

1907-006 Chancery Cause Josiah L. Jenkins & al VS James E. Rhodes, Jethro P. Rhodes & al
Dale of Wright County Petition of Charles D. Rhodes

other surnames : Johnson
Spivey, Gay, Powell, Coggins,
Turner

Know all men by these presents, That we J. L. Jenkins, principal, and Irving Jenkins as surety, are held and firmly bound unto the Commonwealth of Virginia in the just and full sum of Five Hundred Dollars, to the payment whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents, and we hereby waive the benefit of our several exemptions as to this obligation. Sealed with our seals and dated this 14th. day of February 1906, and in the 130th. year of the Commonwealth.

The condition of the above obligation is such that whereas the above bound J. L. Jenkins, and also one I. K. Jenkins and Susan F. Rhodes have obtained from one of the Judges of the Supreme Court of Appeals of the State of Virginia, an appeal from a decree rendered against them in the Circuit Court of Isle of Wight County on the 3rd. day of October 1905, in their suit against J. F. Rhodes and others; now if the said J.L. Jenkins, I. K. Jenkins and Susan F. Rhodes shall pay all damages, costs and fees which may be awarded against them or incurred by them in consequence of said appeal, then the above obligation to be void, otherwise to remain in full force and virtue.

Witness:

[Signature] *[Signature]*

SEAL.

SEAL.

In the Clerk's Office of the Circuit Court of Isle of Wight County this 14th. day of February 1906, the above bond was signed, sealed and acknowledged before me.

[Signature] Clerk.

Copy
[Signature] Clerk.

Know all men by these presents that we, Josiah L. Jenkins, as principal, and Irvin Jenkins, as surety are held and firmly bound unto the Commonwealth of Virginia in the sum of (\$100) ONE HUNDRED DOLLARS, which well and truly to be paid, we bind ourselves, and heirs jointly and severally and we hereby severally waive the benefit of our ^{Homestead} exemptions as to this obligation. Sealed with our seals and dated this 5th. day of Dec. 1905.

The condition of the above obligation is such that whereas Josiah L. Jenkins, Irving Jenkins and Susan F. Rhodes intend to present a petition for an appeal from the final decree entered on the 3rd. day of October, 1905, in the Chancery suit pending in the Circuit Court of Isle of Wight County, Virginia, entitled Jenkins et als. versus Rhodes and others, which said decree is in words and figures following: "This cause came on this day to be heard on the bill of Complaint, the answer of the several defendants with general replication thereto and upon the examination of witnesses, and argued by Counsel.

On consideration whereof the Court being of the opinion that the plaintiffs have failed to prove the allegations of their bill of complaint, doth adjudge, order and decree, that this suit be dismissed; and that the plaintiffs pay to the defendants their costs in this behalf expended.

The complainants expressing a desire to present a petition for an appeal from this decree to the Supreme Court of Appeals, at their instance it is ordered that the execution of this decree be suspended for ninety days, when the complainants, or some one for them, shall give bond with good security before the Clerk of this Court in the penalty of \$100 with the condition reciting this decree, and the intention of the complainants to present such petition and providing for the payment of all such damages as may accrue to any person by reason

of the said suspension in case a supersedeas to such decree should not be allowed and effectual within the time so specified." And whereas the said final decree was suspended for ninety days to allow the presentation of said petition. Now,

Therefore, if the above named obligors shall well and truly pay all such damages as may accrue to any person by reason of the said suspension, in case a supersedeas to such to such judgement and final decree should be allowed, and be effectual within the time so specified, this obligation is to be void, otherwise, to remain in full force and virtue.

Witness
L. C. McClelland,

J. L. Jenkins, (SEAL)
his
Irvin x Jenkins, (SEAL)
mark

Signed, sealed and acknowledged in the Clerk's Office of the Circuit Court of Isle of Wight County, this 5th. day of January 1906.

Teste, A. S. Johnson, Clerk.

A copy, Teste, A. S. Johnson Clerk.

James v
vs $\frac{1}{2}$ Appas Bond
Rhodes v

Copy

To William S. Holland and Col. R. E. Boykin, counsel for defendants
in the suit of Jenkins vs. Rhodes.

Gentlemen: -

Please take notice that the Complainants in the
Chancery suit of Jenkins and others against Rhodes and others
recently decided ~~that~~ in the Circuit Court of Isle of Wight
County, Virginia, will apply to the Clerk of said court for a
transcript of the record in said case to be presented to one of
the Judges of the Supreme Court of Appeals of Virginia, with a
petition for an appeal from the final decree in said cause.

Yours very truly,

Wm. N. Nichols
Bradford Kelby (P. V.)

I accept due and legal service of this
notice for myself but not for col.

Boykin -
Oct. 7th 1905

W. S. Holland
R. E. Boykin

Jenkins

vs

Rhodes

Notice of appeal

16th October 1905

notice

filed.

Test. A S Johnson, esq

Virginia,

At rules held in the Clerk's Office of the Circuit Court
for the County of Isle of Wight on the 2nd day of January, 1905.

Jenkins et als. -----Complainants.

Against

In Chancery.

Rhodes et als. -----Defendants.

On the motion of the Complainants, by counsel, - S. E. Everett,
 , a discreet and competent attorney at law, is ap-
pointed guardian ~~to~~ the defendants, Mattie Turner and Letcher
Turner, who are infants under the age of twenty-one years, to de-
fend them in this suit.

A. J. Yarny Clerk.

Jenkins et als.

vs. In Chancery

Rhodes et als.

Order appointing guardian ad
litem. 2nd. January 1905.

N. D. Young clerk

This Deed, made this the 7th. day of January in the year eighteen hundred and ninety, between J. H. Rhodes of the County of Isle of Wight in the State of Virginia party of the first part, and James E. Rhodes of said County and State party of the second part, WITNESSETH: that in consideration of the sum of one dollar cash paid and for natural love and affection the said party of the first part doth give, grant with general warranty unto the said party of the second part, the following property to-wit: all that certain tract, piece or parcel of land lying and being in the County of Isle of Wight in the State of Virginia, said to contain ^{by the lands formerly belonging to Blake E. Darden} one hundred acres more or less and bounded as follows, by the lands now belonging to John Coggin, Meredith Crumpler's estate, Irwin E. Spivey and the lands formerly belonging to Blake Spivey to the head of the Fish Pond Branch, thence down the said Fish Pond Branch along a ditch for a portion of the distance and from the end of said ditch, continuing down said Branch to the said Blake E. Darden land now owned by J. E. Rhodes subject to the following reservations, to-wit: the said J. H. Rhodes, grantor expressly reserves all right to the free use occupation and enjoyment of so much of said land as is known as the "John Field" or Sallie Field" during the natural life of the said grantor J. H. Rhodes the said J. H. Rhodes to have possession from the date of their deed to the land herein granted and included except the said "Sallie Field" or "John Field" and is to have possession of said field at the death of said grantor J. H. Rhodes. The said grantor covenants that he has the right to convey the said land to the grantee; that the grantee shall have quiet possession of the said land, free from all incumbrances; that he the said party of the first part will execute such further assurances of the said land as may be requisite, that he has done no act to incumber the said land.

Witness the following signatures and seals.

Witness E. A. Watkins.

his
J. x H. Rhodes (SEAL).
mark

State of Virginia, County of Isle of Wight, to-wit:

I, W. S. Holland, a Commissioner in Chancery of the Circuit Court of the County aforesaid in the State of Virginia, do certify that

J. H. Rhodes, whose name is signed to the writing above bearing date on the 7th. day of January in the year eighteen Hundred and ninety, has acknowledged the same before me in my County aforesaid.

Given under my hand this 8th. day of January in the year 1890.

W. S. Holland,

Commissioner in Chancery.

In the Clerk's Office of the County Court of Isle of Wight County January 8th. at 11:20 o'clock P. M. , 1890 this deed was received and with the certificate annexed, admitted to record.

TESTE: N. F. Young, Dep. Clerk.
for N. P. Young, Clerk.

A Copy,

TESTE: _

A. F. Young

Clerk.

J. H. Rhodes

vs. } Deed

J. E. Rhodes

Jenkins et als.

vs. In Chancery

Rhodes et als.

Exhibit No. 2. filed
with the Bill.

Filed Jan'y 24 1908

This deed, made this the 7th. day of January in the year eighteen hundred and ninety, between J. H. Rhodes of the County of Isle of Wight in the State of Virginia, party of the first part and J. E. Rhodes of said County and State party of the second part, WITNESSETH: that in consideration of the sum of Seven Hundred and fifty dollars, the said party of the first part doth grant with general warranty unto the said party of the second part the following property to-wit: all that certain tract of land whereon said J. H. Rhodes now lives, lying and being in the said County of Isle of Wight in the State of Virginia said to contain fifty acres, more or less, adjoining the lands of J. E. Rhodes along the Fish Pond Branch the land to ^{owned} ~~formerly belonging~~ by Blake W. Spivey and now occupied by Mr. and Mrs. James M. Vaughan, by the County road leading from Carreville to Isle of Wight C. R. and land formerly owned by Blake E. Darden now owned by J. E. Rhodes, it being the rest of the lands of said J. H. Rhodes after taking away the lands including in a deed of even date herewith from said J. H. Rhodes to J. E. Rhodes the said grantor J. H. Rhodes have expressly reserves for himself and his assigns the free use, occupation and enjoyment of the lands aforesaid during his natural life. It is understood that that the grantor is not ^{to} ~~have~~ possession of said land till the death of the grantor that is to say, the grantee is to have a perfect fee simple absolute title to said land subject to a life estate during the said grantor's life, but at the death of said grantor the grantee, his heirs and assigns are to have and hold said land forever. The said grantor covenants that he has the right to convey the said land to the grantee that the grantee shall have quiet possession of the said land from the death of said J. H. Rhodes free from all incumbrances, that he the said party of the first part will execute such further assurances of the said land as may be requisite, that he has done no act to incumber the said land. Witness the following signatures and seals.

Witness
E. A. Watkins.

his
J. H. Rhodes, (SEAL).
mark

State of Virginia,

County of Isle of Wight, to-wit:

I, W. S. Holland, a Commissioner in Chancery of the Circuit Court for the County aforesaid, in the State of Virginia, do certify that J. E.

Rhodes, whose name is signed to the writing above, bearing date on the 7th day of January in the year eighteen hundred and ninety has acknowledged the same before me in my County aforesaid.

Given under my hand this 8th. day of Jan. in the year 1890.

W. S. Holland,

Commissioner in Chancery?

In the Clerk's Office of the County Court of Isle of Wight County
January 8th. 11:20 A. M. 1890 this deed was received and with the certificate annexed, admitted to record.

TESTE: _____ N. F. Young, Dep. Clerk.
for N. P. Young, Clerk.

A Copy, TESTE: 6_

N. F. Young

Clerk.

J. H. Rhodes
do } New
J. P. Rhodes

copy

Jenkins et als.

vs. In Chancery

Rhodes et als.

Exhibit No. 3 filed
with the Bill.

Filed Jan'y 27 1906

MARRIAGE LICENSE



Virginia, County of Lee of Right do to wit:

To any Person Licensed to Celebrate Marriages:

You are hereby authorized to join together in the Holy State of Matrimony, according to the rites and ceremonies of your Church, or religious denomination, and the laws of the Commonwealth of Virginia,

Joshua H. Rhodes
and *Susan P. Spivey*

Given under my hand, as Clerk of the County Court of Lee of Right County this 4th day of January 1890
R. P. Young Clerk.

CERTIFICATE TO OBTAIN A MARRIAGE LICENSE,

TO BE ANNEXED TO THE LICENSE, REQUIRED BY SECTION 2229 OF THE CODE OF VIRGINIA, AS AMENDED BY ACT OF FEBRUARY 3, 1900.

Time of Marriage, <i>Jan 8th 1890</i>	Place of Husband's Birth, <i>Lee of Right Co Va</i>
Place of Marriage, <i>Lee of Right Co Va</i>	Place of Wife's Birth, <i>Same</i>
Full Names of Parties Married, <i>Joshua H Rhodes & Susan P. Spivey</i>	Place of Husband's Residence, <i>Same</i>
Color, <i>White</i>	Place of Wife's Residence, <i>Same</i>
Age of Husband, <i>67 years</i>	Names of Husband's Parents, <i>James & Elizabeth</i>
Age of Wife, <i>20 years</i>	Names of Wife's Parents, <i>Jacob & Elizabeth</i>
Condition of Husband (widowed or single or divorced) <i>Widowed</i>	Occupation of Husband, <i>Farmer</i>
Condition of Wife (widowed or single or divorced) <i>Single</i>	

Given under my hand this 4th day of January 1890
R. P. Young Clerk.

Minister's Return of Marriage.

I, certify, That on the 8th. day of Jan. 1890, at Franklin, Va., I united in Marriage the above-named and described parties, under authority of the annexed License.

J. M. Robins.

A Copy, TESTE:

R. P. Young

Clerk.

Jethro H. Rhodes
and } Manager Lumber
Susan P. Spinner

vs.

Jenkins et als
vs. In Chancery
Rhodes et als

Exhibit - No. 1, filed
with the Bill.

Filed Jan'y 2^d 1900

VIRGINIA:

*In the Supreme Court of Appeals, held at
the Library Building in the City of
Richmond on Thursday the 1st
day of February 1907.*

Josiah H. Jenkins, Irving K. Jenkins
and Susan P. Rhodes ----- Appellants

against

James E. Rhodes, Jethro P. Rhodes, Charles K. Rhodes,
N.K. Spivey, Permelia R. Jenkins, K.T. Spivey, Martha
J. Gay, John J. Spivey, Chatherine V. Powell, Elam
N. Spivey, Mary Lou Spivey, Georgianna Johnson,
Jethro T. Coggins; and Mattie Turner and Letcher
Turner, infants under the age of twenty one years,
by S.E. Everett their guardian ad litem ----- Appellees

Upon an appeal from a decree pronounced by the circuit
court of the County of Isle of Wight on the 3rd day
of October, 1905.

This day came again the parties, by counsel, and the court
having maturely considered the transcript of the record of the
decree aforesaid and arguments of counsel, is of opinion, for
reasons stated in writing and filed with the record, that there
is no error in said decree. It is therefore adjudged, ordered and
decreed that the same be affirmed, and that the appellants pay to
the appellees thirtydollars damages and also their costs by them
expended about their defence herein.

Which is ordered to be certified to the said circuit court.

A Copy,
Teste:

Stewart Jones C.C.

Appellees' costs:

Attorney's fee ----- \$20.00
Clerk's fees ----- 2.23
\$22.23

Teste:

Stewart Jones C.C.

J. L. Jenkins, I. K. Jenkins
and Susan P. Spivey, Widow of
J. H. Rhodes, deceased.

Vs.

J. E. Rhodes, J. P. Rhodes,
and others.

*Enter names of
all the parties*

This cause came on this day to be heard on the bill of complaint, the answers of the several defendants with general replications thereto and upon the examination of witnesses, and was argued by counsel.

On consideration whereof the Court being of opinion that the plaintiffs have failed to ~~make out any case under~~ *prove the allegations of* their bill of complaint, doth adjudge, order and decree, that this suit be dismissed; and that the plaintiffs pay to the defendants their costs in this behalf expended.

The complainants expressing a desire to present a petition for an appeal from this decree to the Supreme Court of Appeals, at this instance it is ordered that the execution of this decree be suspended for ninety days, when the complainants, or some one for them, shall ~~execute~~ ^{with good security} give bond before the Clerk of this Court in the penalty of \$1000. - with a condition reciting ~~such~~ this decree, and the intention of the complainants to present such petition, and providing for the payment of all such damages as may accrue to any person by reason of the said suspension in case a supersedeas to such decree should not be allowed and be effectual within the time so specified. -

J. L. Jenkins, I. K. Jenkins
and Susan P. Spivey, Widow of
J. H. Rhodes, deceased.

Vs.

J. E. Rhodes, J. P. Rhodes,
and others.

-----0-----

D E C R E E.

October 3rd, 1905.

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To be entered.

Robert R. Mentis

Chancery Order Book, no. 6. page

447.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

March Term 1905.

Josiah H. Jenkins, Irving K. Jenkins and Susan P. Rhodes- --- --

-----Complainants.

vs.

In Chancery.

J. P. Rhodes, J. F. Rhodes, Kindred Spivey, Pamela Jenkins K.

Thomas Spivey, Mattie Gay, John J. Spivey, Cattie Powell, E. N.

Spivey, Mary Lou Spivey, Georgiana Johnson, Jethro Coggins, Mattie

Turner and Letcher Turner-----Defendants.

Consent Decree.

By consent of parties, by counsel, in term time here entered of record, this chancery cause is submitted to the Judge of this Court for such decision and decree therein in vacation as might be made in term.

Josiah L. Jenkins et als #
vs. #
J. P. Rhodes et als #

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DECREE.

C. D. B. No. 6 Page 408.

To be entered.

March 6, 1905.

Robert R. Menthis

We consent to this decree:

Robt. M. Withers

Bradford Kilby.

Counsel for plaintiffs

R. E. Boykin
Guard. ad litem for infant Defts

R. E. Boykin

W. S. Hall and } &c

GRANTOR	FAMILY NAME	ABCDEFGHI	IJKLMNOP	PQRSTUVWXYZ
	Bland	Horace D		Robert Ivan
	127			
GRANTEE	Bland	Charlie Allen		Virgie C
	121			
DATE		KIND OF INSTRUMENT	BOOK	PAGE
11-28-66		Bill	185	442

Depositions filed in box marked
"Depositions".

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon J. E. Rhodes, Jethro P. Rhodes, being the sons of Jethro H. Rhodes, Kindred Spivey, Lottie Jenkins, Thomas Spivey, Mattie Gay, John Spivey, Lattie Powell, Patsie Spivey, Mary Lou Spivey, being the children of Martha Spivey formerly Rhodes. Georgiana Johnson, daughter of Jethro H. Rhodes, Jethro Caggins, being the son of Louisa Caggins, formerly Rhodes, and Mattie Turner and Letcher Turner, these two defendants being ^{infants} under twenty-one years of age, and the children of Mattie Turner, formerly Caggins who was a daughter of Louisa Caggins, formerly Rhodes

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the First Monday in January 1905, to answer a bill in chancery, exhibited against them in our said court for by Josiah L. Jenkins, Irving K. Jenkins, Charles B. Rhodes and Susan P. Rhodes

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 24th day of December 1904, and in the 129 year of the Commonwealth.

N. F. Young clerk

J. L. Jenkins et al

VS.

}

SUBPOENA
IN
CHANCERY.

J. E. Rhodes et al

Mathus & Kelly

p. 9

To First January Rules,

Seruant Court.

1904

1-33119
Executed This the 30 day of
Dec 1904 By Giving each
of the within named persons
a true copy of this within
subpoena in my county
& state of Va
S. Gary Deputy to
R. H. Edwards Sheriff

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

The joint and separate answer of N. K. Spivey (miscalled "Kindred Spivey" in the bill), Permelia R. Jenkins (miscalled in the bill "Tootie Jenkins"), K. T. Spivey (miscalled in the bill "Thomas Spivey"), Martha J. Gay (miscalled in the bill "Mattie Gay"), John J. Spivey (miscalled in the bill "John Spivey"), Cathern V. Powell (miscalled in the bill "Cattie Powell"), Elam N. Spivey (miscalled in the bill "Palie or Polie Spivey"), Mary Lou Spivey, Georgeanna Johnson, and Jethro T. Coggin (miscalled in the bill "Jethro Coggin") to a bill of complaint exhibited against themselves and others by J. L. Jenkins and others in the Circuit Court of Isle of Wight County.

For answer to the said bill of complaint, or to so much thereof as these respondents are advised is material for them to answer, and without waiver of the many errors, uncertainties and inaccuracies in the said bill of complaint contained, answering say:

That when their names are corrected as above they are of the heirs at law of Jethro H. Rhodes deceased, that they have been advised of and concerning the execution of the deeds in the bill mentioned, but do not claim to know personally of every fact connected therewith, still they do not believe the charges of fraud ^{in the said bill} ~~therein~~ set forth, and therefore deny each and every allegation charging or tending to charge fraud on the part of J. P. Rhodes and J. E. Rhodes in connection with the execution of the said deeds.

These respondents desire their rightful and lawful share in the estate of the said Jethro H. Rhodes in the hands of J. P. Rhodes, administrator of the said Jethro H. Rhodes deceased, and more or less than that they do not claim, and will not claim.

Except as herein expressly admitted these respondents hereby deny each and every allegation in the said bill contained just as if here repeated and categorically denied.

And now having fully answered these respondents deny all unlawful and improper combination and confederacy and they pray to be hence dismissed with their reasonable costs in this behalf expended, hoping that full justice may be granted, they will ever pray &c.

N. K. Spivey
Permelia R. Jenkins
Henrietta T. Spivey
Martha J. Gay
John J. Spivey
Catherine V. Powell
Elora N. Spivey
Mary Lou Spivey
J. T. Leogon
Georgiana Johnson

J. P. Rhades et. als.

ads }

J. L. Jenkins et. als.

un

Answer of N. E. Spivey
and others.

Filed July 27 1905

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

J. P. Rhodes, J. E. Rhodes et als.

ads.

J. L. Jenkins et als.

The joint and separate answer of Jethro P. Rhodes and James E. Rhodes defendants, to the bill of complaint exhibited against themselves and others in the Circuit Court of Isle of Wight County by J. L. Jenkins and others.

These defendants, now and at all times hereafter, saving and reserving to themselves all benefit and advantage of exception which can or may be had or taken to the many errors, uncertainties and insufficiencies in the said bill contained, for answer thereto or to so much thereof as they are advised it is material or necessary for them to answer, answering say:

That they deny that Jethro H. Rhodes died seized and possessed of the two tracts of land in the bill and proceedings mentioned, they deny that he owned the said land, or any interest therein, except a life estate as shown by one of the deeds filed with the bill in one of the said tracts of land during his coverture with the said plaintiff, Susan P. Rhodes. These respondents admit that the said Jethro H. Rhodes departed this life on or about the th day of August, 1904, leaving a personal estate worth something like \$1500, and leaving certain heirs at law and distributees which are not correctly named in the said bill of complaint, but whose names have been corrected, as these respondents are informed and believe by one of the answers to be filed in this cause. These respondents indignantly deny that they or any one for them or on their behalf used any unlawful and fraudulent methods, schemes, acts, or made or caused to be made any false statements, misrepresentations, intimidations, or exerted any undue influence to prevent the marriage

between the said Jethro H. Rhodes and the said Susan P. Rhodes; it is true that they did not favor such said marriage for the reason that the said Jethro H. Rhodes was a highly respected man and that he and his children and their families stood well and were highly respected in the neighborhood in which they lived, and the said Susan P. Rhodes who was Spivey, was a woman of bad repute, having been the mother of two bastard children before her marriage with the said Jethro H. Rhodes; and for that reason these respondents, as well as the other children of the said J. H. Rhodes, greatly preferred that he should not marry such a woman, and it is also true that the said Jethro P. Rhodes, but not the said James E. Rhodes, did talk and reason with his said father, the said J. H. Rhodes, for the purpose of dissuading him from marrying the said woman, but any allegation or allegations in the said bill charging fraud, threats, misrepresentations, intimidations or force, are basely false.

These respondents indignantly deny that they opposed said marriage for fear the said J. H. Rhodes would convey, bequeath or devise any of his property to the said Susan P. Spivey, and deny being influenced to any extent or in any manner in the opposition to the said marriage by any pecuniary consideration.

These respondents say that J. H. Rhodes made and executed a deed to J. P. Rhodes and a deed to J. E. Rhodes, the originals of which are herewith filed as exhibits marked "A" and "B" respectively, and are prayed to be taken and read as a part of this answer. As to the deed made to James E. Rhodes, these respondents aver that the land therein mentioned had been for a consideration sold or given to him, the said James E. Rhodes by him, the said J. H. Rhodes for more than twenty-two years next preceeding the 8th day of January, 1890, and that the said James E. Rhodes had the honest, exclusive, uninterrupted, adverse possession of the said land for more than twenty years next preceeding the 8th day of January, 1890, and that during all that time the said James E. Rhodes had been the fee simple owner of the said tract of land, of which the said Susan P. Spivey had knowledge. These respondents say that they served in the army of the Confederate States of America from 1861 until

the spring of 1865 and that after the surrender of the said Confederate Army in the spring of 1865, they returned to the home of their father in the County of Isle of Wight and worked with and for him on the farm faithfully, thereby enabling him to own the said land, and that at the time the said sons were at work for their father, it was understood and agreed that in consideration of their services, they were to have certain real estate, and that the real estate conveyed to the said James E. Rhodes is the real estate of which he was put in possession as aforesaid, that from time to time the said J. H. Rhodes had expressed his willingness to make a formal conveyance of the said property to his said son, James E. Rhodes, but the making of the said formal conveyance was neglected from time to time until on or about the 7th day of January, 1890, when the said J. H. Rhodes in accordance with his undertakings, promises, and obligations, conveyed to the said James E. Rhodes the land in the deed to him fully described, and that he did so even without being requested at that particular time by the said James E. Rhodes, and did so, as he expressly declared, for the purpose of carrying out and fulfilling his promises to his said son. These respondents say that in consideration of the conveyance to the said J. P. Rhodes, he, the said J. P. Rhodes executed and delivered to the said J. H. Rhodes his bond for the sum of \$750 which was not to bear interest until the death of the said J. H. Rhodes, ^{and} as shown by the said deed the said J. H. Rhodes was to retain possession of the property conveyed to the said J. P. Rhodes during the lifetime of the former; that said bond was kept by the said J. H. Rhodes until his death and after his death went into the hands of J. P. Rhodes, administrator of J. H. Rhodes, deceased, and was collected by the said administrator and the collection from the said bond is now in the hands of the said administrator for distribution at the proper time and in the proper manner. These respondents say that the said sum of \$750 was more than the market value of the said property at the time of the said conveyance, and that the said consideration paid as aforesaid was all the said land was worth at the time and would not have sold for more if sold by public auction to the highest bidder. But for

the said conveyance to the said J. P. Rhodes, the said Susan P. Spivey would have been entitled to dower in said land as these respondents are advised, but they say she is now entitled to very much more than a dower interest, to-wit: one-third, because they say that the said J. H. Rhodes was not indebted at the time of his death and his estate is not now indebted except for funeral expenses and the cost of administration and for some other small items, the principal part of which is a claim set up by a son of the said Susan P. Spivey, who was born out of wedlock as aforesaid, before the said marriage. In this way these respondents are advised that from a pecuniary standpoint the said Susan P. Rhodes has been benefited. As to the execution of the said deeds to these respondents, they say it is true that the said J. H. Rhodes could not read and write, but was a man of strong mind and in the full possession of all his faculties, that the deeds were carefully read to him by the Notary Public who took the acknowledgements thereto and in the presence of a subscribing witness, Mr. E. A. Watkins and in the presence of others, and that the execution of the said deeds on the part of the said J. H. Rhodes was his free and voluntary act and that there was no fraud practiced upon the said J. H. Rhodes in order to procure his signature and acknowledgements to the said deeds. These respondents utterly deny each and every allegation in the said bill contained to the effect that any unlawful and fraudulent schemes were employed, that any acts were done, that any false statements, misrepresentations, threats or intimidations were made by these respondents or by any one else for them, and they deny that any undue influence was exercised, either to prevent the said Susan P. Spivey from becoming an owner of any of the property aforesaid or any other property, or for the purpose of having the said J. H. Rhodes execute the said deeds, and they wish to be understood as categorically denying every word and every sentence in the said bill contained which charges fraud, force or deceit or any other wrong. These respondents deny that early in the morning of the 8th day of January, 1890, or at any other time they presented the said deeds without reading the same to Jethro H. Rhodes, on the contrary, they aver that on the day before the said deeds were executed the said J. H. Rhodes requested

the said J. P. Rhodes to go to Mr. Wm. S. Holland and have the deeds prepared and to have the said Holland or some one else bring them to the residence of the said J. P. Rhodes where he, the said J. H. Rhodes would meet and would execute the said deeds drawn in accordance with his request, that the said J. P. Rhodes obeyed the orders of his father and that in obedience to the request of his said father, the said deeds were prepared in accordance with the directions of the said J. H. Rhodes, and in accordance with his promise, the said J. H. Rhodes met at the residence of the said J. P. Rhodes and after hearing the said deeds read, executed the same freely and voluntarily.

These respondents deny that the said J. H. Rhodes was of feeble mind or incapable of transacting business, on the contrary, they aver, that while he was an old man, he was at that time possessed of a vigorous mind, unclouded by age or otherwise, and thoroughly understood what ^{said} he did when he executed the deeds. Of the execution of the said deeds, these respondents say that the said Susan P. Spivey had actual and constructive knowledge before her marriage with the said J. H. Rhodes.

These respondents deny that the said J. H. Rhodes executed the said deeds with intent to, or for the purpose of depriving the said Susan P. Spivey of her marital rights in case she should become his wife. They say, on the contrary, that what he did was for her best interest from a pecuniary standpoint under existing circumstances and prices. These respondents say that the said bond was in the possession of the said J. H. Rhodes and known to be in his possession by his said wife, and knowing the possession of the bond and the consideration of the said bond, the said Susan P. Spivey acquiesced in the said transaction without murmur or complaint for nearly fifteen years. They say that the said deed from the said J. H. Rhodes to the said J. P. Rhodes was executed in accordance with a solemn promise and agreement on the part of the said J. H. Rhodes made and entered into long before his marriage with the said Susan P. Spivey was anticipated by anybody.

And further answering these defendants, and each of them, not in any manner admitting, but at all times denying the allegations in the said bill contained, do, and each of them doth, aver that any claim or

demand that the said plaintiff, Susan P. Rhodes, might, or otherwise ought to have against these defendants or either of them, by reason of her claim and demand for dower in said bill demanded in the said lands in the said bill mentioned, or either tract thereof, by reason of any matters and things in the said bill contained, is barred by the statute of limitations, and that the said Susan P. Rhodes is estopped by her laches to maintain this suit, or assert any demand upon these defendants, or either of them, or demand or have dower in the said several tracts of land, or either of them, as these defendants are informed and so charge that the said Susan P. Rhodes had actual knowledge of the conveyance of the said several tracts of land to these defendants, as hereinbefore mentioned, prior to her marriage to the said J. H. Rhodes, and that shortly after the said marriage she had other and further notice of the said several conveyances, and acquiesced therein, and asserted no claim to dower.

These defendants pray the benefit of so much of the foregoing answer as goes in bar as if the same had been specially pleaded. And having answered they pray hence to be dismissed with their costs in this behalf most unreasonably expended.

J. P. Rhodes
J. E. Rhodes

State of Virginia
County of Isle of Wight to-wit:

I, Odessa O. Lincoln, a Notary Public in and for the County of Isle of Wight and State of Virginia, do certify that J. P. Rhodes and J. E. Rhodes whose names are signed to the foregoing answer in chancery, personally appeared before me in my said county and made solemn affirmation in due form of law that the statements contained in the aforesaid answer are true and correct to the best of their knowledge, information and belief.
Given under my hand this 9th day of February, 1905.
Odessa O. Lincoln, N.P.
My term of office expires Oct. 3, 1908.

J. P. & J. E. Rhodes

Ads.

J. L. Jenkins et als.

~~THE JOINT AND SEPARATE ANSWER~~

The Joint and separate Answer

of

J. P. & J. E. Rhodes.

Filed July 27-1905

Virginia,

Circuit Court for the County of Isle of Wight, to-wit:

Jenkins et als. -----Complainants.

vs.

In Chancery.

Rhodes et als. -)))-----Defendants.

The joint and several answers of Mattie Turner and Letcher Turner by J. E. Turner, Attorney at Law, their guardian ad litem, appointed to defend them in this suit, to the Bill of Complaint exhibited against them and others in the Circuit Court for the County of Isle of Wight, by Josiah L. Jenkins, Irving K. Jenkins, Charles B. Rhodes, and Susan P. Rhodes, Complainants,

These respondents, reserving to themselves the benefit of all just exceptions to said Bill, for answer thereto, by their said guardian ad litem, answer and say;

That they know nothing of the facts stated in said Bill, and are not able to say whether they are or are not true, but being infants of tender years and by reason of their infancy incapable of understanding or taking care of their rights and interests, they, by their said guardian, commit themselves, and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice or be against their interests in this suit.

And now having fully answered, these respondents pray hence to be dismissed with their reasonable costs in this behalf ~~expended~~ expended.

And they will ever pray etc.

Mattie Turner and Letcher Turner.

By J. E. Turner.

Their guardian ad litem.

Jenkins et als.

vs. In Chancery.

Rhodes et als.

Answer of infant defendants
by their guardian ad litem.

Filed at Rules 2nd. January
1905.

W. J. Young Clerk.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

J. L. Jenkins et als.

vs

J. P. Rhodes et als.

TO THE HONORABLE, ROBERT R. PRENTIS, JUDGE OF THE
CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

Your petitioner, Charles J. Rhodes respectfully represents that in the above styled suit Charles B. Rhodes (which is evidently intended for the name of your petitioner) is made a plaintiff by the attorneys R. W. Withers and Bradford Kilby whose names are signed to said bill as attorneys. This petitioner says that he never agreed or consented to bring any suit against J. P. Rhodes and others for the purpose of calling in question the validity of any deed or deeds; that one Irvin Jenkins did approach him and urge him to become a party plaintiff to such a suit and he supposes that the said Irvin Jenkins gave his name to said attorneys, but be that as it may, your petitioner says that he has not authorized any one to make him a plaintiff to said suit and that he does not wish to be a plaintiff to said suit. He says that he is a grandson of Jethro H. Rhodes, deceased, and has been informed that he is a necessary party plaintiff or defendant to said suit, and he wishes to be made a party defendant thereto as Charles J. Rhodes and not as Charles B. Rhodes.

Your petitioner says that he has been advised concerning the charges of fraud made in the said bill of complaint and wishes to say that the parties to said suit are his relations, that he has known them all his life, and that he believes that J. P. Rhodes and J. E. Rhodes are morally incapable of doing what they are charged with doing in said bill of complaint. Your petitioner denies each and every charge of fraud and every allegation in the said bill making any such intimation. Your petitioner has practically collected his share of the estate of J. H. Rhodes, deceased, in the hands of J. P. Rhodes, administrator of

J. H. Rhodes, deceased, and by signing this paper he does not mean to give up or surrender any of his rights as to the personal estate of the said deceased now in the hands or to come into the hands of the said administrator. He claims his share of the bond given to J. H. Rhodes by J. P. Rhodes, but he does not make any claim and will not make any claim in the lands mentioned in the two deeds filed with the bill of complaint.

Your petitioner prays that this petition may be read and treated as his answer to the said bill of complaint filed by J. L. Jenkins and I. K. Jenkins against J. P. Rhodes and others, and having fully answered, and denying all unlawful combination and confederacy, he prays to be hence dismissed with his cost in this behalf so unjustly expended. And he will ever pray.

L. J. Rhodes

Witness.

W. H. Johnson

Rhodes J Pet al

ads

Jenkins J. L. et. al.

Petition and Answer
of

C. J. Rhodes

Filed Feb 27-1905

Spivey, Mattie Gay, John Spivey, Cattie Powell, Palie Spivey, Mary Lou Spivey, being the children of Martha Spivey, formerly Rhodes, Georgiana Johnson, daughter of Jethro H. Rhodes, Jethro Coggins, being the son of Louisa Coggins, formerly Rhodes, and Mattie Turner and Letcher Turner, the two last-named being infants under twenty-one **years** of age and the children of Mattie Turner, formerly Coggins, who was a daughter of Louisa Coggins, formerly Rhodes, may be made parties defendant to this Bill and be required to answer the same, the adults in their own proper persons, and the infants by their guardian ad litem to be appointed to defend them in this suit, but answers under oath are hereby waived; that such of said parties defendant as may have like interests with your Complainants may be given leave to become parties Complainant in this suit; that the said deeds may be declared to have been executed under fraudulent and undue influences exercised upon said Jethro H. Rhodes by said James E. Rhodes and Jethro P. Rhodes, and be declared null and void and be cancelled and set aside; that such fee or compensation as may be reasonable and proper may be allowed and paid to counsel for your Complainants out of such money or property as may come under the control of the Court in this suit; that proper process may issue and all proper orders and decrees may be made in the premises; and that all such other, further and general relief may be afforded your Complainants as the nature of their case may require or to Equity shall seem meet.

And, as in duty bound, your Complainants will ever pray etc.

Josiah L. Jenkins, Irving K. Jenkins,
Charles B. Rhodes, and Susan P. Rhodes.

By Robt. W. Withers

Bradford Kilby,

December 26th. 1904.

their Counsel.

And your Complainants further charge that immediately after the execution and recordation of said deeds and after said marriage the said James E. Rhodes and Jethro P. Rhodes not only became reconciled to said marriage, which they had previously violently opposed and tried to prevent, but became exceedingly friendly and courteous toward the said Susan P. (Spivey), Rhodes, their step-mother, and manifested the same by sundry acts of kindness, and have so continued ever since.

And your Complainants further charge that by the unlawful and fraudulent procurement of said deeds in the manner and under the circumstances aforesaid, the said James E. Rhodes and Jethro P. Rhodes attempted to secure, and, if such deeds shall be allowed to stand, will have secured unto themselves greater shares of said estate than they are justly entitled to, to the great disadvantage and injury and in fraud of the rights of your Complainants, especially as the said Jethro H. Rhodes had previously made to said James E. Rhodes and Jethro P. Rhodes large and valuable advancements of portions of his estate.

And your Complainants further charge that that one of said deeds made to said James E. Rhodes was a deed of gift without consideration deemed valuable in law, as will appear by reference to the copy thereof herewith filed; and that the other of said deeds made to said Jethro P. Rhodes, while purporting to have been made in consideration of the sum of seven hundred and fifty dollars, was, in truth and in fact, without consideration deemed valuable in law, the said Jethro P. Rhodes having paid no such sum of money, and no other sum of money, and no valuable consideration to the said Jethro H. Rhodes for the land mentioned in such deed and being under no legal obligation to render therefor a valuable consideration at any time thereafter.

And your Complainants give notice that the Court will be asked to allow and pay to their counsel for their services in this suit such fee or compensation as may be proper to be paid out of the money or property under its control in this suit.

In consideration whereof your Complainants, being without remedy save in a Court of Equity where such matters are properly cognizable, pray that said James E. Rhodes, Jethro P. Rhodes, being the sons of Jethro H. Rhodes, Kindred Spivey, Tootie Jenkins, Thomas

Bill and marked respectively Exhibits No.2 and 3.

And your Complainants further charge that early in the morning of the 8th. day of January, 1890, (the said marriage having taken place in the afternoon of that day), said James E. Rhodes and Jethro ~~the~~ P. Rhodes presented the said deeds to the said Jethro H. Rhodes and, without reading the same to him, (he being unable to read and write), and by unlawful and fraudulent methods, schemes, acts, false statements, misrepresentations, threats, intimidations, and undue influences, caused the said Jethro H. Rhodes to sign and acknowledge the said deeds, which were at once and hurriedly taken to the Clerk's office of the County Court of said County and there admitted to record at "11.20 o'clock A.M." of the same day.

And your Complainants further charge that the execution and acknowledgement of said deeds by said Jethro H. Rhodes and the unlawful and fraudulent securing of such execution and acknowledgement by said James E. Rhodes and Jethro P. Rhodes and the procuring by them of the recordation of said deeds in the manner and under the circumstances aforesaid, was without the knowledge and consent of the said Susan P. Spivey, and in commission of a fraud upon her and in fraud of her marital rights, and that the unlawful and fraudulent securing of the execution, acknowledgement, and recordation of said deeds by the said James E. Rhodes and Jethro P. Rhodes was the commission of a fraud upon the said Jethro H. Rhodes.

And your Complainants further charge that at the time said ~~de~~ deeds were made, the said Jethro H. Rhodes was an old man, of the age of eighty-one years or more, was unable to read and write, and, by reason of his old age, was feeble-minded and incapable of transacting business, and, being in the midst of preparations for, and engrossed with, his immediate marriage, was a more favorable subject than otherwise he might have been, for the practice of a fraud upon him, and for these and other reasons was easily prevailed upon by his said two astute and designing sons, said James E. Rhodes and Jethro P. Rhodes, by means of their said unlawful and fraudulent methods, schemes, acts, false statements, misrepresentations, threats, intimidations and undue influences, to execute said deeds.

(3)
Susan P. Spivey, they, the ^{said} James E. Rhodes and Jethro P. Rhodes began by various and sundry unlawful and fraudulent methods, schemes, acts, false statements, misrepresentations, threats, intimidations, and undue influences to prevent the said marriage and so continued until said marriage was consummated, for fear that the said Susan P. Spivey would become possessed of, or interested in some manner, in the estate, and especially the said real estate of the said Jethro H. Rhodes, and for fear that the said Jethro H. Rhodes would convey bequeath or devise his said estate, and especially his said real estate, to said Susan P. Spivey, or for her use and benefit, and for fear that they would thereby be deprived of their expected distribution and inheritance of such interests in said estate, and especially said real estate, as they would otherwise be entitled to at the death of their said father, intestate.

Your Complainants further charge that when said James E. Rhodes and Jethro P. Rhodes by their said unlawful and fraudulent methods schemes, acts, false statements, misrepresentations, threats, intimidations and undue influences, failed to prevent said marriage, they undertook by other unlawful and fraudulent methods, schemes, acts, false statements, misrepresentations, threats, intimidations, and undue influences to prevent the said Susan P. Spivey from becoming, by reason of her marriage to said Jethro H. Rhodes or otherwise, possessed of, or interested in, said estate, and especially said real estate, and, to that end, without the knowledge or consent of said Jethro H. Rhodes and Susan P. Spivey and in the commission of ~~##~~ fraud upon him and her, and in fraud of her marital rights, fraudulently conspired together to secure from the said Jethro H. Rhodes conveyance of said real estate to themselves prior to, and on the eve of, said marriage, and, to that end, unlawfully and fraudulently and without the knowledge and consent of said Jethro H. Rhodes and Susan P. Spivey and in the commission of fraud upon him and her, and in fraud of her marital rights, actually prepared themselves, or caused to be prepared, deeds of bargain and sale, dated the 7th. day of January, 1890, (the day before said marriage), to be signed and acknowledged by the said Jethro H. Rhodes on the eve of his said marriage, conveying one of said parcels of land to said James E. Rhodes and the other parcel to said Jethro P. Rhodes; authenticated copies of which deeds are herewith filed as parts of this

was living on said 8th. day of January, 1890, lying and being in the said County of Isle of Wight in the State of Virginia, said to contain fifty acres, more or less, adjoining the lands of J.E. Rhodes along the Fish Pond Branch, the land formerly owned by Blake W. Spivey and occupied by Mr. and Mrs. James M. Vaughan, by the county road leading from Carrsville to Isle of Wight Courthouse, and the land formerly owned by Blake E. Darden, afterwards owned by J.E. Rhodes.

That the said Jethro H. Rhodes departed this life on the 21st. day of August, 1904, *leaving a small personal estate and no land whatever save that above described and* intestate, leaving as his heirs and distributees the following persons:

- (a) Susan P. Rhodes, his widow;
- (b) James E. Rhodes, Jethro P. Rhodes, and Georgiana Johnson, his children.
- (c) Josiah L. Jenkins, Irving K. Jenkins, Charles B. Rhodes, Kindred Spivey, Tootie Jenkins, Thomas Spivey, Mattie Gay, John Spivey, Cattie Powell, Palie Spivey, Mary Lou Spivey, (the two last-named being the children of Martha Spivey, deceased daughter of said Jethro H. Rhodes), Jethro Coggins, (the son of Louisa Coggins, deceased daughter of said Jethro H. Rhodes), his grandchildren.
- (d) and Mattie Turner and Letcher Turner, (infants under twenty-one years of age and children of Mattie Turner, formerly Coggins, who was a daughter of Louisa Coggins, deceased daughter of said Jethro H. Rhodes), his great-grandchildren.

That the said heirs and distributees of said Jethro H. Rhodes were all living on the 8th. day of January, 1890, and there were at that time no other heirs and distributees apparent of the said ~~Jethro~~ Jethro H. Rhodes.

That on the 8th. day of January, 1890, the said Jethro H. Rhodes married Susan P. Spivey, (she being his widow aforesaid), as will appear by a duly authenticated copy of their marriage-licence, herewith filed as part of this Bill and marked Exhibit No. I.

Your Complainants charge that when it became known to the public and especially to said James E. Rhodes and Jethro P. Rhodes that their father, the said Jethro H. Rhodes, was about to marry the said

(1)

Virginia,

Circuit Court for the County of Isle of Wight, to-wit:

Josiah L. Jenkins, Irving K. Jenkins, Charles B. Rhodes, and Susan P. Rhodes,-----Complainants.

vs.

In Chancery.

James E. Rhodes, Jethro P. Rhodes, being the sons of Jethro H. Rhodes Kindred Spivey, Tootie Jenkins, Thomas Spivey, Mattie Gay, John Spivey, Cattie Powell, Palie Spivey, Mary Lou Spivey, being the children of Martha Spivey, formerly Rhodes, Georgiana Johnson, daughter of Jethro H. Rhodes, Jethro Coggins, being the son of Louisa Coggins, formerly Rhodes, and Mattie Turner and Letcher Turner, these two defendants being infants under twenty-one years of age, and the children of Mattie Turner, formerly Coggins who was a daughter of Louisa Coggins, formerly Rhodes,-----Defendants.

To the Honorable Robert R. Prentiss, Judge of the Circuit Court of Isle of Wight County:

Your complainants, Josiah L. Jenkins, Irving K. Jenkins, Charles B. Rhodes and Susan P. Rhodes, of the said County of Isle of Wight, humbly complaining, do represent and show unto your Honor the following case:

That Jethro H. Rhodes, a citizen of Isle of Wight County in the State of Virginia, was, on and sometime prior to, the 8th. day of January, 1890, seised and possessed of the following parcels of real estate, to-wit:

(1) " all that certain tract, piece or parcel of land lying and being in the County of Isle of Wight in the State of Virginia, said to contain one hundred acres more or less and bounded as follows: by the lands formerly belonging to Blake E. Darden, by the lands ~~now~~ belonging to John Coggins, Meredith Crumpler's estate, Irvin E. Spivey and the lands formerly belonging to Blake Spivey to the head of the Fish Pond Branch, thence down the said Fish Pond Branch to the said Blake E. Darden land ~~now~~ owned by J.E. Rhodes".

(2) all that certain tract of land whereon said J.H. Rhodes

Jenkins et als.

vs. } In Chy.

Rhodes et als.

Complainant's Bill.

Filed January 21 1905

12th January rules 1905. Bill & exhibit filed.
 Mr. Exon on all adult debts & rise as to them.
 D. C. Exon apt. gov. advice. Answer of inf. debts
 filed

2nd Army mls 1906. Bill taken for confessed
and case set for hearing

March thru 1906 made vacation ~~over~~