Cinda, Jack & Judy Ben the larger Ben the smaller, Big Amy, Little Amy, Bob, Bill, Wesley & Jerry & Lucinda, Mary & Alexander, Phillis & Polly, Celia, Emma, Fanny, Lilly & Celia & Lucy, Lucia & Clarky,

To the Judge of the Circuit Superior Court of law and Chancery for the County of Isle of Wight sitting in Chancery - humbly complaining, shew to the Court your complainant Mary Pruden guardian of John Thomas Pruden Henry Jaines Pruden & Edwin C Pruden, infant children of Nathl Pruden jr deceased

That about the 3d day of Octr. ao. 1839. one Nathaniel Pruden late of the said County departed this life intestate in Isle of Wight seized and possessed as of an estate of inheritance of a water grist mill and several tracts of land in the County aforesaid of great value and also one of the mill seats of the Main Seaboard and also of a very valuable personal estate consisting of slaves, stock and other things. That he left a widow Mary Pruden and four children as follows viz the to his estate after payment of debts. that is to say, Mary Pruden the widow & Nathl Pruden of the age of 21 years & upwards and John Thomas Pruden Henry J Pruden and Edwin C Pruden

that the complainant is guardian of the said infant children as aforesaid by the authority of the Clerk of Isle of Wight County Court hereto annexed & prays to be taken as part of this bill. & Jesse Davis & Phillips has qualified before the County Court aforesaid as aforesaid. & the said estate and responsible security & the personal estate as aforesaid appraised by exhibited which also is prayed to be taken as a part of this bill of complaint. Your complt as guardian of the infant children aforesaid and believing it to be true that the interest of the infants manifestly requires that the water grist mill with the land and appurtenances aforesaid & the slaves should be sold, and that their interest will be greatly promoted if it can be effected

We acknowledge to have received due and legal notice that the deposition of John Philips, Wm Braden and Scott Briggs and others, will be taken at the suit of Prudens &c. vs Prudens &c. for the sale of land in the Circuit Sup: Ct. of Law and Ch. for Wash't County. and that the said depositions are to be taken on the first monday in August 1840.

Mary Pruden
John S Pruden.

Letter Judge of the Circuit Sup. Ct. of Law and Chy. for Isle of Wight County. The separate answer of John T. Pruden above the age of 14 years, being 21 years of age to the Bill of complaint in the said Court exhibited against him and others by Mary Pruden &c. of John T. Pruden, Henry T. Pruden and Edwin C. Pruden. The defendant for answer says he is under 21 years of age, but he is fully satisfied that the Images of the Bill of Complt. is correct and proper. That the interest of the infant Defendant is adverse to the interest of the other Defendants named and he verily believes the allegations therein are true. For Defendant answering, he prays to be dismissed &c.

(Sworn) John T. Pruden

Virginia. Isle of Wight County, to wit. This day came John T. Pruden before me a Justice for said County, John T. Pruden who made oath to the truth of the above answer. Given under my hand this 6th July 1840.

J. Mason (JP)

Presidente de Gto.

M: 3 Sta. Fe Chis.
3
3
2

Presidio adjunto de Pc.

BLAND & HILL, PRINTERS, PORTSMOUTH.

THE COMMONWEALTH OF VIRGINIA,

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

WE COMMAND YOU to summon ~~Mary Pruden Exr. to John Pruden~~ John T. Pruden, ~~Pruden~~, Henry I. Pruden, & Edwin C. Pruden infant Children of Nath.l Pruden jr. dec.d and Nath.l Pruden Francis R Phillips admr of Nath.l Pruden ~~and John T Pruden~~ & Mary Pruden

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight, at the Court House of said County, on the first Monday in August next, being Rule day, to answer a bill in Chancery in the said Court exhibited against them by Mary Pruden executrix of John T. Pruden, Henry I Pruden and Edwin C Pruden infants

and if they shall fail to answer the Bill within ~~four~~ two months thereafter, the Court will take the said Bill for confessed, and proceed to decree the matter thereof accordingly. And have then there this Writ.—Witness NATHANIEL YOUNG, Clerk of our said Court at the Court House, the 6 day July 1840 ~~1840~~, in the 65th year of the Commonwealth.

Nath.l Young

I Nathl E. Pruden
who have been specially appointed
guardian ad litem to the infant
defendants in the suit in the Circuit
Superior Court of Law and Chy. for the
County of Isle of Wight wherein
Mary Pruden
Edmund & John T. Pruden, Henry
Edmund and Rebecca E Pruden -
Pltff. & the said infants Defendants,
do hereby certify that I have
examined the forgoing Interrogatories
and upon that they may be read
in order to take the Evidence of
John Phillips, Milly N Daniel and
Legit Boyce
to be read on the trial of the cause
aforesaid & hereby direct the
same may be taken by
Witness my hand this 3d day of August 1840

Nathaniel E Pruden

I Nathl E Pruden agree that the
aforesaid may be read, the same
having been taken by my consent -

Nathaniel E Pruden

Interrogatories
for
Pruden
vs
Pruden &
Als
Chy.
Aug. 10th 1840 Interrogatories
filed -

recond interrogatory — What was the
value of Nathl. Purden at his death
and the fee table value thereof
distinguishing the real from the personal

Answer of John Phillips to the foregoing interrogatory

The personal estate of said N Purdin was appraised soon after
his death by myself & others at about seven Thousand Five hundred
Dollars. & further thinks the real estate of which the said Nathl
Purdin died seized & possessed was worth about four Thousand Dolls

3. Interrogatory — Have the children of
one the infants of Nathl. Purdin dec.
and wife, in the event set forth
other than what is therein mentioned.
if so, state of what it consists —

The answer of John Phillips to the 3rd interrogatory.
The Children of N Purdin have no other property that
I know of except that left by the said N Purdin dec

4th Interrogatory — Do you know
of any fact calculated to show the
liability or unprofitableness of the
value of the Mill aforesaid at
Nathl. Purdin dec'd. other
than what you have stated in
your foregoing answers — If so
state it at them —

Answer of Jno Phillips the 4th Interrogatory

I think the entrust of the infants require a Sale of the
mill, because a mill requires close & Constant attention to be profitable
and the parties interested reside too far from the mill to
give it that attention even if they were of sufficient age

The answer of Mills W Darden to the foregoing interrogatory
answers & states that he has read the foregoing answers of
John Phillips & that he agrees with him in every particular

The answer of Merit Briggs to the
foregoing interrogatories —
The said deponent says he has read
the answers given by Mills W Darden
and John Phillips and he agrees in
the above statements & states that it will
be profitable to the advancement of the Heirs of
said N. Purdin dec to sell the said mill —

sworn by
Merit Briggs
John Phillips
Mills W Darden

Isle of Wight County, to wit: I certify that on this 3
August 1840, John Phillips, Mills W Darden
and Merit Briggs severally made oath before
me a justice of the peace for the County of the
aforesaid, to the truth of the foregoing
answers, & the same were taken before me a justice
of the peace for the said County this day & year
first above Written

Jordan Parker JP

Interrogatories agreed upon by Nathl
E. Pruden

Epicicy Guardian to John T. Pruden,
Henry J Pruden and Edwin C. Pruden
infants - In the suppose of taking the
deposition of John Phillips, Merit Bryan
and Mildy H Darden
to be read as Evidence in the Suit in
the Circuit Superior Court of Law & Chy
for Isle of Wight County in which
Mary Pruden
guardian of John T. Pruden, Henry J Pruden
and Edwin C. Pruden
is complainant and the said John T
Pruden, Edwin C. Pruden
and others are defendants;

1st Interrogatory - Do you know the
children of Nathl Pruden dec'd. late
of Isle of Wight County, dec'd his wife
and do you know the Mill property
that belonged to said decd at the
time of his death: if yea answer
and say whether in your opinion
the interest of the infants manifestly
suffering a sale of the said real estate
to their guardian purchasing of John Phillips
to the foregoing Interrogatory -
The said John Phillips says - "I know the
widow and children of Nathl Pruden dec'd
& know the mill property in the interrogatory mentioned very well
I think the the said property is valuable but it is my opinion that the interests
of the Infants would be promoted by a sale of said property

Comp.ts Report

Since the valuation was made, I have sold two of the within named slaves, to wit, little Henry and Lizzy (the elder); to Henry I rec.d two hundred and ninety nine dollars, and to Lizzy, the sum of three hundred and fifteen dollars

E E Phillips adm.r
of Nath.l Duncan

An Account of the Valuation of the Slaves belonging to the Estate of Nathaniel Pruden dec'd taken the 31st day of December 1840.

Old Jacob of Bowling, supposed to be 75 years of age			$
" Jacob, of Jordan,	do	60	do 50
" Patty	" "	57	do 50
Milly		22	do 400
Dick, child of Milly,		2	do 100
Matilda		23	do 400
Lem, child of Matilda,		2	do 100
Celey		45	do 250
Fanny		18	do 500
Julia Ann		14	do 400
Lizza, child of Matilda,		10	do 200
Lizza, child of Milly		6	do 200
Nat		18	do 500
Charles		16	do 500
Big Ben		40	do 400
Henry, child of Celey,		14	do 350
Henry, child of Tyra,		12	do 300
Little Ben		20	do 500
Bill		26	do 550
Bob		27	do 550
Susanah		16	do 450

Pursuant to the annexed order made the 8th day of October 1840. We the undersigned have Valued the above named negroes to the best of our skill and judgment which is Respectfully reported to the Court. Given under our hand. this 31st day of December 1840.

Mills M. Carden.
John Phillips

Prudence
vs
Prudence
adms &c
In the Sup:
Court

Appeal 5th 1841.
Report Rec'd filed

Pamela &c. vs. Pamela &c. —

In Obediance to the Decree of the Court hereunto annexed I have, after advertiseing the time and place according to the directions of the Decree, Sold to the highest bidder at public auction on the 19th day of December 1840 the water grist Mill with two acres of land attached thereto named in said decree for the sum of Seven hundred and sixty seven dollars and John M. Shivers and James Chapman become the purchasers they being the highest bidders, and after receiving Sixty dollars to pay cost & commission have taken their bond with Nathaniel Newsom security for the sum of Seven hundred and seven dollars (omiting the Deed of Trust as your Comr. thought the bond Sufficient) all of which is most respectfully Submitted to the Court for further Order; the bond is here with returned

Edwin E. Phillips Comr.

December 31 st 1840

Prudence Jr.

Prudence

Rough for the Judge

To be entered

R. H. Baker

in order to pay debts due from the said Nathl
Pinder the Testator, and to reinvest the
shares of such decedent, or a part of them
from being sold for that purpose
and the Court being of opinion that by such
sale the rights of others will not be violated,

The Court doth therefore adjudge, order
and decree that Francis Phillips
who is for that purpose appointed a
Commissioner, after giving at least 30 -
notice of the time and place of sale
by advertisement in some newspaper
in the County of Norfolk & at the Court
House of this County, sell to the highest
bidder on a credit of 9 - months,
except for so much as will be necessary
to defray the expenses of this sale
& of the sale which he is to make of
the Mills, and appurtenances in the
County of Norfolk belonging to Nathl
Pinder jr. decd. at his death, & which
is the same described in the complts
bill, being the Mill usually called "Godwins
Mill" & the two acres of land attached
to the same; the Comr. taking from the purchaser
bond with good security and a deed of
trust on the property to secure the pur-
-chase money & make a deed to
the purchaser without warranty, &
bring the bond into Court to abide
a further order - And it is also ordered
that John Phillips, Benj. Pruden &
Mills W. Baldin
or any 2 of them be & after being sworn for
that purpose, do proceed to value each
of the slaves of the said Nathl. Pinder
decd: in the bonds of the admor: and
that they make a report of such valua
-tion with a description of the slaves,
to this Court - And the Comr. Francis
Phillips is to make report to this Court
of his proceedings under this order &c

Mary Pruden guardian of John T. Pruden,
Henry J Pruden and Lavinia C Pruden
infants vs John T. Pruden, Henry J Pruden,
Lavinia C Pruden infants and Nathl. E Pruden
Lavinia E Phillips admr: of Nathl. Pruden
and Mary Pruden

This cause this day came on to be
heard on the Bill of the complaints,
the answers of the defendants Nathl.
Pruden, Mary Pruden, Lavinia E Phillips
admr: of Nathl. Pruden, John T. Pruden
and the answers of the infant
defendants by their special guardian
upon application thereto & examination of
witness; & consideration whereof
the Court entertains the opinion
~~that~~ from the Evidence in the cause
that the interest of the infants may
~~be~~ best be promoted by decreeing the sale of the lands
and tenements lands & hereditaments thereto
and appurtenances in the Bill
mentioned, being a part of the real
estate whereof Nathl. Pruden the
ancestor died seized as of a fee tail
& in remainder in the of Mystic Creek

Money, make a deed to the purchaser Without Warranty and bring the bond into Court to abide the further order. And it is also ordered that John Phillips. Henry Pruden and Mills W. Darden or any two of them after being Sworn for that purpose do proceed to Value each of the Slaves of the said Nathaniel Pruden dec.d in the hands of the Adm.r: And that they make a report of such Valuation With a description of the Slaves to this Court. And the Com.r Edwin E. Phillips is to make report to this Court of his proceedings under this Order. Ex.

A Copy Test

N. P. Young D.C. C.C.

Pruden Dab:
vs
E. Co. Decrd.
Pruden Dab

Or. book p. 95.

A. Atkinson. Esq.

Rec.d of N. P. Young the bond of Jno M. Shumbot. filed by the Comm.r in this cause, by order of Court.

E E Phillips
Comm.r

I, Zach Lane, Coroner for Edgecombe County, upon the oaths of Henry Pruden, Mills W. Darden and Edwin E. Phillips, Esqrs. Commissioners appointed by the Court of Equity, held in the Circuit Superior Court of Law and Equity for the District aforesaid, on the 4th day of March 1840, in a suit depending in said Court between Elizabeth E. Pruden and others, complainants, and Elizabeth E. Pruden and others, defendants, and to me directed, do hereby certify that the said Commissioners have been duly sworn according to law, and that they have valued the slaves mentioned in the bill of complaint in said suit, as follows, to wit:

At a Circuit Superior Court of Law and Chancery continued and held for the County of Isle of Wight the 5th Day of October 1840.

Mary Pruden guardian of John F. Pruden. Henry I. Pruden and Edwin C. Pruden infants plaintiffs

against

John F. Pruden. Henry I. Pruden and Edwin C. Pruden infants and Nath.l E. Pruden. Edwin E. Phillips adm.t of Nathaniel Pruden dec.d and Mary Pruden Defendants

This cause came on this day to be heard on the bill of the Complts: the answers of the defendants Nathaniel E. Pruden Mary Pruden Edwin E. Phillips adm.t of Nath.l Pruden. John F. Pruden and the answers of the infant defendants by their Special guardian replica-tions thereto and examination of Witnesses: On Consideration whereof the Court entertaining the opinion from the evidence filed, that the interest of the infants manifestly requires the Sale of the Mill and two acres of Land attached thereto and appurtenances in the Bill mentioned being a part of the real estate Whereof Nath.l Pruden the ancestor died Seized as of an estate of inheritance in Isle of Wight County in order to pay debts due from the said Nath.l Pruden the ancestor and to exempt the slaves of such dec[illegible]t, or a part of them from being Sold for that purpose and the Court being of opinion that by such Sale the rights of others will not be violated. The Court doth therefore adjudge order and decree that Edwin E. Phillips who is for that purpose appointed a Commissioner, after giving at least thirty days notice of the time and place of Sale by advertisement in Some News-paper in the County of Norfolk and at the Court house of this County, Sell to the highest bidder on a credit of Nine Months, except for so much as will be necessary to defray the expences of this Suit and of the Sale which will be for Cash the Mill and two acres of Land attached thereto and appurtenancy in the County of Isle of Wight belonging to Nath.l Pruden dec.d and which is the Same described in the Complainants Bill being the Mill usually called Godwins Mill, And the two acres of Land attached to the Same, the comm.r taking from the purchaser bond with good Security and a deed of trust on the property to Secure the purchase

sum on the bond to be collected due to the admr: of Nath'l. Prudon, dec'd. to be applied towards the part. of costs of the intestate - and that the costs of this suit be borne by the parties respectively -

Prudon
v
Prudon

Oct. 1861

Decree filed
& ent.

Supplement
to Decree
Nov 22d

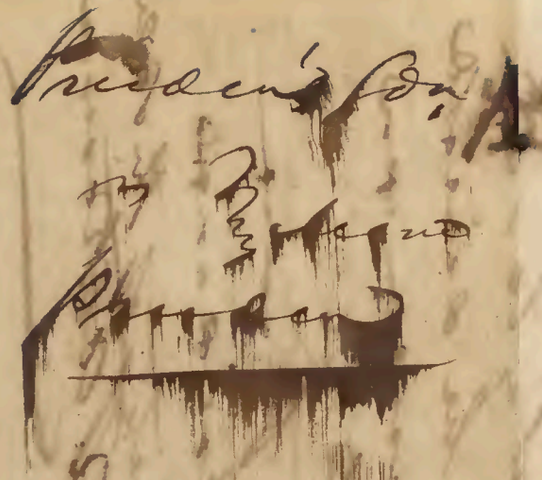
Contd

Mary Pruden &c. of John T. Pruden, Henry
D Pruden and Edwin C Pruden infants

vs

Jno. T. Pruden, Henry D Pruden, and Edwin
C Pruden infants, and Nath'l E Pruden, Edwin
E Phillips admor. of Nath'l Pruden decd
and Mary Pruden —

This cause came on to be again
heard on the papers formerly read, & the
report of Edwin E Phillips the Comr. for the
sale of the real estate, and the report of
Milly W Barden and John Phillips
Comrs. to value the slaves in the bill
mentioned, made under the order of
the 8th of October 1840, to which no except-
ions have been filed, and was argued
by Counsel; and it appearing that the
guardian of the infants has given bond
with security according to law, to invest
the proceeds of the sale &c. On consider-
ation whereof the Court doth confirm
the said report, and adjudge, order &
decree that the bonds of John M Shiers,
Jos. Chapman and Nath'l W Norwood
given for the purchase of the real estate
sold, & which is filed in this cause, be
collected by Edwin E Phillips the Comr.
and that out of the amt. he purchase
Nat and Lizzy two of the slaves named
in the report of Barden & Phillips at the
price of $700 for the benefit of John T
Pruden, Henry D Pruden, Edwin C Pruden
and Nath'l E Pruden children of Nath'l Pruden
deceased and that the Comr. pay the money



Procedendo for a Prosequendo &c.

This suit was brought under the statute to vest infants real estate - suit by the guardian of the infant Dolly -

The object is to get a decree to sell a certain grist mill the property of the infant, upon the ground that the same is liable to great decay and deterioration - The estate is largely encumbered and it is thought very much to the advantage of the children to sell the mill and save the slaves by ~~appropriating~~ an application of the proceeds of the sale, to an exoneration of the slaves - The pl'ff. ask that the same: that is to ~~re~~ vest in Phillips he directed to sell the mill accordingly under order of this Court -

In the case is to be found an abundant ~~[illegible]~~ evidence to show the ~~[illegible]~~ propriety of the sale.

W. Allison

Pricedon

Ch.

Pricedon &c

Atty for

the Court

Oct. 1861

with rough

draft

pendent in pursuance of
this petition is objected by the Defendants
under the statute in the Suppl. page 224,
to which we take to be rights of the ancestor
and to exempt the slaves from his sale.
The Court also sold the land at the Court's
valuation the slaves have reported. The land
sold for $707 and the sale was in fact
made (as stated) the Defendant has given bond
to prosecute the petition and the Court
ordered to confirm the several reports,
direct the money to be collected, and the
slaves of the estate to be partitioned.

A. Allison

P. Q.

Prudence

Prudence

va. 1 R. Code
Chap: 108. section 10.
Supplement to Revised
Code 223. 224.

Prudens
vs. } Coby
Prudens

Sept. 7th 1840 – Mary
Prudens cert. of consent
filed

Ishcofwright County September 1st 1840

This is to certify That I am willing the deposition of John Phillips Mills W. Dardin & Merit Briggs Shall be read as evidence in a Suit of Chancery in the Superior Court of Law & Chancery in Said county in which ~~suit~~ Nath.l E. Pruden is plaintiff & myself and others are ~~defendants~~ given under my hand the day and date above

Mary Pruden

Witness

Eliza A Fowling

Pruden } Bond of Mary
n: } Pruden for appl.
Pruden &c. proceeds of Salt.
Executed Aug. 2d. 1841

Know all men by these presents that we
Mary Pruden, and Edw. C. Phillips
are held and firmly bound unto Sarah
Wills, Benj. Drew, Josiah Holman & Jordan Parr.
Justices Justices of the Court of Pleas &
Right County in the sum of twenty
five hundred dollars —
to which payment well and truly to be
made we bind ourselves and our
heirs, executors and administrators
jointly and severally, firmly by these
presents - Sealed with our seals &
dated this second day of August 1841 -

The condition of the above obligation
is such that whereas a writ of Ejectment
in the Circuit Superior Court of Law &
Chancery for the County of Pasquotank
in which Mary Pruden on demise of
John T. Pruden and others are pltffs. &
John T. Pruden and others are defts.
ejectment a sale according to law of
a mill and appurtenances belonging
to Nathl. Pruden dec'd at his death
and which descended to his heirs
at law - Now therefore if the said
Mary Pruden who is guardian of John
Thomas Pruden, Henry J. Pruden, &
Edwin C. Pruden, shall well and truly
invest the proceeds of the sale of the said
lands, and account for the same as
the law directs, and do all things
thing on her part relating to the same,
then said obligation to be void, else to
remain in full force & Mary Pruden (Seal)
Test E. C. Phillips (Seal)

N. P. Gordon