1842-016 Chancery Causes. Matthew Powell, admr of Elizabeth Powell v d vs Wathmiel Pounden, Senior's admrs v d

Isle of Wight County

otherSURNames: Long, Williams, Philips, Portee, Derring, Brock, Everitt, Minton, Duggin, Phillips

Powell Val:
vs: } Chy:
Purdum Vdt:

1841.

July Ore: Bill filed with exhibits and Sum: eq.ps

Aug: Ore: Spa: in Loco Solr. Vadm: of T. Purdum &c.

Sept. Ore: Ans: of Phillips, Mary Purdum & Matt. Purdum &c. and Spa. eq. on Record. Bill taken for Confs. as to Defs. Porter & wife.

Oct. N. P. Young apd. guar. ad. litem to the infant defts his ans. & Genl. Rp.

1842. March Set for hearing on pltfs mo.

Powell & others

v. Bill &c.

Rudens &c. Pet.

1842 March Rules &c.
for hearing.

May Term Decree for
acct. & sale. p. 108.

Report filed 31. Augt '42

Oct. Term 1842.
Final decree ordered.

Ch: p. 9

increased, and the hire & profits from
the death of Nathl. Pinder the Elder
that they discover when the said slaves now
are, and by whom are they hired, and that
as the said exors of Nathl Pinder Sr. did
not move as he ought to have done, the
said Bob, Amey & her increase, should
be made to account for this value,
Jointly & in his administration account &
and your orators & oratrix pray that your
honor will grant them any further
relief in the premises that may be
consistent with Equity, & that your will
please to direct whether they are
entitled to receive from the said
defendants - and they shall &c.
& for &c. Commend &c. Dr. Atkinson p.q.

—pray Camille & H. J. Bledsoe Wright, is the
admr. de bonis non, with the will of
said Stathl. Pruden dec'd annexed, as is
appears by exhibit D herewith filed as
part of this bill — that the said Stathl.
Pruden dec'd the admr. of Stathl. the Elder
has rendered no account of his trust
-action, from which the said admr. de
bonis non &c. the complainants are to do — all
which is contrary to Equity & Intender
consideration whereof, your complainants
pray that the said Pray Camille admr.
de bonis non &c. of Stathl. Pruden dec'd, Edwin
R. Phillips admr. of Stathl. Pruden jr.
Mary Pruden admr. of James Pruden,
Stathl. Pruden, John L. Pruden, Mary J. Pruden,
and Edwin C. Pruden, Wm. Porter and wife
Rhoda, Mary R. Pruden, Camilla Pruden
Martin Pruden, Joana Pruden & Geo. K. Pruden
and all other proper persons, may be made
defendants to this bill and be compelled on
their corporal oaths to answer the same
fully and directly as to say that they or each
whether the admr. & heirs &c. of James Pruden
did not take under the will of Stathl.
Pruden dec'd, and did not the said Stathl.
jr. die &c. take under the said will, &
what has become of Bob and Anny,
what is his increase, & the value of the
said slaves — that the several admrs.
be compelled to state their respective
accounts — that the residuary legatees
of Stathl. Pruden dec'd shall be allowed to
have the benefit of said Bob, Anny & his

Pruden, and his admr: distributes & Laws kept the negroes exempted in the bequest to them, & also taken under the will, the property to be given them which is contrary to the plain-est principles of laws and Equity. Your complainants charge that the said Nathl. Pruden jr, & James Pruden his admr: cant dispute the right of Nathl. Pruden the testator, to give away the slaves Bob and Amey, since they have taken, under the will, property of much greater value; and they could only take it upon the terms on which it was given; Your complainants further charge that Nathl. the admr: was bound to account in the Est. of his testator for the said Bob, and Amey and their increase, worth together five hundred dollars from one thousand to two thousand dollars. Your complainants charge that the said Nathl. Pruden jr. took in his life all the slaves & other property devised & bequeathed to him under his intestates will, & so did the admr: and heirs of James Pruden. That Nathl. Pruden jr. died in the County of Isle of Wight about the year 1839 intestate, having a widow named — and seven children to wit, Nathl. Pruden of full age, Wm T. Pruden, Henry I. Pruden & Edwin C. Pruden the last 3 infants, and the said children and one Edwin R Phillips who is admr: of Nathl. Pruden jr. for as will appear by exhibit (C) have taken the whole real & personal estate of said intestate, and among other estate, the boy Bob aforesaid. That Gray

day of November 1836, having made his last will which has been admitted to record in the County Court of Obion County, a copy of which marked A is hereto annexed & prayed to be taken as part of this bill; by the said will he gives to his son Nathl. Pruden all his land lying on the west side of his mill pond, taking the said land & pond from Smith's and but to the school house on said Smith's land, the mill and mill stream to go with the land given as aforesaid &c— To the said James Pruden the testator in his will gives a plantation in Obion County & one in Hancock— In the 4th clause in the testator says "I give to my son Nathl. Pruden all the property that I have heretofore possessed him with (except a negro boy named Bob) to him & his heirs forever"—

By the fifth clause he says "I give to my son James Pruden all the property which I have heretofore possessed him with (except a negro girl named Amey) also one Walnut chest and one glass to him & his heirs forever" and to the said James he gave the residue of his estate not disposed of in the will specifically, and after making those specific bequests, he says "All the rest and residue of my estate of what nature or kind soever it is may be or not herein before particularly disposed of I desire may be equally divided among my several children herein before mentioned &c" and the several children were, Nathl. Elizabeth, Keith and Sally aforesaid. The said James Pruden died about the day of A.D. in the life of the said Nathl. Pruden Senior, leaving a widow Mary Pruden who is his administratrix, and several children to wit, Rhoda now wife of Wm. Porter, Mary E. Pruden, Camilla Pruden, Hester Pruden, Louisa Pruden and Geo. K. Pruden, all now infants except the said Rhoda, when the said James died he was in possession of the said girl Amey, and she has come to the hands of Mary Pruden his administratrix who still retains the possession of her and her increase, who are unknown to complainants— The said Nathl. Pruden Senior appointed his said son Nathl. his executor, who qualified as such before the County Court of Obion aforesaid, and in evidence of which the complainants file herewith as part of this bill a certificate marked B— The said Nathl. Pruden himself, a very diligent careful man possessed himself of a large estate, and ought to have taken as part of the said estate the said Bob and Amey the increase same having come with the will of his testator passed under the residuary clause thereof to all his children— The said Nathl. Pruden Jr. the executor although it is manifest that under the will of his testator, he and the said James or his exor. admor. or heirs & distributes took and did actually receive the real and personal estate given by the will, and although it is apparent that they could not legally take under the will of the said Nathl. Pruden Senior, and against the said will, yet the said Nathl. Pruden Jr. and the said James

To the Judge of the circuit Superior Court of Law and Chancery for the county of Lincoln Wright, in Ky: sitting - humbly complaining, shews to the Court your complainant Martha Powell adm: of John Long his wife Elizabeth, James Deming, and his wife Keith, & Nathl. Williams adm: of the estate of Sally D. Williams - That the said Elizabeth, Keith and Sally are children of one Nathl. Pruden senr deed: - that the said Elizabeth married the said Powell & Keith died about the year — & Martha Powell is adm: Keith & the wife of said Deming & said Sally D. Williams died intestate about the day of 182- and the said Nathl. Williams is her adm: as will appear by a certificate hereto annexed, marked A, and prayed to be considered part of this bill - The said Nathl. Pruden (besides the said Elizabeth, Keith and Sally, had several other children to wit Nathl. Pruden jr. who is dead & Rosin R. Phillips is his administrator, & James Pruden who is dead intestate & Mary Pruden is his administratrix - these being three girls and two sons of the said Nathl. Pruden sr. - In the life of the said Nathl. Pruden senr, he advanced some property to several of his children; to Nathl among other things he advanced a negro man a boy called Bob - to James Pruden among other property he gave a lott in his life a negro woman named Amey, the said slaves being of very considerable value - and the said Nathl. Pruden departed this life on or about the

Lloyd Wight County Jct. This day Nathl
Young appeared before me a justice for
said County and made oath that the
foregoing account is true so far as it
relates to his knowledge — Given under
my hand and seal this day of
July 1841 —

J.P.

Borders & Co
vs
Pamela
Butler &c

To the Judges of the Circuit Superior Court of law and chy. for the County of Isle of Wight - The joint and separate answer of Mary E. Pruden, Camilla Pruden, Hayter Pruden, Joana Pruden, George R. Pruden, John L. Pruden, Henry J. Pruden and Roscoe C. Pruden infants, by Nathl. Young who has been appointed by the Court to defend them, to the bill of complaint in the said Court exhibited against them by Nathl. Pruden Senr. and others - They defendants, saving & reserving to themselves now and at all times hereafter all manner of exception to the insufficiency contained in said bill, for answer say they are of tender years & not able upon oath to discover their interest - they deny the allegations in the complts. bill, deny the propriety of the construction put by the complainants on the will of Nathl. Pruden Senr. and call for strict proof of every allegation in the complainants bill - They pray hence to be dismissed with their reasonable costs in this behalf expended &c.

(Signed)

Jos. Prudens adm[t]
ats
Powell &c
Answer

as part of his estate, for there has been but a short time in the possession of her late husband, yet your respondent considers the subsequent possession under the circumstances as fully passing the title to the slave as if there had been an absolute sale by deed and delivery of possession In the progress of time the estate of the said Nathl Pendleton underwent much change, his children removed from their father many provisions for their advancement in life, and the complainants might in return be called on to account for the provisions so made to them before they were permitted to come into the distribution of the estate, these provisions were in all probability more than equal to the value of the girl Nancy and there can be no just cause of complaint, that what might by possibility have been intended as a loan should have afterwards been converted into an absolute gift to her husband. your respondent cannot believe that her father in law intended at the time of his death that the negro in question should be surrendered into his estate for distribution or that it should be required as a condition to enable her children to come in for the share of their dead father: your respondent submits to the court whether she is bound to account for said negro and that her husband's estate and the rights of her children may be protected and saved harmless Having thus answered the prays hence to be dismissed with her costs &c in this behalf expended

Tejnor

Rockingham county to wit

This day Mary Pendleton personally appeared before me a justice of the peace for the county aforesaid and made oath that the foregoing answer and the matters therein stated by her are correct and true according to the best of her knowledge and belief. Given under my hand this 14th day of August 1841

N. F. Phillips J.P.

The answer of Mary Pendleton admx
of James Pendleton dec'd to a bill of exhi
bited against her and others in the
Superior court of Chancery for the county
of Montgomery by Matthew Powell admr
&c and others

This respondent having and reserving
to herself all advantage of exception to the
many errors and insufficiencies of which bill
for answer thereto answers and says
that it is true that she is the administra
trix of her late husband James Pen
dleton dec'd who was the son of Walter
Pendleton the elder, about the year 1818
her husband moved from his fa
ther a mulatto negro girl named
Nancy aged about seven years and
at that time with but little, that
she removed in the quiet and peace
able possession of her husband until
the time of his death which happened
in ~~April~~ 1836 and before the
death of his father Walter Pendleton who
~~was the owner of the said negro girl Nancy~~
never set up any claim to
the said Nancy, the ~~said negro~~
into the possession of your respondent
as part of the estate of her husband
and she considers her as such
after having been in ~~the~~ possession
from the year 1818 without any
claim or demand on the part
of her father in her either before
or after the death of her husband
~~the negroes of her husband state have ever been~~
although at the time of exe
cuting his will in 1819 the said
Walthouse Pendleton might have in
tended to consider the girl Nancy

Prudence adams
ats
Powell &c
Answer

from the year 1818 till the death of his father in Nov. 1836 a period of more than eighteen years, and more than seventeen years from the date of the will; from the time the boy was vested to the date of the will was only about 20 months and he was then only between six and seven years of age he is now a grown man and as your respondent is advised properly belongs to his intitutes estate Since the first lapse of time from the date of the gift, your respondent believes it was never the intention of Nathl Pendleton the estate to set up any claims to the boy, but that he in his lifetime considered he had parted with all right and title in him your orator thinks that the testator after making the will made over any gifts to his children and that the boy Bob was permitted to remain in the possession of his intestate as a gift which was never intended to be recalled and that long before the death of the testator he himself considered the boy as the absolute property of his own. If your respondents intestate is to be held accountable for property advanced to him before making the will, the complainants should be held equally liable for all advancements after the will was made, and your respondent thinks the sums to the three children so advanced, were in all probability more than equal to the value of the boy Bob at the time he was put in the possession of his intestate

your respondent submits to the court whether he as the admr of Nathl Pendleton and is compelled to account for the boy mentioned or for his hire. He has no account in the subject personally, but considers it his duty to meet the demand of the complainants as unreasonable, unjust, and contrary to law, Having thus answered he prays hence to be dismissed with his cost &c in this behalf expended

Signed

E. E. Phillips

Hempstead county to wit

This day Edwin E Phillips personally appeared before me a justice of the peace for the county aforesaid and made oath that the foregoing answer and the matters therein contained so far as they depend on his own knowledge are true and so far as they depend on the information of others he believes them to be true: given under my hand this 6th day of ~~August~~ September 1841

Mills W. Darden J.P.

The answer of Edmund E Phillips
admr of Nathaniel Pruden sole to
a bill exhibited against him and
others in the supreme court of Law
and Chancery for the county of Rockingham
by Matthew Powell admr of his
wife Elizabeth and others

This respondent saving and reserving
to himself all advantage of exception to the
many errors and insufficiencies
of the said bill and the matters
therein alleged in answer unto
same &c for answer thereto or for
himself as he is advised it is
material for him to answer unto
says, that it is true
he is the admr of Nathaniel Pruden
dec'd who was the son of Nathl Pruden
the elder as stated by the plaintiff
your respondent has understood that
about the 1st day of June 1818 his
intestate received from his father
Nathl Pruden the elder the negro
boy Bob mentioned in the plain-
tiffs bill the boy being at that
time very small not only about
five years old, and consequently
expensive; whether the same was
an absolute gift by way of advance-
ment or a loan your respon-
dent is unable to say, nor does
he deem it material, inasmuch
as the length of time from the
day to the death of the decedent
must settle all questions about
title, the boy Bob remained in
the quiet and peaceable posses-
sion of your respondents intestate

Nathl Pinder
et
Powell admr.
&c & others

Answer

your respondent understands that these complainants have in fact agreed to a settlement of the estate of N. Prudon deceased received their portion of the residuum and moreover given their receipts for the same, without these setting up this unjust and unfounded claim and that even if they have any claim, it no longer exists He believes this complainant is a mere experiment to recover majority more of his grandfathers estate than they are entitled to either in equity or at law,
Having thus answered your respondent prays hence to be dismissed with his cost &c in this behalf expended

Signed
Nathaniel E Prudon

Westpoint county to wit
This day Nathaniel Prudon personally appeared before me a justice of the peace for the county aforesaid and made oath that the foregoing answer and the matters therein stated and contained so far as they depend on his own knowledge are true and so far as they are derived from the information of others he believes them to be true. Given under my hand this 6te day of September 1841

Wm Edmunds P.

not named in the will, and if the complainants Benny and wife insist that Mars shall not claim except under the provisions of the will, then your respondent asks that they shall be required to surrender the three negroes thus received before they claim any benefit under the will. your respondent fully believes that his grandfather considered the provisions in the will excepting the two negroes given to Nathaniel and James Pinder as made void by a subsequent gift of the negroes by permitting them to retain quiet and peaceable possession of the same for many years after the will was made and that he made similar advancements to his other children who or their representatives are the complainants in this cause. If all the parties were made to surrender their advancements your respondent believes the complainants would obtain instead of gain by the result but he protests against being made to account for a negro advanced to his father when the other parties have likewise received negroes which they claim against the will and by virtue of a title by advancement from the testator N. Pinder two similar to that claimed by your respondents father to the negro boy R.S. and claimed by James Pinder to the girl Nancy.

until the death of the said Nathaniel Pendleton Sr. this title by deed was perfect although no will had ever been made your respondent is advised and believes that the title of his father was equally good to the negro boy Bob for he remained in his possession from about Jany 1818 when he was only about five years old until the death of his father in Nov. 1836 without any claim ever being made to him by N. Pendleton Sr. and there can be no doubt but he considered the title as complete in his own long before his death and that the bequest in the will had become null and void giving a deed for the land proves the intention and belief of the testator that the bequest in the will was fulfilled and satisfied by the same gift and long continued possession under it That such was the case is evident from other transactions and acts in behalf of the rest of his children and the complainant in this cause. To his son James Pendleton after the will was made the testator gave by deed the land in Rappahannock mentioned in the bill and containing one hundred and six acres, and also gave him two negroes which are not mentioned in the will. After making the said will and before his death the testator gave to the complainant Matthew Powell and Elizabeth his wife the two negroes Mary and Manning named in the bill and a negro boy named Tom not mentioned in the will which said negroes the said complainant had in their possession for many years before the death of the testator. if there the said complainant objects to any one claiming under and against the will let him surrender an account for the boy Tom, before he claims any portion of the residuum which has been in fact claimed by and paid to him as one of the residuary legatees. After making said will and before his death the said testator gave to his daughter Sally the complainants intitled the two negroes Celia and George mentioned in the will and afterwards Milly and one or two children not named in the will, and if the estate of your respondents father is to be held responsible for the boy Bob, he then asks that the complainants intitled shall be required to surrender an account for the said Milly and children before he shall be entitled to receive any portion of the residuum After making said will and before his death the said testator gave and advanced to his daughter Sally one of the complainants now the wife of the complainant Leroy three negroes named Martin, Charles and Violet

The answer of Nathaniel Rhodes to a bill exhibited against him and others in the circuit superior court of Chancery by Matthew Powell adms. of his wife Elizabeth & Others

This respondent saving and reserving unto himself all advantage of exception to the many errors and insufficiencies of the said bill in manner and form &c for answer thereto answers and says that he is the son of Nathaniel Rhodes sr who was the son of Nathaniel Rhodes sr of said county and who made and published his last will and testament on the 15th September 1815 and lived thereafter till November 1836 a period of more than seven teen years: Before the making of said will your respondent believes his father received by way of advancement or loan the negro boy Rob mentioned in the will of his father N. Rhodes sr the grandfather of your respondent, and after the will was made and before the death of N. Rhodes sr he gave to your respondents father another negro named Rose, which were the only two negroes ever given him by N. Rhodes sr in his life time: The said N. Rhodes sr in his lifetime also gave to your respondents father by deed all the land mentioned in the bill of which he had ever enjoyed quiet and peaceable possession for many years and ~~[illegible]~~

I acknowledge service of the within ~~notice~~
subpoena in Chancery
June 11th 1841

E. E. Phillips adm'r
of Nath'l Pruden dec'd

Executed 17th June 1841 on Nath'l Pruden and Mary
Pruden adm'x of Jas. Pruden dec'd a copy hereof delivered to
either of them, and executed 30th of same month & year
on Wm Porter Surviving and a copy hereof delivered to
them —

Wm Laughlin D.Y.
for "Ed Smith Sh'ff

Rec'd 12 cts ad.
101 3 Sh'a. in Chy.
3 Prudens' admrs. 15 cts

This Sh'a. is not to be
executed on the infts.
Sh'ff. —
A. Thurman D.C.

BLAND & HILL, PRINTERS, PORTSMOUTH.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Nansemond *County,* GREETING:

WE COMMAND YOU to summon Edwin E. Phillips admor. of Nathaniel Pruden jr., Mary Pruden admtrx. of James Pruden, William Porter and Rhoda Ann his wife, Mary E. Pruden, Cornelia Pruden, Erastus Pruden, Jane Pruden and George Kelly Pruden the last five infants, and Nath^{l} Pruden, Jno. Thos. Pruden, Henry I. Pruden & Elvira Pruden the last three infants

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight, at the Court House of said County, on the first Monday in July next, being Rule day, to answer a bill in Chancery, in the said Court exhibited against them by Matthew Powell ~~and Elizabeth his wife~~, James Deming, alias Long & Edith his wife and Nathaniel Williams admor. of Sally B. Williams.

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 9. day June 1841. ~~1837~~, in the 65th year of the Commonwealth.

Nath^{l} Young cl.

Executed on John J Bruden, Henry
J. Bruden & Edwin C Bruden the
other defendants
June 18. 1841

Wm Mc Kee Leavitt
Wm Whitehead
for Gray Carroll & H

Powell etal. vs. Bruden etal.

Writ of fi. fa. issued to be executed on the lands & tenements of

Wm Mc Kee Leavitt & Co.

Wm Whitehead & Co.

for Gray Carroll & H

BLAND & HILL, PRINTERS, PORTSMOUTH.

THE COMMONWEALTH OF VIRGINIA,

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

WE COMMAND YOU to summon Edwin C. Phillips admr: of Natl. Pruden jr: – Mary Pruden admx: of Saml. Pruden, William Porter and Rhoda ann his wife Mary E. Pruden Cornelia Pruden, Charles Pruden Joana Pruden & George Kelly Pruden the last five infants – of Natl. Pruden, Jno. Thos: Pruden, Henry I. Pruden & Edwin C. Pruden the last three infants

to appear before the Judge of the Circuit Superior Court of Law and Chancery for the County of Isle of Wight, at the Court House of said County, on the first Monday in July next, being Rule day, to answer a bill in Chancery in the said Court exhibited against them by Matthew Pruden ~~and his~~ wife Elizabeth, Saml. Deming alias Long and his wife Edith & Natl. Williams admr: of Sally B. Williams

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 9. day June 1841. ~~1837~~, in the 65th year of the Commonwealth.

Nath. Young cd.

Isle of Wight County, to wit.

This day Booth Leighfort, hereinafter of the said County, made oath before me, a Justice of the peace of the said County - that on the 20th Instant he delivered to the within named Gray Carrell, a true copy of the within summons.

Given under my hand this 31st day of August 1841.

Jas. A. C. Jordan

Pounce 1.25:
" 3 Copies 19 Cts:
Dandridge 1.00:

To Sheriff: Oct. 1841.

Attorney Fee

BLAND & HILL, PRINTERS, PORTSMOUTH.

THE COMMONWEALTH OF VIRGINIA.

To the ~~Sheriff~~ Coroner of Isle of Wight County, GREETING:

WE COMMAND YOU to summon Gray Carroll Sheriff of Isle of Wight County and Administrator de bonis non of Nath. Pruden Sen. dec'd., with the Will annexed.

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 September next, being Rule day, to answer a bill in Chancery in the said Court exhibited against him &c. by Matthew Powell admr. of his late wife Elizabeth, James S. Long and Cadith his wife, and Nath.l C. Williams admr. of Sally S. Williams.

and if he shall fail to answer the Bill within ~~four~~ five 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 pro tem. of our said Court at the Court House, the 10th day August 1841. ~~1837~~, in the 66th year of the Commonwealth.

N. P. Young C. I. C.

Mississippi county to wit

This day Edward A. Outland personally appeared before me a justice of the peace of said county and made oath that on the 21st day of April 1942 he delivered a true copy of the within notice to Matthew Powell on the 20th. day of April 1942 he delivered another true copy thereof to James A Long and on the 21st day of April 1942 he delivered another true copy thereof to Nathaniel W Williams given under my hand this ~~—~~ day 30th of April 1942

Mills W. Gordon J.P.

Pendens admr

to

Powell

Notice

To Matthew Powell admr. of Elizabeth Powell his late wife, James D Long and Edith his wife, and Nathaniel W Williams admr. of Polly B Williams dec'd

Take notice

that on the second day of May next at the house of John Patterson in the county of Shropshire between the hours of 10 o'clock A.M. and 6 o'clock P.M. we shall proceed to take the depositions of John Phillips, John Minton and others to be read as evidence in a suit now pending in the Sup. court of Chancery for said county in which you are plaintiffs and we and others defendants

yours &c

April 15th 1842

Edwin E Phillips admr.
of Nathl Pendleton dec'd
Mary Pendleton admx
of James Pendleton dec'd
Nathaniel Pendleton

telling him to sell it & pay for his Land – this was some 10 or 20 years ago.

That he gave to his daughter Edith shortly after her marriage, negroes Hester, Violet & boy Charles worth about £200 each. he also gave her a horse worth £50. or £60 –

Barth: Lightfoot C. C. S. 1876

Zachariah Everitt's
Affidavit
&
Ex

The affidavit of Zachariah Everitt of Lawful age, Taken before me Bartholomew Lightfoot Commissioner of the Circuit Superior Court of Law & Chancery for Isle of Wight County Taken this 22d day of July 1842 at the Courthouse in the County of Isle of Wight to be read as evidence in the suit Matt: Powell admor of his wife Elizabeth, James D. Long & his wife Edith &c Plaintiffs against Gray Carroll Sheriff of Isle of Wight County and as such admor. &c of Nath'l Pruden Sen'r & others Defendants: in a matter of account referred to me; — The affiant being duly sworn saith that he lived with N. Pruden Sen'r for 7 or 8 Years, commencing prior to the marriage of N. Pruden Junr, that is to say, about the year 1817 ~~thereafter~~ said marriage he gave to his son Nathaniel a negro boy Tom, aged about 6 or 7 years, which boy remained in the possession of his son till the death of his said son & is still the property of the estate of the said N. Pruden Junr. that about the year 1828 or 1829 he also gave to his said son a negro Girl named Rose worth about $200 & that no other negroes were given by said Pruden to his son Nathaniel during his lifetime:

that after the marriage of his son James, he gave to the said James a negro Girl named Amy about 6 or 7 years old & worth at the time about $200 — that some time after say 1828 or 1829 he also gave to said James a negro boy named Marlborough or Mulberer aged about 6 or 7 years & worth about $200: that previous to 1828 he also gave to said James a Negro boy named Jerry aged 6 or 7 Years & worth about $200 — after the marriage of Matthew Powell to his daughter Eliza: & previous to 1819 he gave to said Powell two negro Girls named Nancy & mourning & that they were equal in value to the Male negroes above named — that about the year 1829 or 1830 he gave to said Powell a negro boy named Tom aged 6 or 7 years & worth about $200 —
that to his daughter Sally Williams he gave a Negro boy George previous to the year 1819 aged about 8 or 9 years & worth $250 — that he also gave to his said Daughter Sally a negro woman named Milly & child Randall, the woman & child remained in her possession till the death of said Milly some 4 or 5 Years after — that the said Pruden also delivered to Willis Williams the husband of said Sally, ten barrels of Apple brandy

John Minson's
Affidavit

G.

The affidavit of John Minton of Lawful age, Taken before me Bartholomew Lightfoot Commissioner of the Circuit Superior Court of Law & Chancery for Isle of Wight County Taken this 22d day of July 1842 at the Courthouse in the County of Isle of Wight to be read as evidence in the suit Matthew Powell admor. of his Wife Elizabeth, James D. Long & his Wife Edith &c. Plaintiffs against Gray Carroll Sturiff of Isle of Wight & as such admor. &c. &c. is now of Nath. Pruden Sr. & Others, Defendants in a matter of account referred to me — The affiant being duly sworn saith that some time after the last marriage of Nathaniel Pruden Senr. the said Pruden gave to Matthew Powell a negro boy named —
to Willis Williams he gave a Negro named —
to Nathaniel Pruden Junr he gave a negro Girl named
and to Edith Brock he gave a Negro named
Question by Defendants Counsel — Do you know when a negro boy Bob was given by Nath. Pruden Senr. to his son Nathaniel Pruden Junr. —?

Ans. Immediately after the marriage of Nath. Pruden Junr. he the witness was at the house of Nath. Pruden Junr. & saw in the possession of said Pruden a Negro boy named Bob, which Bob was once the property of Nathaniel Pruden Senr. that the said boy Bob remained in the possession of N. Pruden Junr. until the death of the said N. Pruden Junr. & to this day belongs to the estate of said Pruden — that he supposes the boy to have been 5 or 6 Years of age when he first saw him in the possession of said Pruden & that he was worth at that time about $200 — & that he is at this time worth $350. — the said Witness also saith he heard N. Pruden Senr. say he had given to Willis Williams a Lot of brandy to assess in paying for the Land he the said Williams purchased of Shivers —

Barth: Lightfoot C. C. S. C. & A. C.

James Pruden a Negro boy named Marlborough or Molloree aged about
7 or 8 Years, & worth about £200 — that at the same time he gave to his son
N. Pruden Junr. a Negro Girl named Rose worth about £200 —

Question by Defendants Counsel — Did you ever hear Nathaniel Pruden
Senr. speak of having given Negroes Bob & Amy to N. Pruden
Junr. & to James Pruden, & what did he say?

Answer: he heard the said Pruden say a dozen times that he had
given to said Nath.l & James the said Negroes gratis, & that
they were not his Negroes —

Benj.a Lightfoot 6. 6. 86 & 86

William Duggins
affidavit

H6

The affidavit of William Duggin of Lawful age, taken before me Bartholomew Lightfoot Commissioner of the Circuit Superior Court of Law & Chancery for Isle of Wight County Taken this 22d day of July 1842 at the Court house in the County of Isle of Wight, to be read as evidence in the suit. Matthew Powell admor. of his wife Elizabeth, James D. Long & his wife Edith V. Pitts against Gray Carroll Sheff of Isle of Wight County Exr such admor. de bonis non of Nath. Pruden Sen. & others; Defendants — in a matter of account refered to me;

The affiant being duly sworn said that he lived with Nathaniel Pruden Sen. the years 1825 & 1826 that while living there he frequently heard the said Pruden say he had given to his son Nath. Pruden Jun. a Negro boy named Bob. that the said Bob was called by the said N. Pruden Sen. Nathaniels Bob — that he has frequently heard the said Pruden say he had given to his son James Pruden a Negro Girl named Amy — that in the year 1826 the said Pruden gave to his daughter Sally Williams a negro woman named Milly & one child named Randall — the said Woman & child remained in the possession of said Williams 4 or 5 Years when the Woman died: he supposes the Woman & child at the time of the delivery to Williams to be worth $500 — that about the year 1828 or 1829 the said Pruden gave to Matthew Powell a Negro boy named Tom aged about 6 or 7 Years, & worth at that time about $200 — the said Tom is still the property of the said Powell — that in the year 1825 or 1826 the Girl Amy which was given to James Pruden, he believes to be worth $300 — & aged about 10 or 12 years, that she is still the property of the estate of the said James Pruden & at the death of N. Pruden Sen. was worth $400 — but this time is worth $300: — that at the time of the delivery of the aforementioned negroes, the said Pruden gave to his daughter Edith Brock, now Edith Long a Negro Girl named Violet aged about 6 or 7 years worth at that time $200 — saith he was told by N. Pruden Sen. that at the time of the marriage of his daughter Edith he gave her two negroes Hester & Charles: — he also says that previous to the year 1825 the said Pruden had given to his daughter Sally Williams two Negroes George & Celia, which have ever since remained in her possession — that about 1828 or 1829 the said N. Pruden Sen. delivered to his son —

Powells admor. v ads

vs. Report

Prudens admor. v ads

Filed 31 Augt. 1842

discovered in Chapmans account a mistake on the 31st of December 1838 in calculation of Commissions $17.12 & on the same day a mistake in the calculation of Interest $30.72 – also a mistake of calculation of ~~Chapmans~~ on the 31st Dec. 1839 of $0.39 – " " " "

The amount of the property given by Nathaniel Pruden Sen. in his lifetime to Matthew Powell from the evidence before me was $600.00

To Nathaniel Pruden Jun		$400.00
To James Pruden		400.00
To Edith Brock		650.00
To Sally Williams	in negroes $750.00	750.00

exclusive of 10 barrels of brandy – value not ascertained

All of which is submitted to the Court

Barth: Lightfoot Com.

Commissions fee
Time employed 23 hours $28 –
charged to plaintiff Matt. Powell

Isle of Wight County to wit

Bartholomew Lightfoot this day made oath before me, a Justice of the Peace for said County that the fee charged by him for this report is just & proper – Given under my hand this 31st day of [illegible] 1842

Ja. H. Jordan
"

to Matt. Powell a negro boy — to Willis Williams a Negro — to Nathaniel Pruden Junr. a negro Girl — & to Edith Brock a negro — that after the marriage of N. Pruden Junr. he saw in the possession of said Pruden a Negro boy Bob — which was once the property of N. Pruden Senr. that the said boy remained in the possession of said N. Pruden Junr. till the death of the said Pruden Junr. & is still the property of the estate of said Pruden — that at the time he first saw him in the possession of N. Pruden Junr. the boy was 6 or 7 years old worth about $ 200 — & at this time worth $ 350 — he says that he has heard N. Pruden Senr. say he had given to Willis Williams a lot of brandy to assist in paying for the land the said Williams purchased of Shivers —

A paper purporting to be an account of Nathaniel Pruden Junr. admor. on the estate of Nath. Pruden Senr. dec'd made up by Wm. B. Edwards, on the 17th of Janry 1839 under an order of the County Court of Isle of Wight — was laid before me, from that paper it appears that on the 17th day of January 1839 said Pruden Junr. admor. of N. Pruden Senr. paid to Nancy Pruden Widow of N. Pruden Senr. $ 1349: 86 being one third of the Est. found due by said dect. — on the same day he paid to Sally B. Williams $ 539: 92 — on the same day paid to Matt. Powell $ 539: 92 & on the same day paid to Josiah Holloman for James D. Long $ 539: 92 — There was no evidence before me that James Pruden or his heirs has received any part of the estate of N. Pruden Senr. since his death — at the time of the aforementioned payments there remained in the hands of the said N. Pruden Junr. admor. of the balance due by said account $ 1079: 84 one half I presume the admor. intended for James Prudens heirs & the balance for himself in his own right.

On the 10th day of February 1830 N. Pruden Junr. admor. as aforesaid paid to Sally Williams fifty dollars as a Cash Legacy left her in the Will of N. Pruden Senr. — The account made up by Wm. B. Edwards with the receipts thereon — is herewith filed marked A. — it will be seen by that account, that the amount found due — was $ 4049: 40 = differing from the one made up by me & hereto annexed — of $ 49: 21 — I think [illegible] have

about $200 — the said Everitt further saith that after the marriage of James Pruden — the said Nath. Pruden Sen. gave him a negro Girl named Amy aged about 6 or 7 years, worth about $200 — that about '28 or '29 he also gave to said James Pruden a Negro boy named Marlborough aged about 6 or 7 years and worth about $200 — that previous to 1820 he gave him the said James a boy named Jerry — aged about 6 or 7 years & worth about $200 — 11.

that after the marriage of Matt. Powell he gave to his daughter Eliza. & previous to 1819 he gave said Powell two negro Girls, Fanny & Manning equal in value to those above named — that about 1829 or 1830 he gave to said Powell a boy Tom aged 6 or 7 years & worth $200 — that previous to 1819 he gave to his daughter Sally Williams boy George aged 6 or 7 Years & worth about $250 — that he also gave to his said daughter a woman named Milly & child Randall, the woman & child remained in her possession till the death of said Milly some 4 or 5 Years after — that the said Pruden also delivered to ~~Mr. Williams~~ the husband to said Sally two barrels of Apple Brandy — some 18 or 20 years ago — that the said Pruden delivered to his daughter Edith shortly after her marriage Negroes Dexter, Violet & boy Charles worth about $200 each — he also gave her a horse worth 50 or $60 —

The Witness William Duggin confirms the evidence of Everitt as to the gift by Nath. Pruden Sen. to Nathaniel Pruden Sen of boy Tom — also of the Gift by said Pruden to his daughter Sally Williams of Woman Milly & child Randall, — also of the Gift by said Pruden to his son James Pruden of Girl Amey. that the Girl Amey is still the property of the estate of James Pruden & that at the death of N. Pruden Sen. she was worth $300 — also of the gift by said Pruden to his daughter Edith Brock of Negroes, Violet, Dexter & Charles — Saith that the said Pruden also gave his daughter Sally Williams about the year 1825 Negroes George & Celia — he confirms the evidence of Everitt as to the Gift by Nath. Pruden Sen. to his son James, of boy Marlborough — & also of the gift by said Pruden to his son Nath. of Woman Rose —

The Witness John Menton says that shortly after the marriage of N. Pruden Sen. the said Pruden gave

1839						
Jan	17	To this sum to pay the Clerk of Genl. Ct. - ticket,			18	
"	"	" this sum to pay the Clerk of Isle of Wight for order for settlemt., recording &c	3/3		5 00	
"	"	" this sum to pay the Auditor for settlemt			4 00	
"	"	" 5 P cent Commn. on $720:44. Amt. of credits			36 49	
"	"	" Balance due the Estate P Contra		3057 39		148 80
				$3897 00		148:80

1839					
Jan	1.	By this sum balance due last year		3176: 62	140 80
"	17	By amount of two bonds due from the admor. to the Testator in his lifetime with Int.	3/3	213 98	
"	"	By amount of bond against James Pruden with Int.		268 05	
"	"	By amount of bond against N. J. Powell with Int.		238 41	
"	"	By Interest on $ 3176:62 - 17 days			8 00
				3897 00	148 80

Due the Est. Jan. 17. 1839 of prin $ 3057.39
Int. 148.80
$4000:19

D.

Isle of Wight Courthouse July 22d 1842

Pursuant to a decree of the Circuit Superior Court of Law & Chancery for the County of Isle of Wight pronounced on the 7th day of May 1842. in the suit Matt. Powell admor. of his wife Elizabeth, James D. Long & Edith his wife, & Nath. Williams admor. of Sally D. Williams dec'd. Plaintiffs against Gray Carroll Sheriff of Isle of Wight County & admor. de bonis non of Nath. Pruden Sen. dec'd. Edwin Phillips admor. of Nathaniel Pruden Sen. Mary Pruden admix. of James Pruden dec'd. & others Defendants. - Dep the 11th day of June 1842 I issued a notice appointing the 22d day of July 1842 for the settlement of the accounts directed by said decree at Isle of Wight Courthouse - the notice was returned acknowledged by the plaintiffs & Defendants attorneys & herewith filed marked A - at the time & place aforesaid the plaintiff Powell attended - the Defendant Phillips also attended with his papers & vouchers relative to Nathaniel Pruden Sens admon. on the estate of Nath. Pruden Sen. dec'd. from which papers I examined, stated & settled an account of the said Nathaniel Pruden Sens. admon. & find that on the 17th day of January 1839 the said Nath. Pruden Sen. was indebted to the estate of the said Nath. Pruden Sen. the sum of $ 4000:19 - including principal and interest, as P acct. hereto annexed shews marked D -

I have also made up an account of Gray Carrolls admon. on the estate of the said Nath. Pruden Sen. from papers & evidence laid before me by Jos. B. Whitehead Deputy for Gray Carroll late admor. as aforesaid - the account herewith filed marked E shews that on the 20th day of July 1842 the said Gray Carroll Sheriff & admor. as aforesaid was indebted to the estate of the said Nathaniel Pruden Sen. the sum of $ 358:69 -

It was in evidence before me by the affidavits of Zachariah Everitt, John Minton & William Duggin herewith filed marked F. G. & H - the witness Everitt says that shortly after the marriage of Nathaniel Pruden Sen. Nathaniel Pruden Sen. gave to the said Nathaniel Pruden Sen. a negro boy named Bob. at the time of delivery the said Bob was about 6 or 7 years old and worth $ 200 - that the said boy Bob remained in the possession of N. Pruden Sen. till the death of said Pruden & at present is the property of the estate of said Pruden - that about the year 1826 or 1829 the said N. Pruden gave to his said son a Negro Girl named Rose worth

1838					
Jan.	1.	By this sum balance due last year		2346	83
"	"	By cash received of John Phillips on bond		42	50
"	"	By cash " " of Kinchen Godwin "		74	00
"	"	By cash " " of John M. Stivers "		8	25
"	"	By cash " " of George Goodson "		100	00
"	"	By cash " " of E. E. Phillips & Brother		74	61
"	"	By cash " " of ditto		42	20
"	"	By cash " " of Edwin Godwin & others		34	20
"	"	By cash " " of William Everitt		61	19
"	"	By cash " " of Ro. J. Saunders		45	00
"	"	By cash " " of Wm. Powell & others		10	57
"	"	By cash " " of Woodhouse		20	00
"	"	By cash " " of Amos M. Turner		9	95
"	"	By cash " " of Edwin P. Phillips		108	00
"	"	By cash " " of Elisha Everitt		7	05
"	"	By cash " " of Edwin Godwin		19	00
"	"	By cash " " of John Keeling		25	00
"	"	By cash " " of ditto		18	00
"	"	By cash " " of Henry Pitt		3	00
"	"	By cash " " of John Holladay		12	00
"	"	By cash " " of Amos Moore		15	00
"	"	By cash " " of James N. Jordan		29	40
"	"	By cash " " of Arch. Briggs		16	50
"	"	By cash " " of J. R. Bugley		22	50
"	"	By cash " " of Willis Morris		10	00
"	"	By cash " " of Wm. Ironmonger		57	30
"	"	By cash " " of Arthur Channell		6	69
"	"	By cash " " of J. J. Mitchell		5	38
"	"	By cash " " of Samuel Bowling		5	00
"	"	By cash " " of Wm. Powell		18	32
"	"	By cash " " of Wm. N. Chapman		11	32
Dec.	31	By Interest on $ 2346.83 one year			140 80
			$	3289	33 140 80

Due the est. 31. Dec. 1838 of prin: $ 3176.52

" " of Int. 140.80

$ 3317.42

1838.							
Feb.	10	To paid William K. Powell	Acct #		3	00	
"	"	" paid Geo: W. Council Sylff. Fees & Tickets . .			12	64	
"	"	" paid Sally B. Williams Cash Legacy . .			50	00	
Dec	31	To 5 P cent Comm: on $ 942: 55 .	Receipts		47	12	
		" Balance due the Estate P contra .		3176	62	140	80
				$ 3289	38	140	80

In account with Nathaniel Dudley Junr. — Executor — Cr.

18					
1837.					
Jan	1.	By this sum in Cash left by the Testator	$	330	75
"	"	By this sum received of James Addison		3	75
June	8	By this sum received of James Denson		4	50
"	"	By this sum received of Willis Morris		15	50
"	"	By this sum " of John C. Hancock		1	50
"	"	By this sum " of Stephen J. Hodges		6	31.
"	"	By this sum " of Eliz. Bryant		4	87
"	"	By this sum " of Sally Corbell		10	25
"	"	By this sum " of Winney Giles		1	31.
"	"	By this sum " of Ann Pinner		14	00
"	"	By this sum " of Caleb Washaco		21.	00
"	"	By this sum " of Sally Bell Jr.		6	50
"	"	By this sum " of Jane Dillon		9	45
July	1	By amount of Sales of the estate due this day		2436	62
Dec	31	By this sum for hire of boy Alfred		28	23
"	"	By hire of Geo. Holland $10.25 by hire of Isaac $25		35	25
"	"	By hire of Stephen $40 — By hire of Nancy $20		60	00
"	"	By hire of Madison		8	00
"	"	By hire of Old man Jacob one half of $25		12	50
"	"	By hire of Harry		42	50
"	"	By hire of Emmy		9	25
"	"	By hire of Sally		12	00
"	"	By hire of Ann		5	00
"	"	By hire of Jack		56	25
"	"	By rent of plantation call'd Bullocks		10	00
"	"	By rent of " " Grays		15	00
			$	3160	79

Due the est. 31. Dec. 1837. $ 23.46.83.

D.

Dr. The Estate of Nathaniel Pruden Sen: dec'd.

1836.				
Dec.	28	To paid Benj. Pruden as Exor	3	50
"	30	" paid William Campbell for Coffin	12	00
"	31	" paid Shiels & Ashburn Acct.	1	25
1837				
Jan.	3	" paid Joseph Astin "	50	00
"	6	" paid Lewis Gay "	28	25
"	26	" paid Samuel Matthews "	39	75
Feb:	2	" paid William Deen "		75
"	6	" paid John Phillips "		90
"	"	" paid Joel Holleman Acct. "	5.	00
Mar.	28	" paid for appraising the est.	4	00
Apl	24	" paid E. Phillips & brother Acct.	12	09
"	"	" paid ditto & ditto "	4	95
"	27	" paid Atkins W. Turner "	5	87.
"	"	" paid Lieut. Edward N. Butts "	19	50
July	3	" paid Jos. B. Whitehead Exr on exon:	325	83
Oct.	26	" paid Jos B. Whitehead bond	120	45
Dec:	29	" paid Levi Ricks Acct.	2	03
"	31	" this sum retained to pay for keeping Negroes Rachel & Lazarus	50	00
		" this sum for keeping negro Lucy	20	00
		" this sum for keeping negro Chicken	40	00
		" 5 p cent Comm: on $ 3160: 79 receipts	158	04
"	"	" Balance due the Estate Pcontra	2345	83
			$ 3160	79

Powell &c

vs.

Purdum admr &c

This cause came on this day again to be heard on the papers formerly read in the cause and on the report of Comr Lightfoot to which no exceptions have been filed and was argued by counsel on consideration whereupon the court doth adjudge order and decree that the account of the state of Nathaniel Powell dec'd as administered by Gray Caudill Adm'r & Purdum Exr and the report thereon be confirmed and that out of his own proper goods the said Gray Caudill Adm'r & Purdum do pay unto Edwin C Phillips admr of Nathaniel Powell dec'd the sum of twenty one dollars and twenty four cents with int thereon from 20th July 1842 and one fifth part of the balance due on said account, that he also pay to Mary Purdum admr of James Purdum a like sum of $71.74 with interest from the 20th July 1842, that he pay to Matthew Powell admr of his wife Elizabeth the like sum of $71.74. with interest as aforesaid that he pay to Nathaniel N Williams the ~~[illegible]~~ admr of Sally B Williams the like sum of $71.74 with interest from the 20th July 1842, and that he pay to James L Long and Emily his wife the like sum of $71.74 with interest thereon

from the same 20th July 1742
the pain, and the court
doth further order and decree
~~declare~~ that the right of James
Rhodes dec'd shall not by this
decree suffer prejudice as to any
other claim whatsoever in or
to the estate of Nathaniel Rhodes
the dec'd, and the court doth
moreover order and decree that
~~the negroes Betty and~~
~~do belong and be confirmed to~~
~~the estate of Nathaniel Rhodes~~
~~pleaded against James Rhodes~~
~~dec'd and that each party to~~
~~the suit do pay his own~~
~~costs~~ as to all the matters
not herein before referred to.
the bill of the plaintiff be dis
missed and that each party
do pay his own costs of suit

have received from the estate of Nathaniel Pruden Dec'd since his death
and the Commissioners will make report with any remarks deemed
pertinent by himself, or required by the parties to be so stated

A Copy Teste

Wm I Banks DC

A Copy Teste

Barth: Lightfoot Comr:

Smithfield June 11th 1842

The parties interested in the above decree are notified that I have appointed
Friday the 22d day of July next at 10 Clock A.M. at Isle of Wight Courthouse
to commence taking the accounts directed by said decree; and they are
hereby required to attend on that day, with their accounts, vouchers & proofs
necessary to enable me to carry said decree into effect

Barth. Lightfoot Comr: Cir: Sup: Court
of Law & Chan: for Isle of Wight County

Be endorsed Exhibits filed
with Report
A. Carter & Wife
&
Pocahontas Pruden &c
&
E.E. Phillips
&
Thos Garner &c &c
&
A. Pruden &c

June 13, 1842.

A. & A.
Powell & al
vs
Copy Decree
Prudens admor & al

6

Virginia.

At a Circuit Superior Court of Law and Chancery held for Isle of Wight County the 7th day of May 1842.

Matthew Powell admor: of his Wife Elizabeth, James D. Long & his Wife Edith, and Nathaniel Williams admor: of the Estate of Sally D Williams . . . . . Plaintiffs

against

Gray Carroll Sheriff of Isle of Wight County and as such admor: de bonis non of Nathaniel Pruden Sr. Edwin G. Phillips admor: of Nathaniel Pruden Junr. Mary Pruden admrx: of James Pruden, Nathaniel Pruden, John J. Pruden, & Edwin L. Pruden, William Porter and wife Rhoda, Mary E. Pruden, Camilla Pruden, Erastus Pruden, Joana Pruden, & George K. Pruden & Henry I. Pruden: Defendants.

In this cause the bill of the plaintiffs having been filed and the subpoena executed on the Defendants William Porter and wife & Gray Carroll Sheriff of Isle of Wight County and admor: de bonis non of Nathaniel Pruden for more than two months and they still failing to file their answers.

On the motion of the Plaintiffs by Counsel, the Court doth take their bill for confessed as to those defendants: and the cause coming on to be heard on the bill and answers of the other defendants, the replications thereto, examination of Witnesses and the exhibits filed, and was argued by Counsel; On consideration whereof the Court doth adjudge, order & decree that a Commissioner of this Court take the following accounts 1st. an account of the administration of Nathaniel Pruden Junr: on the estate of Nathaniel Pruden Senr & of Gray Carroll as admor: 2d. on the said Estate — 2d. an account of the value at the time of delivery of the property advanced by Nathaniel Pruden Senr: in his lifetime to his Children — and an account of the value at the time of the death of Nathaniel Pruden Senr: of the slave Amey named in the 5th clause of Nathaniel Pruden Senrs Will and excepted in that clause & who was in the possession of James Pruden at his death: and also of the value at the same time of Negro Bob, named in the 4th clause of said Will and who was the property of Nathaniel Pruden Senr: and also ascertain in whose possession the said slaves Bob & Amey now are: And the said Commissioner is also to enquire (if any) what estate the said Nathaniel Pruden Senr & James Pruden or either of them, or any person for them

of the Value at Same time of negro Bob named in the 4th Clause of Said Will and who was the property of Nathaniel Pruden Jr. and also ascertain in whose possession the said Slaves Bob and Amey now are - And the said Commissioner is also to enquire if any, what estate the said Nath.l Pruden Jr. and James Pruden or either of them or any person for them, have received from the estate of Nathaniel Pruden sr. since his death - And the Commissioner will make report with any ~~remarks~~ remarks deemed pertinent by himself or required by the parties to be so stated.

A Copy Test
Wm. J. Banks. D.C.

Pruell Ex
vs
Pruden's admrs
Copy. Dec'd.
Filed. 1842
Rec'd. 1842

Notice to Thomas the 22nd July 1842 ex. Pruell Ex
Paid Commissioner's fee
July 22. 1842 Cert. Exec
Saturday 30. 1842 ex Committee

Virginia.

At a Circuit Superior Court of Law and Chancery held for Isle of Wight County the 7th day of May 1842.

Matthew Powell admor: of his Wife Elizabeth, James L. Long and his wife Edith and Nathaniel Williams admor. of the estate of Sally D. Williams . . . . . Plaintiffs

against

Gray Carroll Sheriff of Isle of Wight and as such admor: de bonis non of Nathaniel Pruden sr. Edwin E. Phillips admor: of Nathaniel Pruden Jr. Mary Pruden admx: of James Pruden, Nathaniel Pruden, John T. Pruden, Henry J. Pruden, and Edwin C. Pruden, William Porter and wife Rhoda, Mary E. Pruden, Camilla Pruden, Erastus Pruden, Joana Pruden, and George K. Pruden . . . . . Defendants

In this Cause the bill of the plaintiffs having been filed and the Subpoena executed on the defendants William Porter & wife and Gray Carroll Sheriff of Isle of Wight County and admor: de bonis non of Nathaniel Pruden sr. more than two months and they still failing to file their answers. On the motion of the plaintiffs by Counsel the Court doth take their bill for confessed as to those defendants: and the Cause coming on to be heard on the bill and answers of the other defendants the replications thereto, examinations of witnesses, and the exhibits filed and was argued by Counsel; On Consideration whereof the Court doth adjudge order and decree that a Commissioner of this Court take the following accounts. 1st An account of the administration of Nath. Pruden Jr. on the estate of Nath. Pruden sr. and of Gray Carroll as admr. &c. on the said estate. 2nd An account of the Value at the time of delivery of the property advanced by Nathaniel Pruden sr. in his life time to his Children. And an account of the Value at the time of the death of Nathaniel Pruden sr. of the Slave Amey named in the 5th Clause of Nathan. Pruden sr. Will and excepted in that clause and who was in the possession of James Pruden at his death, and also

And the said Com. is also to enquire, if any, what estate the said Nathl. Pinder or James Pinder or either of them, or any person for them, have rec'd. from the estate of Nathl. Pinder dec'd. since his death.

And the Com. is also to make enquiry with any remarks deemed pertinent by himself, & required by the Parties to him or Notice, &c.

Pinders &c
v
Pinders, Admr. &c.

Nov. 1st 1815
Lodged

Probate Matters Procedure

The affs in this cause having executed & filed the bill of the complainants filed more than 2 months, and the affts Porter and wife Rhoda and Gray Canada having appeared & the Court, and admonished them with the solicitors of Stathl Pruden dec'd, having failed to appear this day, which they have so done, the affts taken as confessed thereto - and this cause coming on to be heard on the bill, the answers of the other affts, the examination of witnesses, exhibits filed & proofs taken as agreed by Counsel, and consideration whereof the Court doth adjudge, and decree that a Com. of this Ct. take the following account - 1st an acct of the assets of Stathl Pruden dec'd in the estate of Stathl Pruden dec'd, and of Gray Canada as adm'r in the said estate - 2d an acct of the value of the property advanced by Stathl Pruden dec'd in his lifetime to his children - and acct of the value at the time of the death of Stathl Pruden dec'd of slave Amy named in the 5th clause of Stathl Pruden dec'd will and excepted in that clause, and also in the possession of James Pruden at the death, and also of the value at same time of negro Bob named in the 4th clause of said will & who was the property of Stathl Pruden dec'd, and also accounts in whose possession the said slaves Bob and Amy now are -

Pendleton admr. & Powell admr.

Nathaniel Pendleton made a will in 1819 and died in Nov. 1836

He gave land and negroes to his children and except a negro boy Bob previously advanced to his son Nathaniel and a gift & money advanced to his son James

After the will and before his death, he gave to Nathaniel a gift Rose.

To James he gave two negroes (ie.) ----

To Mrs. Williams he gave Milly (and perhaps her two children)

To Eady he gave Hester and another

To Mrs. Powell he gave boy Josie

To Nathaniel he conveyed by deed the land devised in the will

To James he conveyed the Stanmount land also devised in the will

In the depositions of Phillips & Minton which prove that the testator could he had done more for Mrs. Powell than he should will be able to do for the other children, and that what he had given he had no control over.

All the parties claim the negroes given after the date of the will as advancements which they are not required to account for, and yet they claim that Bob and Sinay shall be returned though they remained in possession of Nathl & James from the date of the will (and even before) till the death of the testator, a period of 19 years.

If they claim title from possession for a shorter period, they cannot fairly claim against ~~Hyde~~ a much longer possession by Nathaniel & James

that a tutator may revoke his will by subsequent act is too clear to admit of argument. He may sell the property bequeathed to a third person and the legacy or devise is gone forever. His conveyance of the land devised to Nathaniel and James to them after the date of the will entirely expunged the devise, as much as if conveyed to third persons This must have been his distinct intention The same thing was done in relation to the negroes Bob and Amey. He permitted them to remain in the quiet possession of his sons for 18 years, and this gave them as complete a title to the negroes as they acquired in land by conveyance subsequent to the date of the will. The exception in the will was as completely revoked by the long possession as a positive bequest could be by a subsequent alienation either to the parties or third persons. If the exception was to remain in force why did the tutator make new advancements to the same children. He certainly never could have contemplated the return of these two negroes to his estate, though he might have intended it when making his will, after so great a lapse of time and giving other negroes to all his children he certainly considered his will revoked as to the exceptions and that the title was complete in his two sons.

Ashmore

Powell v.

Pruden

motion for the
Injunction by the
Pltffs' attys.

1. Rebs Subs.
1 Injunction 179-407

Powell & Ath[s] -v- Pruden & c.

Case.

Nath[l] Pruden d[r] had 5 children, to wit; Elizabeth who married Nath[l] Powell, Edith who married Long, Sally who married Williams, Nath[l] Pruden jr who is dead & Jams Pruden who is dead - 3 daughters & 2 sons. — It appears that Mary Jones &c, in made advancement to each of his children and among other things, he advanced to Nath[l] Pruden jr his son, a negro boy Bob, and to Jams Pruden woman Amey or Emy. In 1819 - the testator made a will, and died not until 1836 - By the will he gives land to his son Nath[l] Pruden - and land to Jams Pruden - and also to Edy Pruden now Mrs Long a pl[ff]: and by the 4th clause, the testator gives to his son Nath[l] Pruden all the property of which he had theretofore disposed except negro Bob - In the 5th clause he confirms to Jams Pruden the gift of all the property before given him except girl Amey and by the 10th clause - he gives all the rest and residue of his estate not therein before particularly disposed of, to be equally divided among all his children. Nath[l] Pruden d[r] having died in 1836, his estate in his possession has been distributed in whole or in part, and Jams Pruden owner: and Nath[l] Pruden jr took an equal portion of the residue, without surrendering the negroes excepted in the gift to them - The pl[ff]s say that under the will of N. Pruden d[r] the negroes Bob and Amey and their issue were to come into the estate of Nath[l] Pruden d[r], to be distributed under the residuary clause - and that as they have taken under the will, they must pay two

value of said slaves. —
Wig understood that a person can't claim under and against the will — all the cases go to shew the principle. — Wig immaterial whether the testator had the right to Bob and Anny or not, nor is it important whether the estate taken under the will by Jane and Nathl. passes with ~~any thing~~ little or much —
He who takes the benefit, can't dispute the title.
he can't take under the will unless he surrenders the whole will to take effect — 7 Th Bacon 445. Dr. 2 Bay Selection 391 — 1 Hayw 522 — 2 Hayw 370 — Roberts on frauds 43.
In this case now before the Court, it is evident that the testator intended that Bob & Anny should fall into the residue — and if he has given much more in value to the land, to Jane and Nathl. than to the others, he supposed in justice, all should participate in the value of Bob and Anny —
The will speaks from the death of the testator and what the slaves are worth then in 1836, ought to be the amt. of compensation if they are not had in kind into the estate of old Mr. Pringle. — The disposition shews advancements made to Williams, to Reg and to Powell but that does not affect the rights of the pltffs: they are not to bring in upon the principles of Hotchpot, which applies in case of intestacy only.

Note for
the Judge

Rovelle vs Pendleton

The evidence taken in the cause since last term shows that N. Pendleton after making his will permitted the negroes in dispute Rob & Amy to remain in quiet possession of Nat & Jos Pendleton up to the time of his death say 18 yrs. he also gave them negroes to various of his children and conveyed the land mentioned in the will to Nat & James. He gave bonds to one to Jos for land, and seemed to be making advancements to us to make his children somewhat equal

The statements of the testator as proved by the witness shows that he never thought of redeeming the negroes. "What he had given he had given"

The court is opened to the testimony taken in the cause to shew the facts relied on this note & the one endorsed

W. A. Harrison

At a Court held for Isle of Wight County the 5th day of December 1836
a paper writing purporting to be the last Will & Testament of Nath.l
Pruden dec.d was presented in Court, and proved in part by the
oath of John Minton one of the witnesses thereto and continued for further
proof.

Attest Nath.l Young Clk.

A Copy of the last
Will & Testament of
Nath.l Pruden dec.d

Jos M. Powell

Ld Raym 63
2 Ld Raym 1361
1 Vern 522
2 Vern 370

Powell &c.
vs
Executors
&c. B.D.C.t
Pruden a.d.v.t.

(I. P. alio)

In the name of God Amen I Nathaniel Pruden Senr. of the county of Isle of Wight do hereby make my last will and Testament in manner & form following that is to say 1st I give to my son Nathaniel Pruden all my land lying on the west side of my mill pond, taking the said Mill swamp from Everetts creek up to the school house on Samuel Everetts land, the mill & Mill Stream to go with the land given as aforesaid to him & his heirs forever. 2dly I give to my son James Pruden the plantation whereon I now live, also a part of my land known by the name of Walkers to commence at the swamp & run directly through so as to divide the orchard on said land equally thence to Walkers back line to take that part which joins the plantation whereon I now live, also one other tract or parcel of land lying in the county of Nansemond, containing by estimation one hundred & six acres be the same more or less, which land I purchased of Robert & Richd Webb to him & his heirs forever. 3dly I give to my daughter Lady Pruden the balance of my land called Walkers also the plantation purchased by me of William & Murphey Dixon by the name of Dixons manner place to her & her heirs forever 4th I give to my son Nathaniel Pruden all the property which I have heretofore possessed him with except one negro boy named Bob to him & his heirs forever 5th I give to my son James Pruden all the property which I have heretofore possessed him with except a negro girl named Amy also one walnut chest & one gun to him & his heirs forever. 6th I give to my son James Pruden my large Brandy Still now set up on the plantation whereon I now live to him & his heirs forever. 7th I give to my daughter Lady Pruden one bed & furniture her choice also one poplar chest to her and her heirs forever. 8th I give to my daughter Elizabeth C. Powell two negroes named Mary & mourning & their increase also all the rest of the property that I have before possessed her with, also my barrel Still now set up on the plantation whereon I now live to her & her heirs forever. 9th I give to my daughter Sally B. Williams two negroes named Lydia & George with their increase also all the rest of the property that I have before possessed her with, also fifty dollars in cash to be paid out of my estate also my Gig & harness to her & her heirs forever. 10th all the rest & residue of my estate of what nature or kind so ever it is maybe, not before particularly disposed of I desire may be equally divided among my several children herein before named which I give to them, their heirs, executors, administrators and assigns forever. And lastly, I do hereby constitute and appoint my two sons Nathaniel Pruden & James Pruden executors of this my last will & Testament hereby revoking all other or former wills or Testaments by me heretofore made In Witness whereof I have hereunto set my hand & affixed my seal this fifteenth day of September in the year of christ One thousand eight hundred & nineteen.

Nath. Pruden Senr. (Seal)

Signed sealed published & declared as and for the last will & Testament of the above named Nath. Pruden Senr. in presence of —

John C Cohoon

Matthew Denson

John his X mark Upton

John his X mark Askew

N. Prudon Coco: of
N. Prudon s.l. deed.

V

B.

In the County Court of Sheffield, Decr. 6th 1836.

The last Will and Testament of Nathaniel Pruden sen. Decd. was proved in part by John Murdock one of the Executors thereto and continued for further proof. And on the motion of Nathaniel Pruden Executor therein named who made oath thereto, and together with John Phillips, Edwin E. Phillips and Henry Pruden his securities, entered into and acknowledged their bond in the penalty of $15000, conditioned as the law directs, Certificate is granted him for obtaining a probat of the said Will in due form.

Copy.

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

E. E. Phillips admr. of
N. Pruden. estate

C

In Isle of Wight County Court. November 4th. 1839.

On the motion of Edwin B Phillips who took the oath of administrator required by law and with John Phillips Jr. his security, entered into and acknowledged a bond in the penalty of $20000. Conditioned according to law, administration is granted him on the estate of Nathaniel Rawlings jr. dec'd: according to law.

Copy,

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

The estate of N. Pender.
Cert.e to Sh'ff.

In The County Court of Isle of Wight, March 1st: 1841.

On Motion, ordered that Gray Carroll Sheriff of this County take the estate of Nath.l Pruden Sen.r into his possession, and administer the same according to Law.

Copy, Teste

N. P. Young D. Clk

An Account of
Gray Carroll's Admon.
on A. Braden Sen.
estate

E

Dr. The Estate of Nathaniel Pruden Sen. — In account with Gray Carole Sheriff of Isle of Wight County and Admor. de bonis non with the Will annexed . . 3 Cr.

1842					1842						
May	10	To paid the Coroner			50	May	10	By this sum received of Barth: Lightfoot Coroner			
"	"	" paid A. Atkinson . . . Acc^t .		10	00			on exon. vs. Urquhart for money paid by Testator			
"	"	" 5 P cent comm^{ns}. on $ 392: 30 receipts . .		19	61			as security for Urquhart	$	392:	30
July	20	" this sum to pay the Clerk for cost of admon.		2	50						
"	"	" this sum to Comm^r for making up acct . .		1	00						
		" Balance due the Estate P Contra . .		358	69						
			$	392	30				$	392:	30

Due the Estate July 20th 1842 $ 358: 69

5 ÷ 358.69
$ 71.74

Nathaniel Braden Jun.

Account current

J

1.00
57
41
1
3.61

3 16

In Obedience to the annexed order of the Court of Isle of Wight County I the undersigned have procede from papers & vouchers laid before me to make up an account of Nathaniel Pruden Junr. Executorial transactions on the estate of Nathaniel Pruden Senr. decd. & find the said Nathaniel Pruden Jr. indebted to the estate of said Nathaniel Pruden Senr. decd. the sum of four thousand & forty nine dollars and forty cents, which said balance is to carry interest from this 17th. day of January 1839 till paid, all of which is respectfully submitted to the Court.

Wm. C. Edwards Iss. Com.

Isle of Wight County Sup. Court 1838.

On motion of Nathaniel Pruden excutor of Nathaniel Pruden decd. Ordered that William C. Edwards be a special Commissioner for the purpose & after being sworn that he make up an account of said executors transactions on the said decedents estate and make report thereof to the court.

A Copy Teste Nath. Young Cl. Cour.

January 17th. 1839 Receivd of Nathaniel Pruden Jr. Executor of Nathaniel Pruden Senr. decd. one thousand three hundred and forty nine dollars and eighty cents which is in full for my proportion of the balance found due upon the account Current of said Nathaniel Pruden Senr. estate.

Nancy Pruden

Witness
Wm. C. Edwards
" Cl "

January 17th. 1839 Received of Nathaniel Pruden Jr. Executor of Nathaniel Pruden Senr. decd. five hundred and thirty nine dollars and ninety two cents which is in full for my proportion of the balance found due upon the account current of said Nathaniel Pruden Senr. estate.

Sally B Williams

Witness
Wm. C. Edwards
" Cl "

January 17th. 1839 Received of Nathaniel Pruden Jr. Executor of Nathaniel Pruden Senr. decd. five hundred and thirty nine dollars and ninety two cents which is in full for my proportion of the balance found due upon the account current of said Nathaniel Pruden Senr. estate.

William Borrell

Witness
Wm. C. Edwards
" Cl "

January 17th. 1839 Rec'd of Nathaniel Pruden Jr. Executor of Nath'l Pruden Senr. decd. five hundred and thirty nine dollars and ninety two cents which is in full for the proportion of Ann P., Elizabeth, Camilla, Joanna, Erastus, and George Pruden children & heirs of James Pruden decd. of the balance found due upon the account current of said Nathaniel Pruden Senr. estate.

Witness

January 17th. 1839 Rec'd of Nathaniel Pruden Jr. Executor of Nathaniel Pruden Senr. decd. five hundred and thirty nine dollars and ninety two cents which is in full for my proportion of the balance found due upon the account current of said Nathaniel Pruden Senr. estate.

Witness

Jonah Hallman Jr
James D Long

1838						1838					
Feby.	10	To amount of debts brought forward			65	64	Janry.	1	By amount of credits brought forward		2858 78
							"	"	" this sum rec^d of Wm Powell Jr Exec^r	bond	10 57
							"	"	" " of Woodhouse	d^o	20 —
							"	"	" " of Alfred W. Turner	acct	9 95
							"	"	" " of Edwin C. Phillips	bond	108 —
							"	"	" " of Elisha Evans	d^o	7 05
							"	"	" " of Edward Godwin	d^o	19 06
							"	"	" " of John Keeling	d^o	25 00
							"	"	" " of Ditto	d^o	18 —
							"	"	" " of Ag: Ditto	acct	3 —
							"	"	" " of John Holliday	d^o	12 —
							"	"	" " of Jesse Moor	d^o	15 —
							"	"	" " of James H. Jordan	d^o	29 40
							"	"	" " of Arch^d Briggs	d^o	10 80
							"	"	" " of Lieut. J. R. Bagley	d^o	77 50
							"	"	" " of Capt. Willis Morris	d^o	10 —
							"	"	" " of Charles B. Ironmonger land rent		57 50
							"	"	" " of Arthur Channels	acct	16 04
							"	"	" " of J. B. Whitehead admin: of E. Lowder		5 38
							"	"	" " of Jem^a Cowling	acct	5 06
							"	"	" " of Matthew Powell	d^o	18 32
							"	"	" " of C. A. Chapman	d^o	11 32
Dec^r.	31	" 5 P^r cent Commission on $602.12 receipts			30	10	Dec^r.	31	By Interest on $ 2858.78 last years balance		171 52
"	"	" this sum balances due the estate			336	16					
					$ 3460	90					$ 3460 90
1839							1839				
Janry.	17	To this sum retained to pay the Clerk of General Court ticket			3	18	Janry.	1	By this sum balance due the estate last year		336 16
							"	17	" amount of bond to the Exor^s with Int^t to this date		135 23
"	"	" this sum retained to pay the Clerk for order of settlement, filing this account for exceptions & recording the same, recording appraisement & account of sales			5	—	"	"	" amount of d^o vs d^o with Int^t to this date		78 75
							"	"	" amount of d^o vs James Pruden with d^o		268 05
							"	"	" amount of d^o vs Ag: A Powell & with d^o		238 11
"	"	" this sum retained to pay the auditor of this acct.			4	—					
"	"	" 5 P^r cent Commission on $720.44 receipts			36	49					
"	"	" Balance due the estate			704	40	"	"	" Interest on $336.16 last years bal^e till this day		9 47
					$ 1073	07					$ 1045 07

All Available Text Successfully Captured

Dr. The Estate of Nathaniel Pruden Senr. dec'd.

1836							
Dec.	28	To this	sum	paid	Henry Pruden as Cryer	for dict.	3 50
"	30	"	"	"	paid William Campbell	for acct.	12 00
"	31	"	"	"	paid Shields & Ashburn	for C°.	1 25
1837							
Janry.	3	"	"	"	paid Joseph. Ashton	for dict.	50 00
"	6	"	"	"	paid Lewis Gay	for C°.	28 25
"	26	"	"	"	paid Sam.l Matthews	for acct.	39 75
Feby.	2	"	"	"	paid William Dews	for C°.	75
"	6	"	"	"	paid John Phillips	for C°.	90
"	"	"	"	"	paid Jno. Holleman all.c for advice	for C°.	5 00
Mar.	28	"	"	"	paid four appraisers of the estate	for dict.	4 00
Apr.	24	"	"	"	paid E. Phillips & Brother	for acct.	12 09
"	"	"	"	"	paid E. E. Phillips & Brother	for C°.	4 95
"	27	"	"	"	paid Alfred W. Turner	for C°.	5 87
"	"	"	"	"	paid Dr. Edward A. Bulls	for C°.	9 00
"	"	"	"	"	paid C°. C°.	for C°.	10 50
July	3	"	"	"	paid Jos. B. Whitehead Dpty. Sheriff on	for dict.	335 03
Oct.	26	"	"	"	paid Ditto admor. of Elisha Corrie		
					deed. bond		20 45
Dec.	29	"	"	"	paid Levi Rix	for acct.	2 03
"	31	"	"	"	retained by the Exor. for keeping negroes Rachel & Lazarus		50 —
"	"	"	"	"	retained by the Exor. to pay for keeping negro child Lucy		20 —
"	"	"	"	"	paid Nancy Pruden for keeping negro woman Annis & four children		40 —
"	"	"	5	Percent	Commission on $3160.79 receipts		158 04
"	"	"	the	balance	due the estate	Per Contra	3346 83
							$ 3160 79
1838							
Feby.	10	To this	sum	paid	William K. Powell	ad for dict.	3 00
"	"	"	"	"	paid Thos. W. Councill Dpty. Shff.		
					tax accounts & Clerks ticket		12 64
"	"	"	"	"	paid Sally B. Williams cash legacy		50 —
					amt. carried over		$ 63 64

In account Current with Nathaniel Pruden Senr. Executor Cr.

1837							
Janry.	1	By this	sum	in cash	found in the house of the testator after his death		330 75
"	"	"	this	sum	rec.d of James Addison	on acct.	3 75
June	1	"	"	"	rec.d of James Dawson	on C°.	4 80
"	"	"	"	"	rec.d of Willis Morris	on C°.	13 50
"	"	"	"	"	rec.d of Jn.° C. Hardcock	C°.	1 44
"	"	"	"	"	" of Stephen F. Hookey	C°.	0 31
"	"	"	"	"	" of Eliz.a Bryant	C°.	4 82
"	"	"	"	"	" of Sally Corbell	C°.	10 25
"	"	"	"	"	" of Penney Giles	C°.	1 31
"	"	"	"	"	" of Anne Penner	C°.	14 —
"	"	"	"	"	" of Capt. Caleb Usher	C°.	21 —
"	"	"	"	"	" of Sally Bell Jr.	C°.	6 36
"	"	"	"	"	" of Jane Dellow	C°.	9 40
July	1	"	amount of	sales	of Jobs. sale this day		2436 63
Dec.	31	"	the	hire	of negro boy Alfred		28 25
"	"	"	"	"	of negro girl Holland		10 25
"	"	"	"	"	of negro boy Isaac		25 —
"	"	"	"	"	of negro man Stephen		40 —
"	"	"	"	"	of negro woman Nancy		20 —
"	"	"	"	"	of negro boy Maddison		8 —
"	"	"	"	"	half the hire of old negro man Jacob		12 50
"	"	"	"	"	of negro man Harry		12 50
"	"	"	"	"	of negro girl Emmy		9 25
"	"	"	"	"	of negro woman Keller		12 —
"	"	"	"	"	of negro girl Anne		5 —
"	"	"	"	"	of negro man Jack		36 25
"	"	"	the	rent	of Bullocks plantation		10 —
"	"	"	the	rent	of Grays C°.		13 —
							$ 3160 79
1838							
Janry.	1	By this	sum	balance	due the estate last year		2346 83
"	"	"	"	"	rec.d of Jn.° Phillips	on bond	47 50
"	"	"	"	"	" of Kinchin Godwin	C°.	74 —
"	"	"	"	"	" of Jn.° M. Shivers	C°.	8 25
"	"	"	"	"	" of George Goodson	C°.	100 —
"	"	"	"	"	" of E. E. Phillips & Brother due bill		74 61
"	"	"	"	"	" of C°. & C°.	C°.	77 20
"	"	"	"	"	" of Edwin Godwin & others	bond	34 20
"	"	"	"	"	" of Wm. Everitt	acct.	61 19
"	"	"	"	"	" of Ro.: J. Saunders	bond	45 —
					amt. carried over		$ 2838 78

All Available Text Successfully Captured

Pruden
to
Pruden

&

Co: dec'd

Powell adm
v.
Pruden & adm'r

Dec'd

Eq.

Filed by def's Atty 4th 1842.

assigns forever free from the claim of myself of all and every person claiming from or under me. In Witness Whereof I the said Nathaniel Pruden Junr. have Set my hand and Seal the day and year first above Written.

Signed and acknowledged in the presence of - Nathl. Pruden Jr. (seal)

In Isle of Wight County Court June 10th 1826 the foregoing Indenture Was acknowledged in the Clerks Office by Nathaniel Pruden Jr. and admitted to record.

Test

Nathl Young Clk

A Copy
Test
Wm. C. Banks D.C.

This Indenture made this tenth day of June 1826 between Nath.l Pruden Sen.r of the County of Isle of Wight and State of Virginia of the One part and Nathaniel Pruden Jun.r of the County and State aforesaid and Son of the said Nathaniel Pruden Sen.r of the other part Whereas the said Nathaniel Pruden hath put in the possesion of the said Nathaniel Pruden Jr a Certain tract or parcel of Land containing by plat & Survey two hundred and thirty Six Acres It being the same lands that Nathaniel Pruden sr purchased of Zachariah Everitt the last purchase and bounded as follows to Wit; On the Est by the poplar Swamp, On the West by the lands of Samuel Everitt dec.d On the North by the lands of the said Nathaniel Pruden sr. Commencing at the Old Mill dam and running West up a Small branch to the path thence along a line of marked trees to the main road Corner of Samuel Everitt's line on the South by the Creek Commencing at the mouth of the poplar Swamp and running up the Creek to Macclenachen Mill thence up the mill pond to the lands of Samuel Everitt dec.d reference to a deed from Zachariah Everitt to the said Nathaniel Pruden sr will more fully explain the boundary thereof and Whereas the said Nathaniel Pruden sr. never given made any Conveyance to the said Nathaniel Pruden Jun.r Now this Indenture Witnesseth that for and in Consideration of the parental and Natural love and affection which I the said Nathaniel Pruden sr hath and beareth unto the said Nathaniel Pruden Jr. my Son and also for the further Consideration of the Sum of One dollar to me the said Nath.l Pruden sr in hand paid by the said Nathaniel Pruden Jr the receipt whereof is hereby acknowledged, reserving for Self my Mill with One Acre of land attached thereto have given granted, aliend enfeofed and Confirmed unto the said Nathaniel Pruden Jr his heirs and assigns forever the aforesaid had or parcel of Land with its appurtenances thereto belonging or in any Wise appurtaining used or enjoyed, with the exception of the reserve of the Mill and One Acre of Land to myself as aforesaid unto the Nathaniel Pruden Jr. his heirs and

X[2].

Nathaniel Pruden[s] Sons
To
Dec d.[r]
James Pruden

(a Copy)

Powell vs.
Pruden Bad 3 3 cby.
Filed by the Def. May 4th
1842-

fee 32 cents.

Nansemond County Court Clerk's Office to Wit

This Deed from Nathaniel Pruden Senr to James Pruden was proved before me in my said Office on the 4th day of July 1826, by Nathaniel Pruden Jr on the 21st of the same month by John Minton two witnesses thereto, and on the 11th day of August 1828, was acknowledged by the said Nathaniel Pruden Senr according to Law, and thereupon admitted to record

Teste,

John T. Tilly D.C.

A Copy,

Teste,

Joseph Prentis. clerk

Nans.d Office
May 3. 1842

This Indenture made this first day of July eighteen hundred and twenty six and in the 50th year of the Commonwealth Between Nathaniel Pruden Senr of the County of Isle of Wight and State of Virginia of the one part, and James Pruden of the County of Nansemond and State aforesaid and son of the aforesaid Nathaniel Pruden Senr of the other part Whereas the said Nathaniel Pruden Senr hath put in possession of the said James Pruden a certain tract or parcel of land containing by estimation one hundred and six acres more or less situate and being in the County of Nansemond and bounded as follows on the East by the lands Henry Riddick on the North by the lands of Hugh Kelly decd on the South by the lands of David Godwin, on the west by the lands of James Pruden being the same land that Nathl Pruden Senr purchased of Richard & Robert H. Webb and reference to their Deed to Nathl Pruden Senr will fully explain the boundarys thereof - and whereas the said Nathaniel Pruden senr never give or made any conveyance to the James Pruden - Now this Indenture witnesseth that for and in consideration of the parental and natural love and affection which I the said Nathaniel Pruden hath and beareth unto the said James Pruden my son and also for the further consideration of the sum of one dollar to me the said Nathaniel Pruden in hand paid by the said James Pruden the receipt whereof is hereby acknowledged, Have given granted, aliened infeoffed and confirmed unto the said James Pruden his heirs and assigns forever the aforesaid tract or parcel of land with its appurtenances thereunto belonging or in any wise appertaining or with the same used or enjoyed to him the said James Pruden his heirs and assigns forever free from the claim or claims of him the said Nathaniel Pruden or of any person or persons claiming from or under him do warrant and defend by these presents - In witness whereof the said Nathaniel Pruden have hereunto set his hand & seal the day and year first above written

Signd Seald & delivered in the
presence of
Nathl Pruden Jr.
Albert G. Shivers
John his X mark Minton

Nathl Pruden Senr (Seal)

"

N. W. Williams admr.
of S. B. Williams.
Order

In Sheffield County Court February first 1841.

On motion of Nath'l. W. Williams who took the oath required by law and with Henry Prieden his security entered into and acknowledged a bond in the penalty of $5000 conditioned according to law, administration is granted him on the estate of Sally B. Williams dec'd.

Copy. Teste

N. L. Conny D.C.

Matt. Lowell's certificate
of admon: on the estate of
his late Wife Eliz.th Lowell

Jun 18.

At a Quarterly Court held for Nansemond County
the 14th day of June 1861.

On the motion of Matthew Powell who made Oath as administrator and with Henry L. Tynes his Security, who justified, entered into and acknowledged a bond in the penalty of One Thousand dollars, Conditioned as the Law directs, Letters of administration on the estate of Elizabeth Powell his late wife deceased in due form are granted to him.

A Copy
Test.
Joseph Towles. Clerk

Accounts of
Nath[l] Prudon
Mary G Prudon
Cornelius Prudon
Erastus Prudon
Joana Prudon
Geo. N. Prudon
John F. Prudon
Henry I. Prudon
Edwin G Prudon
Edwin G. Phillips
adm[r] of Nath. Prudon

Mary Prudon admx of
Moses Prudon –

Infm by Nath Montgomery
grd - adm