

1869-007 Chancery Causes: Elizabeth W. Eley, widow of Elisha D Eley vs Henry Prudden

Isle of Wight County

other surnames: Watkins,

**THE COMMONWEALTH OF VIRGINIA,**

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

WHEREAS \_\_\_\_\_ by the judgment of a Justice  
of the Peace for the County of Isle of Wight, ha \_\_\_\_\_ lately recovered against

with interest thereon, to be computed after the rate of six per centum per annum, from the  
day of \_\_\_\_\_ 18 \_\_\_\_\_, till payment, and also \_\_\_\_\_ costs by \_\_\_\_\_ in that behalf  
expended; and the Constable to whom execution upon the said judgment was directed by a Justice of  
the Peace, not being able to find goods and chattels to satisfy the same, has made return thereof to the  
Clerk of our said County, who has docketed the same according to law: Therefore, at the instance of  
the said \_\_\_\_\_ we command you that you take the said

\_\_\_\_\_ if \_\_\_\_\_ be found within your bailiwick, and  
safely keep, so that you have \_\_\_\_\_ bod \_\_\_\_\_ before the Justices of our said County  
at the Courthouse, on \_\_\_\_\_ Monday in \_\_\_\_\_ to satisfy the said  
the sum of \_\_\_\_\_

with interest thereon as aforesaid, and \_\_\_\_\_ for \_\_\_\_\_ costs  
aforesaid; and also \_\_\_\_\_ dollars and \_\_\_\_\_ cents, the costs of this execution. And have then there  
this Writ. Witness, NATHANIEL P. YOUNG, Clerk of our said Court, at the Courthouse, this  
day of \_\_\_\_\_ 18 \_\_\_\_\_, and in the \_\_\_\_\_ year of the Commonwealth.

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Hayden pg.

Eliza<sup>n</sup> W. Eley

4  
v-s: } Eley. paps.

Henry Pruden

1866.

Sept. rules - Bill v. filed  
Decr. 24 d. & decree nisi  
v. deft.

Octo: rules. Bill Taken for  
confessed & set for hearing.

Octo. Ct. 1866. - Leave to  
def. to file ans. in 60 days.

May 1867, Cond.

Octo. " Cond.

May 1868. Cond.

Octo. " Cond.

May 1869. Cond.

Octo. " - Dismissed

To the Honorable Richard H Baker Judge of the  
Circuit Court of Land & Chancery for the County of Tc.  
of West in Chancery sitting - Humbly complaining  
sheweth to the court, your complainant Elizabeth W  
Eley, widow of Elisha W Eley, sometimes called  
Elisha Eley - that on the 12<sup>th</sup> day of March 1831,  
your complainant (then Elizabeth Watkins)  
was lawfully married to the said Elisha Eley  
in the county of aresaid as will appear from  
an attested copy of the Certificate of said Mar-  
riage marked A herewith filed as a part of  
this bill - that by a decree of the Circuit  
Court of the County of aresaid of October Term  
1835 in a suit brought by your complainant  
for a divorce from her said husband, she  
was divorced from the bed & board of her  
said husband on account of his cruelty, as  
will appear from a copy of the Record of  
said suit of said decree marked B  
& herewith filed as a part of this bill -  
that during said coverture her said husband  
was seized in fee simple of a tract of land  
in said County containing by estimation 44 acres  
lying adjacent to the lands of Dempsey & Wat-  
kins, Stephen Butler & Blake W Spivey -  
that prior to said decree of divorce, to wit  
on the 23 day of April 1833, her said  
husband Elisha W Eley by a deed of bar-  
tain & sale duly recorded in the clerk's office

Exhibit  
A

Exhibit  
B -

Exhibit

Q

of the County Court of the County aforesaid conveyed  
said land to one Henry Purden as will ap-  
pear from an attested copy of said deed  
marked Q & therewith filed as a part of this  
bill - that your complainant did not join  
in said deed - that her said husband died  
in the said County on or about the year day of  
1846 - that your complainant is informed  
that from the date of said decree until  
the death of said Elisha de Ely, your complainant lived  
as co-tenant with said Henry Purden under said decree -  
and so charges that she is entitled to dower  
in said land not having obtained in  
said conveyance therefor otherwise barred  
herself of dower therein - that she is enti-  
tled to be endowed thereof according to its  
value at the time of such endowment  
& to damages until assignment of dower  
that said alienation of her husband renders your com-  
plainant without remedy  
at law & can only be relieved by the aid of  
this honorable Court of Chancery where mat-  
ters of this sort are cognizable - that your  
complainant prays that the said Henry  
Purden may be made a party defendant  
to this cause & be required to answer the  
same & that by the decree of this honorable  
Court dower may be assigned your com-  
plainant out of such land, the damages  
due her ascertained & payment of the same  
decreed & that such other & further relief  
may be granted your complainant as to the

court may seem meet & as may suit  
the equity of the case & your complaint  
will ever prove --

Hayden Jr

Naydenfy

Ely Eliz<sup>d</sup> W.

m. 3 Bill m.

Pruden

Sept. miles 1866 filed.

Ely,  
H.

Pardon

This defendant by protestation, not  
confessing or acknowledging all, or any of the  
matters and things in the said Complainant's Bill contained  
to be true in such matter & form, as the same are contained  
therein & thereby set forth and alleged, do demur to the said Bill, and for  
cause of demurr shew that the said Complainant has not by his said Bill  
made such a case as entitles him in a Court of Equity to any relief against him  
as to the matters contained in the said Bill. Wherefore and for a more certain  
of decision, this defendant does shew thereto. And pray <sup>the</sup> judgment of the Hon  
Court whether this defendant shall be compelled to any further answer to said Bill  
if he pray leave to be dispensed &c.

814  
Eley  
H.  
Pruden  
Seamen



The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

We command you to summon *Henry Pruden*

to appear on the first Monday in *September*  
next, (being Rule day), at the Clerk's office, of the *Circuit* Court for  
the County of Isle of Wight, directed to be holden at the Courthouse thereof,  
to answer *The Bill in chancery of Elizabeth to Gay*

and have then and there this writ.

Witness, Nathaniel D. Young, Clerk of our said Court, this *11<sup>th</sup>*  
day of *August* 1866, and in the *91<sup>st</sup>*  
year of the Commonwealth.

*N. D. Young, Clerk.*

[A copy to be delivered to each defendant.]

You will be delivering a true copy of the constitution  
to Henry Pruden on the 29th inst. 1866

E. J. Chapman Esq  
For E. L. Eley Esq

Eliza<sup>d</sup> W. Eley

W. } Sum<sup>d</sup>. in  
Eley,

Henry Pruden

To Sept. Rubr 1866  
Cir. cet.

Hayden Esq.

Received of Mrs. Henry Prudden  
the full sum of Twenty five  
dollars it being for my share  
and interest in the tract  
of land formerly belonging to  
Elisha & Lucy Dec. given under  
my name this 16<sup>th</sup> of October  
1864.

Wm. P. Nathan

Elizabeth H. <sup>Worcester</sup> Coley  
made

Wm. P. Nathan

Elegs  
repts  
Pond in

Ely } Mr Sharkey  
is }  
Pardon }

Rough sketch  
Oct Term 1865

To be entered

R. H. Parker

Entered

Ely as  
Pardon -

This cause this day came on this day to be heard  
on the bill, the demurrer thereto of the defend-  
ant exhibits filed & was argued by counsel, on  
consideration whereof the Court doth adjudge  
order & decree that said demurrer be  
overruled & leave is hereby given the defend-  
ant to file his answer within sixty days -

To be dismissed again

Certificate of  
Elisha D. Eley & wife  
Marriage  
March 12<sup>th</sup> 1861

Exhibit A

The following is a copy from a "list of marriages  
solemnized by David Whitley a minister of  
the gospel" and of record in the clerk's office  
of Issa of Wight County Court.

"1831, March 12 - Elisha Eby and Elizabeth Watkins.

Test,

A. J. Young C. R.

Elizabeth W Uley by James E. Jenkins her next friend  
Complainant }  
                    } In Chancery  
Against }

Elisha D. Eley sometimes, called Elisha D. Eley

This Cause Came on to be heard on the bill  
filed against the Defendant upon whom pro-  
cess has been duly served and he still failing  
to appear and answer, and the examination  
of witnesses and was argued by Plainiffs Coun-  
sel. On consideration whereof the Court being of  
opinion that the charges of Cruelty and other  
inhuman Conduct against the defendant are  
fully proved, doth adjudge order and decree that  
the plaintiff Elizabeth W. Eley be and is hereby  
divorced from the bed and board of the defendant  
and be perpetually separated in her person and  
property including not only that which she al-  
ready has but also such property as she may  
hereafter acquire; and that the plaintiff re-  
cover from the defendant the costs by her ex-  
pended in the prosecution of this suit. And the  
Court doth further order adjudge and decree  
that the female child of the marriage of the  
Said plaintiff and defendant named Margaret  
W. Eley shall remain in the Care and Custody and  
under the Control of the Said Elizabeth W. Eley; and  
all the lawful power and Authority of the Said  
defendant over the person and Estate of the Said  
female child shall Cease and determine during  
the life time of <sup>the</sup> Said defendant or until such  
time as this or some other Court of Competent  
Jurisdiction shall order or decree to the Contrary.  
And nothing further remaining to be done in this  
suit it is ordered that the same be removed from  
the docket, but leave is reserved to the parties to

make application to the Court for such further  
orders as are authorized by law.

A Copy

Teste -

*A. P. Younger.*

The foregoing is a true and correct copy of a de-  
cree pronounced in the Suit of Elizabeth W. Eley  
for next to W. Elisha Eley in the Cir Court of Sale of  
Wright County on the 20<sup>th</sup> day of October 1855

Teste -

*A. P. Younger.*

Margaret Wyatt -  
Ely - and her -  
Husband sold Land  
of his claim to  
Henry Pruden  
of 118 City Street  
rec'd -  
Husband died in 1866

Ely } Mr  
as } Chaney  
Pruden }

Exhibit B

This Deed made the 23<sup>rd</sup> day of April in the year of our Lord  
One Thousand eight hundred and fifty three, Between Elisha D. Eley &  
Henry Poudon, both of the County of Schoffwright, Witnesses: that in  
Consideration of One Hundred Dollars and five Cents (\$100.05) the  
the said Elisha D. Eley do grant unto the said Henry Poudon all that  
tract a parcel of land lying in the County of Schoffwright. Containing  
by estimation forty four Acres, be the same more or less, and  
marked & bounded as follows, On the north by Dimpsey & Martins  
and Stephen Butts land, East by Blanche W. Spiby, South by said Spiby and  
west by Dimpsey & Martins. And the aforesaid Elisha D. Eley do  
Covenant with and warrant generally the right and title to the  
aforesaid real estate, Given under ~~my~~ hands as above written  
Signed Sealed and delivered in the presence of

J. W. Duck

Elisha D. Eley (Seal)

L. B. Edwards

In the Clerk's office of Schoffwright County Court September 5<sup>th</sup> 1853  
this deed was received, and was proved by the Oaths of J. W.  
Duck and L. B. Edwards the witnesses thereto and was ordered  
to be recorded.

Teste

A. D. Young Clerk

A Copy Teste

A. D. Young Clerk

Deed from  
Clerk to  
Pruden

April 1863

Exhibit C