

1859-011

Chancery Causes: Levy Pope, for & c vs Mallory M. Garner's admr, Margaret J. Garner &
Isle of Wight County Mallory Jane Garner, by v o

other SURNAMES: Pruden
Minton, Busby, Parker, Eley,
Meador, [J. P. Pruden & Brother],
Rix

Bell \$ 9.76
 Bond. 16.75
 Attest. 16.50
 Off. 2.50
 45.51
 add. 3.00
48.51

Long Paper
 Bill
Garners at other

March rules 1837
 Bill & filed sum. up.
 & go. addition app. to infants.
 & decree nisi in adults.
 sum. of infants & rest.

Apr. rules 1837. Bill
 taken for Confined or to
 adults & rest for hearing.

May 1837. Decree for
 accts. D. B. p. 117.

Octo. 1837. Cond.

Sept. 10. 1838. Cond.
 rep. 1. filed.

Octo. Oct. 1838. Decree
 for sale of. p. 151.

May 1837 - Decree
 for collection, distribution
 to make good.

Octo. 1837 report of
 Com. P. & filed & find Decree

or years more at 5, & other at 3 years of age, without issue then
arrived, and leaving as their heirs at law, their brothers
~~and~~ sisters above named & the mother Mary, Garner -
of whom however, Benjamin is of the half blood.

Your Honor alleges that the interest of the said Mollay Garner
was in the property bequeathed to the said Mary by his father John
and which he intended for his deceased brother,

is liable to the debt due to your Honor and his other creditors
and he prays that the same be ascertained, and made
subject thereto and be sold by a decree for that end
by this Honorable Court -

Your Honor is without adequate remedy for this in this Court.
He prays that John S. Pender administrator of Mollay Garner
and Margaret S. Garner and Mr. Sam Garner, be made
parties defendant and be compelled to answer the same -
the last being an infant by her guardian ad litem to be
appointed for such purpose -

That the said John S. Pender render an account of his trust
actions as Administrator or otherwise - That an account
may be taken of the debt due to your Honor, & all
other debts which were owing by the said testator inter
-late, at his death and remain unpaid - That an
account be taken of the interest of the intestate in
the property before mentioned, bequeathed by his father

John Garner died to his wife - That the same
may be sold for the objects aforesaid, and that all
other relief in the premises as the Court may seem
proper, be granted, and the circumstances of the
case may require - May it please the Court to grant
the Commission above.

Doth the Court

To the Hon. Richard H. Baker Judge of the Circuit Court
of Isle of Wight County.

~~Heretofore~~ Complainant sheweth unto your honor, your
Orator Leroy Pope who sues on behalf of himself & others the creditors
of Chas. Garner, late of Isle of Wight County, deceased, who
shall come in and contribute to the expense of this suit.
That the said Chas. Garner departed this life on about
the of 1856, and was in his lifetime & at the
time of his death, justly and truly entitled unto the plaintiff
in the principal sum of \$40.00, with an accrual of interest from
the 1st of 1856, upon and by virtue of a bond executed by him
with one J. Pruden as his surety - bearing date the day and
year last aforesaid & payable to one W. E. Minton, on the
15th of December 1856 - as by the said bond herewith filed as
a part of this bill will appear - And your Orator avers that
the said bond was thereafter, for value recd, transferred by the said
Minton to him - and he holds the same as due to him, the plaintiff.

The said Chas. Garner died intestate, leaving a widow
whose name is, Margaret J. Garner and an infant of tender years
as his, her, and administratrix at law -
named Eliza Jane Garner. One John J. Pruden has qualified
as administrator and has taken possession of the goods & chattels of
his intestate. Your ^{Orator} charges that the estate of the deceased
is small, and will be insolvency, unless the interest hereafter
mentioned, which the said deceased has in the ~~estate~~
estate of his late father John Garner decd. & even that will
be hardly sufficient to meet his liabilities.

John Garner, the father of Chas. Garner, died in the year 1850.
Intestate - by his will a copy of which is herewith filed as a part
of this bill, besides other things, he gives his wife Mary Garner
"the balance of his land, with the balance of his estate
as long as she remains in my name" - Then what is left to
be equally divided between the balance of my other children -
The following children - (David, Benjamin) and Elizabeth who
married one John M. Pope, John Garner, Norman Garner, David Garner
Lilla A. Garner, Mary & Ernest Garner. The two last have since died of very low
age - and their real estate has been sold, leaving a large sum of money - the balance of the estate is now in the hands of the executor - Benjamin being one of the heirs at law -

Very Respe
fully am of Sept

Garner above

The answer of Mr. Isaac Garner, infant child of Mr. Henry Garner dec'd, by N. P. Young,
her guardian ad litem - to a bill filed against her & others. By Lord of Peppas. ^{for her answer to the sum of \$1000 as the said bill is intended for her to}
This respondent saving & excepting &c. by her said guardian ad litem, answering says
That she neither admits or denies the allegations of her complaint here, but calls for the
strictest proof: and as she is an infant of tender years she has to submit her
interests in the premises to the protection of the Hon. Court & having answered - prays
leave to be admitted

N. P. Young gds. (2)
ad litem

Execution by delivering a true copy of
the within to Mrs. O. Garrison and Mrs.
Margaret Garrison July 16th 1837

Thos. Jefferson in
Depy
Precinct P. Coy - Mass

Sevi Pope

Mr. J. Sum. in
Chj.

Mrs. J. Prudden
adm. of Mr. M.
Garrison

To March 1837
1837 in. et.
Whitely

THE COMMONWEALTH OF VIRGINIA.

To the Sheriff of Isle of Wight County—Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON John T. Padden
administrator of Malloy M. Garner decd., Margaret
Garner widow of said decd. & Malloy Lane Garner infant
to appear at the Clerk's, Office of our Circuit Court for Isle of Wight county,
on the first Monday in March next, to answer a bill in Chancery
filed a joint return by Levi Pifer sometimes called Levi
Pier who sues as well on his own behalf as other creditors
of a plea of of said Malloy M. Garner decd.

~~damages~~

and have then and there this Summons

Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at his Office, this 13th
day of February, 1857, in the 81ST. year of the Commonwealth

N. P. Young *cl.*

I Margaretta Garrison wife of Mallevy
 do hereby certify that the within
 bill is just & true
 and that the bill of March 1858
 is just

for
 Margaretta Garrison
 mark

Mallevy M. Garrison
 Just.

\$36.34 ³/₄

36 34
 10
 36 34 0
 1 81 7
 5 4 5 1 0

for M. B. Garrison

Mr Mallory M. Garner, Pruden & Bro.

1856

January	17	30 yds Blea cotton @ 6 $\frac{1}{4}$	37 $\frac{1}{2}$	
"	"	" 1 Set Knives & forks	1.00	
"	"	" 2 Tels. Spoons	.41	
"	"	" 1 Ace	1.37 $\frac{1}{2}$	
"	"	" 1 weed Hoe	.44	
Feb	1	" 1 curry comb 12 $\frac{1}{2}$ 14 straws 75c	87 $\frac{1}{2}$	
"	"	" 1 Mug	15	
"	"	" 12 yds callie off. 108. 2lls Sugar 16	1.24	
"	"	" 1 Pad cotton yarn	1.12 $\frac{1}{2}$	
"	15	" 1 No 11 Plough	2.37 $\frac{1}{2}$	
"	"	" 1 dish 37 $\frac{1}{2}$ cts, 8lls flower 50 cts	.87 $\frac{1}{2}$	
"	"	" 2lls Sugar	28	
March	28	" 1 bbl corn @ 3.75	3.75	
April	4	" 1 tin Biscuits	20	
"	7	" 1 gallon Molasses	20	
"	"	" 1 wash Pan	25	
"	26	By Basket Returns & eggs		66
May	10	" 1 bbl corn	3.50	
"	"	" 6lls flower	37 $\frac{1}{2}$	
"	"	" 16 yds cotton cloth	1.00	
June	6	" 1 pr Morocco. Shoes	1.25	
"	"	" 4 yds edging	.20	
June	11	" 1 bbl corn	3.50	
"	"	" 1 gallon Molasses	31 $\frac{1}{4}$	
"	19	" 30lls Bacon @ 14 cts.	4.20	
"	"	" 3 $\frac{1}{4}$ yds Givis Mouslin	37 $\frac{1}{2}$	
"	23	" 10lls flower	50	
"	"	" 3 yds flane & stripes for Pants.	2.25	
"	28	" 1 $\frac{1}{2}$ bbl flower	4.60	
		" 1 bbl (empty to put flower in)	12 $\frac{1}{2}$	
			37.00 $\frac{3}{4}$	1.66
			36.34 $\frac{1}{4}$	

1
M Garner

Oct 7, 30

7,30

Mr Mallory Garner
1856 1st John prope
Cam 1st 20 2 Bles corn of 3.73.

\$7.00

Pay the within note to Ed Ely
 A. F. B. by

$$\begin{array}{r}
 06.66 \\
 777 \\
 08.88 \\
 \hline
 51 \\
 19.9
 \end{array}$$

$$\begin{array}{r}
 28.9 \\
 251 \\
 \hline
 1812
 \end{array}$$

Ed Ely

January the 31th 1856
 Received of Mary Garner
 five dollars in part of
 the within in
 April the 1th 1856
 Received of Mary Garner
~~five~~ dollars in part of
 the within

~~\$ 13.50~~ on demand of. Promise to pay to Andrew J.
Busby or order the just and full sum of
thirteen dollars and fifty cents for value
Received of him for the true pay ment of
which J. Bind my self my heirs & assigns
given under my hand and seal this 14th
day of January Eighteen hundred and fifty six
Test

Malby + Garner 

Wm. J. Garrison. F. Carver

Recd of Benjamin Garner, ^{the} ~~in~~ trust
up to the 26 January 1857 H Puder

Recd of John Pope fifty
dollars in part of the within
16 of January 1858
and 3 dollars of the interest

H Puder

Recd fifty three dollars in
part of the within January the
12-1858

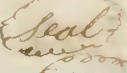
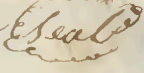
Henry Puder

Benjamin
Garner
note to
Puder

~~of~~ ~~the~~ on demand we promise to pay to
Henry Pruden or order the full and full
sum of one hundred dollars current money
of virginia for the true payment of which
we bind our selves our heirs & assigns given under
our hands and seals this 26th day of january Eight
teen hundred & fifty six.

Test

Andrew. G. Busby.

Mabry + Garner 
John M. + Pope 
Mary + Garner 

Acts. left by
Mr. J. Prudden admr.
of Mallory M. Garner
to lay before Com.
Young.

all^o

Sept 2th 1856 Rec^d of J. F. Pruden Admt of
M. M. Garner dec^d fifty Dollars in full for rent
of farm (called Mintons) for the year 1856
Jos. C. Meador

all.

Mr Malory Garment's Est-
1856 To Godwin & Whitehead &
Aug 21-9th To 12 yds Pambie for Skirtings 28/1/3. 3/6

Recd pay^{mt} in full of Ino. A.
Pruden admo Godwin & Whitehead
Feb'y 18th 1857

H. J. Buckner
of the same
1851

all?

Mr. J. Prudden adms of Marlbury in 1857
 1854 To Dr. Prudden adms of Marlbury
 4.11 2.00 2.00 2.00 2.00 2.00 2.00 2.00 2.00 2.00
 18.11
 11.00
 29.11

March 1, 1857 Recd Payment in full (about
 of J. & Prudden adms of Marlbury in 1857
 paid
 J. & Prudden
 Benjamin C. & James
 Moh

Est. Mary Guamer
at \$5.00

all

To the Est of Mary Garner
1836 To D Parker

Aug	To	1 Hair top Coffin	13.00
	"	1 Case	7.00
	"	1 Set plate Stand	5.00
			25.00
		Interest	1.75
			\$26.75

Rec. payment of J. T. Prudden
Apric 5th 1858
Wm. H. Lane for
E. B. Starrel trustee

all.^o

Chickatuck

March 13th 1858

W. N. P. Young Counsel.

W. Sir

W. J. F. Prudden

informed me a few days ago
that you had thrown out the amt.
paid me for rent due by Garner's
estate, that is, as a debt of the 1st
Clap. I should have made my
rent, before the Adm^r Sale but
W. Prudden thought it unnecessary
to have two sales & if I would
let him sell all ~~this~~ property that
he would pay my rent out of
the proceeds, it was with this un-
derstanding that I allowed him
to sell ~~the~~ Very truly yours
W. C. Meadows

May Gorm

Widow

Elizabeth

John

Molly M.

Norman

David

Lilly Ann

Emma M. —

died 18th
Sept. 1850.

Widow is 57. yrs. old

No. nyson —

No. qualif. on Geo. Gormer's est.
no. in bty or opposit.

$$\begin{array}{r} 71800.00 \\ 6114.28 \\ \hline 19.04 \\ 1176407 \\ 13332 \\ \hline 2352814 \\ 3529221 \\ \hline 3529221 \\ 3529221 \\ \hline 1176407 \\ \hline 15683858.124 \end{array}$$

Ascertain value of est. that
went into Mrs. Gorman's hands under
the will of Mr. Gorman - name the
persons if any - Mr. Smith - their
names - looking to the law of
the age of widows

(C.) That to ascertain the estate which went into the hands of Mary Garner widow of John Garner decd. under the second clause of his will, he summoned before him, the said Mary Garner, & that from her testimony, it appears that there has never been any qualification on the estate of said John Garner decd.; - That the Chattel estate which went into her hands was all perishable & is not now in existence - that there were no negroes left by her husband and that the probable value of the land upon which she now lives & holds under said will, is \$800. or will be seen by said account. B. C.

The accounts were retained in the Commissioners office ten days after completion.

Given under my hand as a Commissioner of the Circuit Court of Isle of Wight County, the day and year first aforesaid.

A. D. Young

Time employed in making up reporting the foregoing accounts report & examining testimony &c. 23 hours - Commissioners fee \$16.75 charged to plaintiff.

A. D. Young Comr.

Pfe

vs. $\frac{1}{2}$ Comr. & Est.

Garner & et.

Sept. 10, 1838
filed.

of said Mallory M. Garner and all then concerned, at the front door of the Courthouse of said County, informing the said parties and Creditors that he had appointed the 2^d day of September 1837, at his office at Isle of Wight Courthouse, for taking the accounts mentioned in said decree.

That the parties aforesaid, failing to appear on the day so appointed, the accounts were adjourned to the 8th of September following, at which time the Administrator Jno. J. Meador appeared & laid before your Commissioners a partial statement of his transactions only, and a portion of the Creditors of decedent produced & proved their demands. Whereupon the further taking of the accounts were adjourned & continued adjourned from day to day, until the date of this report, when the Creditors mentioned in the account annexed marked (A.) having appeared before your Commissioners & proved their respective demands, and the Administrator aforesaid, having laid before your Commissioners a complete statement of his administration account, together with vouchers for the disbursements therein contained, your Commissioners made up & completed the foregoing accounts marked (A. & B.) Account (A. Shows the total amount of debts proved to be \$159:83.

Account (B) Shows that on the 5th day of October 1837 there was a balance of \$2:79 due from the said Administrator to the estate of Mallory M. Garner decd.

In the said Administration account (B.) it will be seen that an item of \$50:00 is allowed as having been paid to Jno. B. Meador for rent due him for the year 1836. Your Commissioners doubt the priority of this debt over that of the other Creditors, but allowed the same under the advice & instruction of the attorney for the plaintiff, it having been proved that Meador, the landlord, was about to distrain for his rent, and the administrator paid him in advance of others to prevent the property from being sold under distress.

Your Commissioners respectfully asks that the Court will decide upon the question of the priority of this claim over that of the other Creditors.

Account (C.) herewith reported. Shows the extent & value of the interest of Mallory M. Garner in the estate located by the 2^d item of his father will to be \$114.28 and the said Mallory's interest in the estate of his brother Emmett (being 1/7)

	19 04
Making in the aggregate	133 32

The present value of which, due 21 years from this time (which is the expectation of life of Mary Garner, to whom the estate was located) is \$59.00

Your Commissioners further, in regard to account

An account shewing the extent and value of the interest of Mallory M. Garner decd. in the estate of his father John Garner decd. loaned by the said John Garner decd. by the second clause of his will, to his wife - And also the value of the interest of the said Mallory M. Garner decd. to which he was entitled in the property of his deceased brother Emmett Garner decd. in the proceedings mentioned.

Total value of the land which was received under the second clause of the will aforesaid by the widow for life as per apartment on land books \$800 00
There being seven children at the testator's death
M. M. Garner's interest was $\frac{1}{7}$ - equal to 114 28
M. M. Garner's interest in Emmett Garner $\frac{1}{7}$ 19 04
\$ 133 32

Mary Garner the widow of John Garner decd. being 51 years of age, her expectation of life is 21 years.

Present value of \$133:32 due 21 years from this time \$59 00

Commissioner's Office, Isle of Wight Courthouse,
September 1st. 1858.

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the said Court, rendered on the 19th. day of May 1857, in a suit in Chancery depending in said Court between Levi Pope who sues for himself & all other Creditors of Mallory M. Garner decd. Plaintiff, and John T. Ruden Administrator of Mallory M. Garner decd., Margaret Garner and Mallory Jane Garner Defendants, the undersigned one of the Commissioners of the said Court, to whom were referred by the said decree, the following accounts, to wit: First. An account of the plaintiff's demand, together with all outstanding debts due and owing by the said decedent. Second. An account of the transactions of John T. Ruden as administrator of Mallory M. Garner decd. - Third. The extent and value of the interest of the said Mallory M. Garner decd. in the estate of his father John Garner decd. loaned by the second clause of his will, to his wife; and also the value of the interest to which the said Mallory M. Garner decd. was entitled in the property of his deceased brother Emmett and Emmett Garner decd. in the proceedings mentioned. Reports to the Court that, on the 23rd day of July 1857, he issued notices to the parties interested, which were duly served, and posted notice to the creditors

An account of the plaintiffs demand together with all outstanding debts due and owing by Mallory M. Garner decd.

Sevi Pope Transfers of William C. Minton, Bond due 15th Decr. 1836, with interest from 1st. Feby. 1836.	40 00
Interest thereon to 1st. Octo. 1838	5 40 40 40
J. T. Pruden & Brother acct.	36 34
Interest thereon as above	5 45 41 79
Exm L. Ely apw. of A. J. Busby bond (Cal. 1. apt. 1836)	6 66
Int. as above	1 00 7 66
~~John M. Pope, amt. paid by him to Mary Garner~~ 3	~~50 00~~
~~paid for M. M. Garner~~	~~50 00~~
~~Interest thereon from 1st. Jan. 1836 to above~~	~~53 00~~
Mary Garner, amt. paid security, as above,	53 00
Interest as above	2 25 55 25
John M. Pope acct. decr 1. Jan. 1836	7 50
Interest as above	1 23 8 73
	\$159 83

D^o The Estate of Mallory M. Garner decd.
In account with John T. Pruden Administrator Br.
1836

Octo. 6	To paid Tax on admon.	1 00
1837	" paid Clerks fees	2 55
Jan. 1	" paid Jos. C. Meador for rent of plantation in 1836. (This item is allowed by Comm. under opinion of Atto. for Pttf. in this suit)	50 00
Feby	" paid Godwin & Whitehead for Shroud for decedent	3 36
Mar.	" paid Benj ⁿ Garner for services on farm after death	28 00
	" paid D. S. Parker for Coffin &c. for burial decd.	26 75
	" Commission on \$120.47 receipts	6 02
Octo. 5	" Balance pr. Contra	2 79

1837
Apt. 16 By amount of sales of Chattel estate.

	120 47
	\$ 120 47 120 47

The undersigned commissioned appointed by the court
 in secret, to sell the interest of William M. Gaener in the
 real estate whereof his father died seized, by leave to
 report, that after advertising the time, term & place of sale
 according to the requirements of said decree, did, on
 the 6th day of September 1858, before the door of the Court-
 House of said County at County, that being the time
 and place of sale. offer the said interest at public
 auction to the highest bidder: and the same
 was bid off, at ninety dollars by James Gray -
 when bond was taken with Albert Gray or surety was
 taken & hereunto filed - all of which is respectfully
 submitted - Given under my hand at New York
 1858 -

J. Pruden Comr

Pope

vs. Zephyr Decree
 Garner & Co. vs. P. S.

Dec. 6. 1858 filed

Jan 7th. 1859 Recd. of the Clerk of the
 civ. court of said County the bond of
 John Gray & Co. for \$90. which was filed
 in this report.

J. Pruden

At A Circuit Court Continued and held for
the County of Isle of Wight On the 19th. Oct. 1858
Levi Pope. (Sometimes Called Levi Hicks.) who
who sues as well on his own behalf as other
Creditors

Pltf.
Against ⁵/₃ In Chancery
John T. Pruden Adm^r. of Mallory M. Garner, decd.
Margaret Garner widow of said decd. and Mallory
Jane Garner - infant. Defs.

This cause came on again to be heard on the
papers formerly read, and on the report of Commissioner
made pursuant to a decree made the 19th May 1857.
to which no exceptions have been filed, and was
argued by Counsel: On consideration whereof: The Court
doth confirm the said report: And the Court doth
further adjudge - order and decree, that John T.
Pruden who is hereby appointed a Commissioner for such
purpose, proceed after advertising the time - terms
and place of sale - for thirty days at the Court House
door - and other public places in the neighbors hood,
sell at public auction, the interest of Mallory M.
Garner in the real estate whereof his father died possessed,
and which he devised to his wife: that is to say, $\frac{1}{7}$
of the whole plus $\frac{1}{7}$ of $\frac{1}{7}$ - Subject to the interest to
which Mary Garner the widow of his father is entitled
under the will of his said father, on a credit of six
months, taking bond with good security from the purchaser
for the purchase money, and return the same to Court,
and the said Commissioner is directed to make report of
his proceedings under this Decree to Court. But this
Decree is to be Suspended until the said Commissioner
enter into bond before the Clerk of the Court - with Sufficient
Security, in the penalty of Two hundred dollars
payable to the Commonwealth of V^a. Conditioned for the faithful
discharge of his duties.

Attest.

Teste.

J. C. Latimer S. C.

Bm

\$40.00 On demand the 15 Day of December
1850 with interest from date paid either
of us do Promise to Pay to Wm E. Minton
the Just and full Sum of forty dollars
Good and lawful money of U.S. for value
Received for the true Debt thereof we bind ourselves
and heirs executors administrators jointly to these
Present as witness our Hands and Seals
this the 1st Day of February 1856
Test.

Mallowry & Earned Co
J. G. Gordon

Aug 11 59 \$112 51

Statement shewing the pro rata amount
 due each of the creditors of Mollay M. Garner
 decd: out of the funds in the hands of John T.
 Prudden, Commissioner acting under a decree of
 the Circuit Court of Ark of Wright County, rendered
 on the 17th. day of May 1859, in the suit of Levi
 Pope & Plaintiff against Jno. T. Prudden admr. of
 Mollay M. Garner & als. defts. Truit:

Bond of James Gray & C. H. Gray with 90:00

Interest thereon from the 6 day of June 1859 .90
 to the 5th day of Augt. 1859.

Balance in hands of Adm. J. T. Prudden with int. 2.79

Am't. to 93.69

Costs of Suit \$48.57

Commission on \$90. am't. of sale 4.50 53.01

Am't. to be distributed \$40.68

To Levi Pope transferee of
 Wm. E. Minton 3 \$11.81

To J. T. Prudden Brother 10.65.

To E. L. Eley agent of A. J. Busby 1.95.

To Mary Garner 14.54.

To John M. Pope 2.23.

\$40.68 - \$40.68

Decd. an. J. Gray & 3.

Recd. by for N. P. Young com.

Reb. of
 Jno. T. Prudden
 Comp. under decree
 of May. 1855

August 1, 1839.			
		as shown by said statement.	
August 6 th		I have Recd & want due meas. of Tert I. M. Pate	\$2.23
"	"	" " " " " ^{his} Hornant Garner for Mary Gane	14.04
"	"	" " " " " ^{my} 22 Levy for A. J. Busby	1.95
"	"	" " " " " J. Prader & Co	10.65
"	6	" " " " " ^{my} Levy & Price	11.81
"	6	" " " " " ^{my} Levy & Price	15.51

Pursuant to the decree of Circuit Court
of Lab & Wayne mentioned in the foregoing
Statement, I have collected the bonds there
mentioned & with the sum of \$2.79 in my hand
as advt. of M. M. Gosens decd. I have paid
out the sum to the those entitled under
said decree as will be seen by the attached
receipts of parties above.

Given under my hand this 6th Oct.
1859.

A. Gordon (com.)

D. O. F. E.
v.
Gaines. adm.

Wm. H. Adams
May 1857

To be Entom.
c. May 1857
R. H. D.

Long Pope & Co.

Garner admr or

Secree

This cause came on this day to be heard on the Bill taken for
Comptrol as to the Defendants John T. Pender administrator of decease
Garner ad. & of & decedent J. Garner, on whom process had been duly served
they still failing to appear & plead, answer and account to the said Bill.
On the answer of the infant defendant El. Jane Garner by A. P. G. Young
her guardian ad litem appointed to defend her interests on this suit with
general replication thereto, on the exhibits and a was argued by counsel.
On consideration whereof the Court with order, do judge and decree
That the defendant John T. Pender render an account, a Commission
of this Court report the following accounts:

- 1st an account of the plaintiff's demand together with all outstanding
debts due & owing by said deceased.
- 2^d an account of the transactions of John T. Pender as administrator
of the said deceased Garner ad.
- 3^d The extent & value of the interest of the said deceased Garner ad., in
the estate of his father, loaned by the said John Garner ad. by the 2^d clause
of said Bill, to his wife: and also the value of the interest of the said deceased
Garner ^{to which} was entitled in the property of his deceased brothers, Thomas & Benjamin Gar-
ner, in the preceding mentioned. and state, settle & report the same to
the Court with any matter specially stated deemed pertinent by
himself, or which may be required by any of the parties to be so stated.

Levy Pope fals.

as. ⁵
Copy Deere

Garner's adm. fals.

Notes for act. of debt
to ~~the~~ ² Sept. 1837

Sept. 2. adj. ^d to 8.

Sept. & then adj.

for day to day until

1st. Sept. 1838,

& complete

At a Circuit Court Continued and held for the County of Isle of
Wight On the 17th day of May 1857.

Levy Pope and others

Against.

2

3

In Chancery

Plfs

John T. Pruden admr. of Mallery M. Garner, decd: Margaret
Garner and Mallery Jane Garner Defts

This Cause came on this day to be heard on the Bill taken
for Compel as to the defendants John T. Pruden Admr. of Mallery
M Garner decd: and Margaret J. Garner. An etimone process has
been duly served, they still failing to appear & plead, answer and
demur to the said bill; On the answer of the infant defendant
M Jane Garner, by N. B. Young her Guardian Ad Litem appointed to
defend her interest in this suit, with general replications thereto, &
and on the exhibits, and was argued by Counsel: On consideration
whereof, the Court doth adjudge order and decree that a Commissioner
of this Court take ^{and report} the following accounts; First, An account of the
plaintiffs demand, together with all outstanding debts due and
owing by said intestate, Second, An account of the transactions
of John T. Pruden as administrator of the said Mallery Garner
decd: Third, the extent and value of the interest of the said Mallery
Garner decd: in the estate of his father - loaned by the said John Garner
decd: by the second clause of his said will to his wife, And also the
value of the interest to which the said Mallery Garner decd: was entitled
in the property of his deceased brothers, Emmet and Bennett Garner,
in the proceedings mentioned, And dole, settle and report the same
to the Court, with any matters specially stated, deemed pertinent
by himself, or may be required by any of the parties to be so stated.

A Copy

Teste.

J. C. Latimer d. C.

Pope
" *MB*
Garner Sat

Oct. co. 1858
To be entered
R. H. Baker

Pope v. At
#

Decree

Garnes admors

This cause came on again to be heard on the papers formerly read, and the report of Commissioner, ~~under~~ made pursuant to a decree made the 19th of May 1857, to which no exceptions have been filed, and was argued by counsel. On consideration whereof, the Court ~~confirming~~ doth confirm the said report, and the Court doth further adjudge order and decree, that Jos. T. Prudden who is hereby appointed Commissioner for such purpose, proceed after advertising the terms, time, & place of sale, for thirty days, at the Court house door and other public places in the neighbourhood ^{at public auction} sell the interest of Mary M. Garner in the real estate whereof his father died seised, & ~~on~~ which he devised to his wife, that is to say ^{which} $\frac{1}{4}$ of the whole plus $\frac{1}{4}$ of $\frac{1}{4}$ - subject to the interest of Mary Gardner the widow of his father is entitled under the will of his said father - on a credit of six months - taking bond with approved security from the purchaser for the purchase money and return the same to Court - and the said Commissioner is directed to make report of his proceedings under this decree to Court. But this decree is to be suspended, until the said Commissioner enter into bond before the Clerk of the Court with sufficient security, and in the sum of \$200.00 payable to the Commonwealth of Va. conditioned for the faithful discharge of his duty -

Levi Pope is also

Garnier ~~adms~~ or als

This cause came on again to be heard on the papers formerly read, and the report of J. J. Pruden made in pursuance of the decree entered herein on the 19 Octo: 1858, to which no exceptions have been filed, and was argued by Counsel: On consideration whereof, ^{Confirming said Report,} the Court, doth adjudge, order and decree, that said J. Pruden who is hereby appointed Commissioner for such purpose, receive from the Clerk of this Court, the bond against James Gray & L. H. Gray for \$90.00 filed with his report, on leaving his receipt therefor, ^{together with the sum of \$2.79 - in his hands as admor, as by said Report appears,} and the same collect: and with the proceeds, pay first the costs of this suit & sale; and then pay, pro rata, if the funds be insufficient to discharge, the following debts: viz: Levi Pope transfers of Wm. C. Drutson \$40.40. with int. \$40.00 part thereof, from 1 Octo: 1858: - to J. J. Pruden also the sum of \$41.79. with int. on \$36.34. part thereof from 1 Octo: 1858: - to Emma L. Ely agree of A. J. Rusty \$7.60. with int. on \$6.60. part thereof from 1 Octo: 1858: - to Mary Garrison \$53.25. with int. on \$53.00. part thereof from 1 Octo: 1858: - to Mrs. M. Pope the sum of ^{\$8.73} \$8.53. with int. on \$7.50 a part thereof from 1 Octo: 1858: ~~and make report to Court~~

But this decree is to be suspended until the said Mrs. J. Pruden enter into bond with sufficient security, before the Clerk of this Court, in the penalty of \$200. payable to the bond of the, conditioned for the faithful discharge of his duties as Commissioner under this decree -

And the Court doth further, ad: or Lde: that the said earnest upon the payment of the said purchase money convey the said real estate to the purchaser aforesaid with the usual

payment of the said purchase money convey the said
real estate to the purchaser aforesaid with special
warranty. All of which the said Commissioner is
directed to report to court.

Attest

Teste

J. L. Galtner & Co.

C. P.

Copy A.

Ms. Copy A.

Galtner

Bond

At a Circuit Court Continued and held for Isle of
Wight Co. On the 17th day of May 1859.

Levi Pope. Sometimes called Levi Rick. &c.

Pl.

against $\frac{1}{3}$ In Chancery.

John T. Pruden admr. of Mallory M. Garner & als.

This cause came on again to be heard on the prop-
formerly read & the report of John T. Pruden made in pursuance
of the decree entered herein on the 19th day of October 1858.
to which no exceptions have been filed, and was argued
by Counsel; On consideration whereof, the Court doth ad-
order and decree that John T. Pruden who is hereby ap-
pointed Commissioner for such purpose, receive from the
Clerk of this Court, the bond of James Gray and E. H. Gray
for Twenty dollars. \$20.00 filed with his report, on leaving
his receipt therefor, and the same Collect, and with the
proceeds, together with the sum of \$2.79. in his hands
as admr. as by report appears, pay first the costs of
this suit & sale. And then pay pro. rata - if the fund
be insufficient to discharge in full; The following debts
viz: Levi Pope transferee of Wm E. Minton \$46.40.
with interest on \$40. paid thereof from 1st Octo. 1858. To
Jno. T. Pruden & Brother \$41.79. with int. on \$36.34
paid thereof from 1st Octo. 1858. To E. A. Coley opor of Ag
Bursby \$7.66. with interest on \$6.66 paid thereof from
1st Octo. 1858, To Mary Garner \$55.25. with interest on
\$53. paid thereof from 1st Octo. 1858. To Jno. M. Pope the
sum of \$8.73. with interest on \$7.50. paid thereof from
1st Octo. 1858. But this decree is to be suspended until
the said Jno. T. Pruden enter into bond with sufficient
Security, before the Clerk of this Court in the penalty of
\$200. payable to the Commonwealth of Virginia. Condition
for the faithful discharge of his duties as Commissioner
under this decree, and the Court further adjudge
order and decree that the said Commissioner upon the

Leti. Pope
~~to~~ — Bruce

Garnier. adms

Oto: 1859

to be entered

R. W. Baker

Entered

19th Oct.

Pope & als
} Deceit.
Garner's admorsals }

This cause came on again to be heard on the papers formerly read and report of Commissioner Mr. J. P. Mason made in pursuance the order entered herein of May term 1859 - to which no exceptions have been filed and was argued by counsel: On consideration whereof, the Court confirming said report doth adjudge, order & decree, that the proceeding had on this cause be confirmed and made final between the parties -

John Garners
Will

A copy

In the Name of God Amen, I John Garner of the County of Isle of Wight & State of Virginia - Though ~~weak~~ of body, Yet of a Sound Mind and Memory - do constitute this to be my last will and Testament - And desire it to be recorded by all.

Item. 1st I Give to my son Benjamin Garner the tract of land which I formerly lived on, Containing One Hundred & Twenty five acres - with the fifty Eight acres which I purchased.

2nd I Give to my dear and loving wife Mary Garner the balance of my land with the balance of my estate - Just as it stands as long as she remains in my name - Then what is left, to be equally divided between the balance of my other children. 3rd I leave my wife Executor of this my last will and Testament.

Teste

John ^{his} Garner
mark

James T. Holland
Bunwell Brock
Emeline B. Mercer

In Isle of Wight County Court - June 3^d. 1850,
The last will and Testament of John Garner decd. was proved
by the Oaths of James T. Holland and Bunwell Brock - two
of the Subscribing Witnesses thereto - and ordered to be recorded.
Teste.

A copy

Teste.

A. P. Young ex.

H. L. Satimer D.C.

We acknowledge receipt of the within notice
by J. P. Gay Stiff.
4th. August 1839

W. W. Phelps
Care of Mr. Stiff

J. P. Stiff
Sery ⁱⁿ X Stiff.
March

Enclosed on Margaret's name by doing a true
copy

Pope

by notes

Garnier's adm. t.

at

Commissioner's Office, Isle of Wight Courthouse

July 23^d 1837

To Ser. Pope for John T. Pruden Administrator of Mallory
W. Garner and Margaret Garner.

You are hereby notified that I have fixed upon
the ~~2^d~~ 2^d day of September next, at my office, to take
and settle the following accounts, directed by a decree
of the Circuit Court of said County, in a suit
therein pending, in which said Ser. Pope is p^{ty},
and said Pruden ad^{or}. as aforesaid, Margaret
Garner & c. are defendants, to-wit: First, an account
of the plaintiff's demand, together with all outstanding
debts due and owing by said intestate - Second - an
account of the transactions of John T. Pruden as
ad^{or}. of the said Mallory Garner dec^d. - Third -
the extent and value of the interest of the said
Mallory Garner dec^d. in the estate of his father -
bequeathed by the said John Garner dec^d. by the second
clause of his will, to his wife, and also the value
of the interest to which the said Mallory Garner
dec^d. was entitled, in the property of his deceased
brothers Emmett and Bennett Garner, in the proceed-
ings mentioned - At which time and place you
are required to attend.

Given under my hand as Commissioner of the
said Court, this 23^d day of July 1837.

N. P. Young Com^r

Pope to
Mr. Wm. P. Burdett
Garrison

Dec. 6. 1838 repeated
I find.

Know all Men by these Presents, That we John T. Pruden & Edwin E. Phillips

are held and firmly bound unto the Commonwealth of Virginia in the sum of Two
Hundred Dollars to the payment whereof, well and truly
to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this 6th day of December
in the year of our Lord, one thousand eight hundred and fifty Eight

The Condition of the above Obligation is such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 19th day of October 1858
in a cause depending in the said Court, in which Levi Piper (sometimes called
Levi Rip - & others as

Plaintiff, and

John T. Pruden adm^r of Mallory M. Garner, Margaret Garner
Widow of said Dec^d & Mallory Jane Garner infant, are Defendant, the
above bound John T. Pruden was appointed a special

Commissioner to sell at public auction after advertising the same as
directed in said decree, the interest of Mallory M. Garner Dec^d.
in the real estate whereof his father died seised 1/2th
of the whole, less, subject to the interest of the widow
of John Garner dec^d. under the will of said dec^d. on a
credit of six months with good security from the
purchaser & make report to court

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

Signed, Sealed and Delivered }
in the presence of }

A. D. Young & Co.

J. T. Pruden 
E. E. Phillips 



Pope
n. 1/2 Com. Bond
to Collect. for
Garner &c.

Ex^o filed 7. Jan
1859

Know all Men by these Presents, That we John T. Pruden

And

are held and firmly bound unto the Commonwealth of Virginia in the sum of Two hundred
dollars to the payment whereof, well and truly

to be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly
by these presents. As witness our Hands and Seals, this 7th day of June
in the year of our Lord, one thousand eight hundred and fifty nine

The Condition of the above Obligation is such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 17th day of May 1859
in a cause depending in the said Court, in which Sir Peter Somerville
Calico Rip - is Plaintiff, and

John T. Pruden Adm^r of Mollay m. Garnett & Co. Defendants the
above bound John T. Pruden was appointed a special
Commissioner to receive from the Clerk of this Court the
the bond for Gray & E. H. Gray for \$90.00
& the same collect & distribute as directed by
said decree & make report to Court

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

Signed, Sealed and Delivered }
in the presence of }

J. Pruden SEAL.
Mr. E. Marshall SEAL.

SEAL.