1867-002

JOHN W. AMES GUARDIAN ETC VS JOHN W. AMES ETC

1867

CHANCERY CAUSES

NANSEMOND COUNTY
(SUFFOLK)

SURNAMES: DEANS, JORDAN, WRIGHT

Con-
clerk $15:00
1 Ho: Le 31:00
$46:00

Cons –

KNOW ALL MEN BY THESE PRESENTS, That we John W. Ames and Richard B. Ames

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, *in the just and full sum of* One Thousand 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. Sealed with our seals, and dated this* 22nd: *day of* October *in the year one thousand eight hundred and* Sixty-Six, *and in the* 91st: *year of the Commonwealth.*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound John W. Ames, who was by a Decree of the Circuit Court of Hanover County, in the Cause of John W. Ames, guardian of James Edward Ames and Benjamin F. Ames, orphans of Benjamin F. Ames decd against John W. Ames & others, pronounced on the 15th: day of October 1866, appointed a Commissioner to make sale of certain Real Estate in said Cause described under said decree, and any other order that may be made from time to time in said Cause, shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of

Jno W. Ames SEAL.

Richd B Ames SEAL.

SEAL.

SEAL.

SEAL.

John W. Ames, Comm^th.

to J. Bond

Commonwealth

1866
Octo: 22nd: Executed Hill

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON John W. Ames, Levi D. Ames, Rich^{d}. B. Ames, Margaret Ann Ames, Elizabeth Deans, & James Edward Ames & Benj^{a} F. Ames & Elizabeth Ames & Margaret Edward Ames, the last four infants,

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in October — next, 186 6 . being rule day, to answer a bill in chancery, exhibited against ——— them ——— by

John W Ames Guardian of James Edward Ames & Benjamin F Ames, orphans of Benj^{a} F Ames dec^{d},

and unless ——— they ——— shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 14th day of September 186 6, and in the 91st year of the Commonwealth.

Peter B. Prentis Clerk.

Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Kilby. p. 7

John W. Ames, &c.
&c
vs
Summons in Chy.

John W. Ames Dal:
To Octo: Rules 1866.

Pro: Bk: No: 1. Page 15

Cir: Co

1866 Sept: 15th Rec'd to Kenly & returned &c. Service
of this proc'ss.

Jno. W. Ames
Francis C. Ames
Rudolph B Ames
Eliza Deans
Margaret A Ames

The Depositions of Wm E. Jordan and Wm J. Wright, taken at Hargroves' Tavern, Nansemond County on the 6th day of October 1866, by Consent of parties, to be used as evidence in a Chancery suit now pending in the Circuit Court of said County wherein John W. Ames, guardian of James Edward Ames & Benja F. Ames is plaintiff & John W. Ames & others Defendants

(The following Interrogatories being agreed on by P. B. Prentis guardian ad litem to Infant defendants) as endorsed by his signature — Peter B. Prentis
Gdn. ad litem

The said Wm E. Jordan, being duly sworn says, in answer to the questions propounded to him, as is set forth in his answer below.

1st Question by plaintiffs atty. Are you acquainted with the Lands of John Ames dec'd and do you, or do you not consider the sum of $750. a fair price for the Interest of said James Edward Ames & Benja F. Ames, in the Land now held by Mrs Mary Ann Ames as set forth in the Bill — the said Interest being one fifth, at the death of said Mary Ann Ames; and would the sale of said Interest for the purpose of paying the sum of $625. and the Interest thereon as set forth in the Bill, be an advantageous exchange for the said Infants.

Answer. I consider the said sum of $750. is a fair price for the one fifth Interest in the Land, aforesaid, and I consider moreover that the sale of said Interest and the application of the proceeds to the payment of the debt of $625 & Interest due thereon, would be an advantageous one, and desirable to be made,

and hesitate not to say that the arrangement ought to be made.

signed Wm E Jordan

Wm J. Wright being duly sworn, also says that he is acquainted with the Lands above referred and agrees with the said Wm E. Jordan, that the pure referred to is a fair one, and that the exchange and arrangement proposed ought to be made.

signed. W J Wright

Nansemond County to wit.

I, Richard N. Beamon, a Justice of the peace in and for said County, do certify that the foregoing depositions were taken at the place & on the day as set forth in the Caption hereto — Given under my hand this 6th day of October 1866.

Richard N. Beamon J.P.

Jno: W. Ames, qr.

vs

Deposition and

Jno: W. Ames Def.t

1866. Oct: 8th Came to hand,
under Cover and Seal of
CMS

Oct. 20th 1864 Recd of Inott Ames Guardian for Ias. E and B. F. Ames orphans of Benjamin F Ames decd five hundred dollars the amt assessed as difference in Lands by Commissioners appointed for that purpose and eight four dollars and sixteen cents interest on the same from Jan 1st 1864 to this date —

Richd B Ames

R. B Ams

Rec't

$584 16

Oct. 20th 1866 Recd of Jas W Ames guardian for Ida E and B. F. Ames orphans of Benjamin F Ames decd One hundred and Twenty five dollars. the amount assessed as difference in lands by Commissioners appointed for that purpose and Twenty one dollars and four cents the interest on the same from Jan 1st 1864. to the date

Levi D Ames

L D Ams
Receipt
#1466 04

Cnty #46:00
Js 19.80
26.20

1866 Dec. 31. Rec'd of John W. Ames Com. $. Nineteen dollars and Eighty cents part of Cnty of Clay: suit in Name and Circuit Court of John W. Ames for vs. Jno. W. Ames Sal.

John R. Kirby Atty

At a Circuit Court held for Nansemond County the 15th: day of October 1866.

John W. Ames, Guardian of James Edward Ames, & Benjamin F. Ames, Orphans of Benj^a. F. Ames. decd. . . . . Complainants

Against E In Chancery.

John W. Ames, Levi D. Ames, Rich^d. B. Ames, Margaret Ann Ames, Elizabeth Deans, & James Edward Ames & Benja. F. Ames & Elizabeth Ames & Margaret Edward Ames, the last four infants. Defendants.

This cause came on this day to be heard on the Complainants bill and exhibits filed therewith, and on the answers of the adult defendants and of the infant defendants by Peter B. Prentis their guardian ad litem. and also on the answer of said guardian ad litem, with general replications to said answers. and on examination of witnesses, and was argued by counsel. On consideration whereof the Court being of opinion, that the interests of said infants, James Edward Ames and Benjamin F. Ames will be promoted thereby, and that the rights of no person will be violated thereby, doth adjudge order and decree, that John W. Ames guardian as aforesaid, and who is appointed a commissioner for that purpose, sell for cash, (provided he can realize Seven Hundred and fifty dollars therefor) the right title and interest, (being one fifth at the death of Mrs. Mary Ann Ames) in the land now held by said Mary Ann Ames, as part of her dower in the lands of John Ames deceased, and described in the said Bill, and make to the purchaser a deed with special warranty in the usual form. And the Court doth further adjudge, order and decree that the said John W. Ames out of the proceeds of sale pay to Richard B. Ames the sum of Six Hundred and twenty five dollars, and all interest due thereon, being amount due by said James Edward and Benjamin F. Ames, as assessed on them to equalize their lands as set forth in the Bill, and any surplus pay to the said John W. Ames, their legally qualified guardian, after paying the costs of this suit thereout, and make report to Court. But before the said John W. Ames shall execute

this decree, he shall execute before the Clerk of this Court in his office a bond payable to the Commonwealth of Virginia in the penalty of One Thousand Dollars, conditioned faithfully to execute this decree and any other order that may from time to time be made in this cause.

A Copy:
Teste,
Peter B. Prentis. Clerk

John W. Ames, pltf &c
vs
Copy Decree. Oct. Term 1866
John W. Ames Dfdt.

In the Circuit Court of Nansemond County.

The Undersigned Respectfully represents to the Court and says, That pursuant to a decree of said Court made on the 15th day of Oct. 1866, in a chancery cause therein pending, wherein John W. Ames guardian of Jane, Edward Ames & Benj. F. Ames is plaintiff and John W. Ames & others are defendants, he has sold the One fifth Interest of said wards in the two parcels of Land referred to in the proceedings and now held by Mrs. Mary Ann Ames, as part of her Dower in the Lands of John Ames dec'd, to Richard B. Ames, for the sum of (in cash) $750.00

To paid the sum of six hundred & twenty five dollars as directed by said decree to equalize Lands $625.00

and Int. from 1st Jan. 1864 to 20th Oct. 1866, (see Receipts filed herewith) } 105.20 = $730.20

Balance . $ 19.80

To paid Jno. R. Kelly part of costs pr'act. 19.80

A deed to Richard B. Ames for said 1/5 Interest in said Lands has been made as directed to the purchaser — all of which is respectfully submitted to Court.

Jno. W. Ames } Com'r.

John W. Ames Jr.

vs Comm'r,

vs Report.

John W. Ames Sal.

1867

Feb: 5th: Fees.

To the Worshipful Court of Nansemond Co:

Pursuant to a Decree, made at a Monthly Court held for Nansemond Co. the 11th. day of November 1865. We your Commissioners appointed for the purpose of setting apart to Mary Ann Ames (Widow of John Ames dec'd) one third in value having regard to quantity and quality) of the lands, of which her husband John Ames died entitled to, as and for her Dower therein; and that the said Commissioners then proceed to apply such sum on John W Ames, Levi D Ames Richard B. Ames and James Edward and Benjamin F Ames, infant children of Benj.a F. Ames Dec.d as in their opinion and judgement will properly equalize and adjust any difference there may be between the lands respectively devised to them by John Ames Dec.d beg leave to make the following report. Having viewed all the lands of which John Ames died entitled to, we have valued the same, at twenty seven thousand & five hundred dollars ($27500) of which the money value of the whole dower interest therein of Mary Ann Ames (Widow of John Ames Dec'd) is nine thousand one hundred and sixty six dollars and sixty-six cents $9166.66 2/3 and to make said sum in value in lands, we do set apart to the said Mary Ann Ames for her dower, the several tracts, parts or parcels of lands and lots, named bounded or described as follows. The farm on which John Ames, the husband of Mary Ann Ames, resided at the time of his death, including a small tract of Woodland lying South of Mrs C. Arthur's land, valued at four thousand dollars ($4000.) and being the same tracts and parcels of lands, loaned by the said John Ames dec'd in his will to his widow. Mary Ann Ames, during her natural life,

the part or parcel of land valued at One thousand and Ninety nine dollars and twenty nine cents $1099.29/100 and bounded and described thus: Commencing at the line of Wm: I Lawrence's land, on the Crancy Island road. thence along said road to the path or road, leading to the Tully Long house, along sd. path or road to a branch near the old grave yard up sd. branch to a ditch. thence along sd. ditch to a small pond, from sd. pond nearly an east course to the head of a ditch and along sd. ditch to Hoffler's creek road, thence along sd. road to the corner of Wm: I Lawrence's land, thence along sd. Lawrence's line to the beginning with the buildings thereon and to include the privilege of fire wood and rail timber for the exclusive use of the aforesd. bounded and described lands and tenements, and being a part or parcel of the lands that John Ames dec'd. by his will among other things, loaned to Elizabeth Deans. (who was the wife of Jos: Deans, now dead and daughter of sd. Testator. during her natural life, and at the death of the sd. Elizabeth Deans, he devised to the children of the sd. Elizabeth Deans. the above stated privilege of fire wood & rail timber, to be cut and taken from any portion of the wood land, as aforesd. devised by the sd. John Ames dec'd. to the said Elizabeth Deans, during her natural life the part or parcel of land valued at one thousand two hundred and sixty four dollars and eighteen cents $1264.18/100: and bounded and described thus: Commencing on the Knotts neck road at P. Arthurs land, down sd. road to Jno: W Ames' gate, thence along the lane to a branch which crosses sd. lane thence down sd. branch to P. Arthurs line, and to the beginning and being a part or parcel of the lands that John Ames dec'd. by his will devised to his son John W Ames: The part or parcel of land and lots, valued at nine hundred and Eighty nine dollars and thirty six cents $989.36/100 and described thus: the tract of land in Nansemond Co: which John Ames dec'd. purchased of Wilson Norfleet trustee of James B. Norfleet and known as the "White tract" and the interest of John Ames dec'd. in three vacant lots in the City of Portsmouth, which was owned jointly by the said dec'd. and his son Levi D. Ames, and being a part & parcel of the lands and lots, that John Ames dec'd. by his will devised to his son Levi D. Ames. The part or parcel of land valued at One thousand one hundred and fifty four dollars and twenty five cents $1154.25/100 and described thus: all that part or parcel of land lying on the West side of Knotts neck road and being a part or parcel of the lands, that John Ames dec'd. by his will, devised to his son Bonj'a H. Ames, now dead. The part or parcel of land valued at six hundred and fifty nine dollars and fifty eight cents $659.58/100 and bounded and described thus: Commencing at a point on the Bennetts pasture road two hundred yards from the line between Wm. Warrington and R. B. Ames, and thence a parallel line with said Warrington's line to Bennetts Creek, and being a part or parcel of the lands that John Ames dec'd. by his will devised to his son Richard B Ames. The total of which tracts, parts or parcels of lands and lots, as herein before valued named bounded and described as being tracts parts or parcels of lands and lots. devised by the aforesaid John Ames dec'd. by his will to the aforesaid devisees: amount. to nine thousand one hundred and sixty six dolls. & sixty six cts. $9166.66/100 and is one third in value of all the lands of which her the aforesd. Mary Ann Ames' husband John Ames, died entitled to, as and for her Dower therein: We further report. that to allot such sums

on John W. Ames, Levi D. Ames, Richard B. Ames and James Edward and Benja F. Ames (infant children of Benja F. Ames decd) to properly equalize and adjust any differences there may be between the lands respectively devised to them by John Ames decd. We have viewed the respectively devised lands and value the same as follows: The lands devised to John W. Ames at five thousand seven hundred and fifty dolls ($5750.) The lands devised to Levi D. Ames, at four thousand and five hundred dolls $4500. The lands devised to Richd B. Ames at three thousand dolls ($3000.) and the lands devised to Jas. E. and Benja F. Ames, (infant children of Benja F. Ames decd) at five thousand two hundred and fifty Dolls ($5250.) making a total value of Eighteen thousand and five hundred dollars. and an average value of four thousand six hundred and twenty five dollars: which, is found due respectively by John W. Ames one thousand one hundred and twenty five dollars ($1125.) and by James E. & Benja F. Ames, (infant children of B. F. Ames decd) six hundred and twenty five dollars ($1125.) of which total amt of $1750. due. the respective recipients are Levi D. Ames, to the amt of one hundred and twenty five dolls ($125) and Richd B. Ames, to the amt of one thousand six hundred and twenty five dolls ($1125.) all of which is respfully submitted by.

December 26th. 1865

Alex Savage
Jacob. W. M. Keeling
James Hargroves
Wm. E. Jordan.
} Commissioners

A. Copy:

Teste:

Victor B. Prentis. Clerk

X md

Levi D. Ames et al:

vs } Copy Commrs: Report

John W. Ames, Exr:
of John Ames decd
et al:

(B)

Ames, Adln: of Ames

Vs § 2 Exhibits filed with bill

Ames Jail:

I. John Ames, of the County of Nansemond and State of Virginia, do make this my last will and Testament, in manner and form following to Wit: I loan unto my wife Mary Ann Ames, during her natural life, the farm on which I now reside, bounded on the South, by the lands of Mrs. Charlotte Arthur and W. J. Arthur, West by Bennetts Creek North by Nansemond river, and East by Knotts' Creek. I loan unto my wife Mary Ann Ames, during her natural life, a small tract of Wood-land lying South of Mrs C. Arthur's land, beginning at a Popular standing near the head of a ravine, and being now a line between Mrs C. Arthur, John Arthur and myself; and running about a South Course, to a marked Holly: thence about an East course to a marked Locust Post, at the head of a Cove; thence down the said Cove, about a North-West Course, to Mrs C. Arthur's line; I loan unto my wife Mary ann Ames, durring her natural life, the following slaves, namely, Robin Charlotte and Frances and her two children Ella and Mary. I loan unto my wife Mary Ann Ames, so long as she shall remain my widow, the following slaves, namely Daniel, Wallace, George and Polly. At the marriage or death of my wife Mary Ann Ames, I give the said slaves Daniel, Wallace, George and Polly in Trust to my son Benjamin F. Ames, to be held by him in Trust, for the benefit of my daughter Margaret Ann Ames, the interest or income from the said

slaves, to be used for her benefit. support and comfort. At the death of my daughter Margaret Ann Ames. the said slaves are to go to my sons John W. Ames, Levi D. Ames, Benjamin F. Ames and Richard B. Ames, and to my daughter Elizabeth Deans, during her natural life and to her children, after her death, Provided that my wife Mary Ann Ames, is to hold the said slaves Daniel, Wallace, George and Polly until her death or marriage as herein before provided. and with the further provision and understanding, that my wife Mary Ann Ames, is to support my daughter Margaret Ann Ames, until the marriage or death of my wife Mary Ann Ames. I also give in trust to my son Benjamin F. Ames, three thousand dollars to be held by him in trust, for the benefit of my daughter Margaret Ann Ames, the interest on which said sum of Three thousand dollars, after the death or marriage of my wife mary ann Ames, and before if necessary, is to be used for the support, benefit and comfort of my said daughter Margaret Ann Ames. At the death of my said daughter Margaret ann Ames, the said sum of three thousand dollars, is to go to my sons. John W Ames, Levi D. Ames Benjamin F. Ames and Richard B. Ames, and to my daughter Elizabeth Deans, during her natural life, and her share to her children after her death. I give unto my wife May Ann Ames, One thousand Dollars in money, and

the following chattel property namely. one bed. Irish chorce and furniture, one wardrobe, my easy chair watch, silver plate and one bureau. I give unto my daughter Elizabeth Deans, one bed, second chorce and furniture. I give unto my son in law Joseph Deans my small secretary and book case. I loan unto my daughter Elizabeth Deans, during her natural life all the lands I own North of the road leading from Pig-point road eastwardly to the Norfolk County line. At the death of the said Elizabeth Deans, I give the said lands herein before loaned to the said Elizabeth Deans unto the children of the said Elizabeth Deans. I give unto my said daughter Elizabeth Deans, and her husband Joseph Deans, six hundred dollars of the debt which the said Joseph Deans, owes me. I give unto my son John W. Ames, the farm on which he lately resided, situated on Bennetts creek, including all the lands on the said farm West and south of the following line. Beginning at the centre of the road on the North side of the land belonging to Patrick Arthur, and running down said road to a marked Locust Post, a few yards Northward of the said John W. Ames's lane thence a westward course parallel with the said lane to a marked Locust Post: thence about a North course, to a marked Pine, at the head of a cove: thence down the centre of the said cove until it strikes W. J.

Arthurs line. I give unto my son Levi D. Ames, the farm or track of land which I purchased of John B. Haynes and his wife, and Benjamin F. Carney and his wife and lying on the East side of Knotts Creek, I also give unto my son Levi D. Ames, my interest in the Swamp land lying on the South side of the road leading from Pig point road Eastward to the Norfolk County line which I purchased of John B. Haynes B. F. Carney and W. J. Laurence. I also give unto my son Levi D. Ames, the tract of land in Nansemond County, which I purchased of Wilson Norfleet, trustee of Jas. B. Norfleet and known as the "White tract". I also give unto my son Levi D. Ames, all my interest in three vacant lots in the City of Portsmouth owned now jointly by my self and the said Levi D. Ames. I give unto my son Benjamin F. Ames, the farm on which he lately resided situated on Knotts creek, including all the balance of the land I own in Knotts neck not herein before disposed of. I also give him, one bed fourth dower, and furniture. I give unto my son Richard B. Ames, the farm a track of land in Bennetts Pasture, which I purchased of W. J. Wright. bounded by Bennetts creek, and the lands of Wm. Warrington, R. B. Ames, and others. I also give unto my son Richard B. Ames, three hundred dollars out of the debt which he owes me. I give in trust to Levi D. Ames, four thousand dollars for my grand daughters Mary Elizabeth Ames and Margaret Edward Ames, or-

pham of James Edward Ames deceased. the inter
est or as much thereof as needed, to be used for their
support. and the principal and what interest may
be due, to be paid to them when they shall arrive
to the age of twenty-one years. In case of the death
~~of the death~~ of the said Mary Elizabeth Ames and
Marquet Edward Ames, before they shall arrive
to the age of twenty one years, and leaving no child
the said sum of four thousand dollars, and the
interest that may be due, is to go to my sons John
W. Ames, Levi D. Ames, Benjamin F. Ames, and
Richard B. Ames; and to my daughter Elizabeth
Deans, during her natural life: and her share to
her children after her death. What difference there
may be in the value of the lands which I give unto
my sons John W. Ames Levi D. Ames, Benjamin F
Ames and Richard B. Ames. I wish them to settle
between themselves. The property I loan to my wife,
Mary Ann Ames, excepting the slaves, Daniel Wal-
lace, George and Polly, I wish at her death to be equ-
ally divided between my sons John W Ames, Levi D.
Ames, Benj. F. Ames and Richard B. Ames, and my
daughter Elizabeth Deans, during her natural life,
and her share to go her children at her death. I
give unto my daughter Marquet Ann Ames, one
bed, third chance, and furniture, and one ward-
robe. The balance of my estate, after the pay-
ment of my just debts, I give unto my sons

John W. Ames, Levi D Ames, Benjamin F. Ames, and Richard B. Ames: and to my daughter Elizabeth Deans during her natural life; her share, to go to her children at her death. I hereby appoint my sons, John W Ames, Levi D. Ames, Benjamin F. Ames and Richard B. Ames, the Executors of this my last Will and testament: and I request that the Court of Nansemond County, will not require security of them as my said Executors, In witness of this my last Will and testament. I hereunto affix my hand and seal this eleventh day of May in the year of our Lord One thousand eight hundred and sixty three

Witness
James Hargroves
Wm. F. Wright

John Ames. (Seal)

At a Quarterly Court held for Nansemond County the 14th day of August 1865.

This writing purporting to be the last Will and Testament of John Ames, late of this County, deceased, was this day produced in Court by John W Ames, one of the Executors herein named, in order to be proved. Whereupon James Hargroves, one of the subscribing witnesses to the said writing being sworn having testified in Court, that the said John Ames acknowledged and published the same in his presence, as and for his last Will and testament, that he subscribed his name as a witness hereto, in the presence of the said Testator and in the presence of William F

Wright the other subscribing witness hereto. (all three being present together) and that he saw the said William F. Wright who is now dead, subscribe his name hereto also in the presence of the Testator, at his request, and having also testified that the said testator was of sound mind and memory, as far as he knew or believe do. And John R. Kelly and Peter B. Prentis being sworn, severally deposed in Court, that they were well acquainted with the hand writing of the said William F. Wright having often seen him write and verily believe that his signature as a subscribing witness to said will to be genuine and in his own proper hand writing. Whereupon the said writing, is ordered to be recorded as the true last will and testament of the said John Ames deceased, And on the motion of the said John W Ames, who made oath as the law directs. (and having declared the value of the estate to be about $8000.) and entered into a bond in the penalty of Twenty Five Thousand Dollars, conditioned according to law but without security the will directing that none should be required of him, and which said bond being acknowledged by the obligor therein is ordered to be recorded.) Certificate, is granted the said John W. Ames for obtaining a probat of said will in due form. (the Internal Revenue Tax $4. having been paid) Liberty, being reserved to Levi D. Ames and Richard B Ames, the other surviving Executors in the said will named, to join in the said probat, when they shall think fit:

Test:

Peter B. Prentis Clerk

At a Monthly Court held for Nansemond County the 11th. day of September 1865.

On the motion of Levi D. Ames and Richard B. Ames two of the executors named in the last will and Testament of John Ames deceased. who made oath as the law directs and entered into a bond in the penalty of Twenty five thousand dollars conditioned according to Law, (but without security, the will directing that none should be required of them, and which said bond being acknowledged by the obligors therein is ordered to be recorded.) Certificate is granted them to be joined in the probat of the said Will.

Teste:

Peter B. Prentis Clerk

A Copy:

Teste:

Peter B Prentis Clerk

In the Clerk's office of Nansemond County Court. the 7th. day of April. 1866. This duly authenticated Copy of the Last Will and Testament of John Ames deceased. with the certificate thereon was produced by John W Ames, to the Clerk of said Court; and on the application of said John W Ames, is recorded anew: the book, in which the same was originally recorded having been destroyed by the burning of the Clerks Office and records on the 7th. day of February. 1866.

Teste:

Peter B. Prentis Clerk.

A Copy:

Teste:

Peter B. Prentis Clerk

X'mo

John Ames

Will

(A. Copy)

(A)

Amey Jdn

v

Amey &c.

This cause came on this day to be again heard on the papers formerly read on the report of John W. Ames Com. made pursuant to the decree of the 15th Oct 1866. to which report there is no exception; and was argued by Counsel. On consideration whereof the Court doth confirm the said Report, and doth adjudge, order and decree that the proceedings had in this cause be made final and binding between the parties, and that any sum remaining unpaid be paid by the plaintiff as prayed in as aforesaid

Ames pl'ff.

v.

Ames et al

1867

~~Appl~~ Ct. Final decree

To be entered

R. W. Baker

Entered

John W. Ames jr. &c

vs

Ames &c.

This cause came on this day to be heard on the Complainants Bill, exhibits filed therewith, and on the answers of the adult. Defts. and of the Infant defendants by R. B. Rowley their guardian ad litem, also on the answer of said guardian ad litem, with several replications to said answers, and on examination of witnesses, and was argued by Counsel. On Consideration whereof, the Court being of opinion that the interests of said Infants James Edward Ames & Benjamin D. Ames will be promoted thereby, and that the rights of no person will be violated thereby, doth adjudge, order & decree that John W. Ames guardian as aforesaid & who is appointed a Comr. for that purpose sell for cash (provided he can realize $750. therefor) the right title and interest (being 1/5 at the death of Mrs. Mary Ann Ames) in the land now held by said Mary Ann Ames, as part of the Dower in the lands of Jno. Ames deceased, and described in the said Bill and make to the purchaser a deed with special warranty in the usual form: and the Court doth further adjudge, order & decree that the said John W. Ames, out of the proceeds of sale pay to Richd. B. Ames, the sum of $625, and all interest due thereon being amount due by said James Edward & Benj. D. Ames, as assessed on them to equalize their Lands as set forth in the Bill, and any surplus pay to the said John W. Ames their legally qualified guardian: after paying the costs of this suit thereout, and make report to Court — But before the said John W. Ames shall execute this decree, he shall execute before

the Clerk of this Court in his office a Bond payable to the Comth. of Virginia in the penalty of $1000. conditioned faithfully to execute this decree & any other order that may from time to time be made in this cause

Rec'd for &c
$
Comrs. Sale.
1866
Oct. 24. Ch. Weaver
Fee $2.00

Endorsed

Rec. Copy. 5 Oct-71

Virginia:

At Rules, held in the Clerks office of the Circuit Court of Nansemond County on Monday the 1st day of October 1866.

John W Ames, Guardian of James Edward Ames & Benjamin F Ames Orphans of Benja F. Ames dec'd. ... Complainants

against } In Chancery.

John W. Ames, Levi D. Ames, Rich'd B. Ames, Margaret Ann Ames Elizabeth Deans & James Edward Ames & Benja. F. Ames & Elizabeth Ames & Margaret Edward Ames. The last four infants. Defendants

On the motion of the Complainants by Counsel, Peter B. Prentis, is appointed guardian ad litem to defend the infant defendants, in this suit: and it is ordered that notice be given the said Guardian of his appointment, by serving on him a copy of this order.

Teste:

Peter B. Prentis. Clerk

1866. October 1st. I acknowledge service of this order and that I have received a copy hereof.

Peter B. Prentis. g.d.: ad litem

Ames, gdr: of Ames

vs } Order Appts:
gdr: at Clear

Ames Dal:

The Joint and separate answer of John W. Ames, Levi D. Ames, Richard B. Ames, Margaret Ann Ames, & Elizabeth Deans, to a Bill in chancery filed in the Circuit Court of Nansemond County against them and others by John W. Ames the Guardian of James Edward Ames, & Benjamin F. Ames, Infants & children of Benjamin F. Ames deceased.

These Respondents say: That the facts set forth in said Bill are true as they verily believe, and that they are of opinion that the sale asked for by the plaintiff will be promotive of the best Interests of the said James Edward Ames & Benjamin F. Ames, and that no one will be injured thereby, and they recommend that the sale prayed for may be granted. And having answered &c.

Signed

Jno. W. Ames
Levi D. Ames
Rich. B Ames
Margaret A Ames
Eliz Deans

Ames Jon. of Ames

v

Ames Sotheo

Answer of adult
defendants.

The answer of Peter B. Prentis, as guardian ad litem to James Edward Ames, Benjamin F. Ame, Elizabeth Ames & Margaret Edward Ames, Infants under fourteen years of age, to a Bill in Chancery exhibited in the Circuit Court of Nansemond County by John W. Ames guardian of James Edward & Benjamin F. Ames against John W. Ames & others.

This Respondent says, that he has but little personal knowledge of the Lands referred to in the Bill, but from enquiry he is satisfied that the sale ~~and~~ of the Interest of said James Edward & Benjamin F. Ames, in the Lands held by Mrs Mary Ann Ames & the application of the proceeds to pay the assessment on them, made to equalize their other Lands, as stated in the Bill would be a judicious one, and be the means of converting an unproductive Interest in Land to pay a debt carrying Interest and the value of which they have in Land - He therefore recommends the Sale & arrangement as prayed for in said Bill.

Peter B. Prentis.

guardian ad litem

Peter B. Prentis guardian ad litem aforesaid, being sworn says that the facts set forth in the foregoing answer are correct and true as he believes.

Given under my hand this 1st Oct 1866.

John R Kelly
Notary Public

Ames pdr

vs

Ames & c

Answer of
O. B. Prentiss
pdr ad litem to
Infant defts.

Code p 590.

The Joint and separate answer of James Edward Ames, Benjamin F Ames, Elizabeth Ames & Margaret Edward Ames infants, by Peter B Prentis their guardian ad litem, to a Bill in Chancery exhibited in the Circuit Court of Nansemond Cou. against them and others by John W Ames, Guardian of James Edward Ames, & Benjamin F. Ames, orphans of Benj.a F. Ames dec.d

These Respondents, for answer to the said Bill answer and say that they are strangers to all and singular the proceedings on the part of the Complainants, and being infants of tender years and ignorant of their rights, submit the same to the Court; and pray that no order or decree, may be made in the premises to their injury; and having answered pray that they may hence &c.

Signed.

Peter B. Prentis.

John: ad litem

Ames. Pltf. & Ames

41
21

Ames Def.

Answer of Infant
Defendants

To the Hon. Richard H. Baker, Judge of the Circuit Court of Nansemond County —

Complaining, shew unto the Court, your complainant, John W. Ames, the legally qualified guardian of James Edward Ames & Benjamin F. Ames infant children of Benjamin F. Ames deceased, and who are under fourteen years of age.

Your Complainant respectfully represents to the Court and says that his said wards are the owners in fee simple of a tract of land in Knotts Neck, Nansemond County, and on Knotts creek, containing by estimation Two hundred & fifty —— acres more or less & valued, to be worth Five thousand two hundred & fifty dollars; in which Mrs. Mary Ann Ames the widow of John Ames died has had her dower assigned her

That the said wards are also entitled to one fifth of the lands now held by said Mary Ann Ames, as part of her dower in the lands of her said husband John Ames deed, and described in John Ames' will as the farm on which he resided, bounded on the South by the lands of Mrs. Charlotte Arthur and W. J. Arthur, West by Bennetts creek, North by Nansemond River, and East by Knotts creek: and also a small tract of wood land, lying South by Mrs. C. Arthur's land, beginning at a Poplar standing near the head of a ravine, and being now a line between Mrs. C. Arthur, John Arthur and John Ames; and running about a South course to a marked Holly: thence about an East course to a marked

locust post at the head of a cove, thence down the said
Cove about a North-North west course to Mrs. C. Arthur's
line — The whole value of said two parcels in which
the said wards will own a one fifth interest at
the death of Mrs. Mary Ann Ames, is Nine thousand
one hundred and sixty six dollars and Sixty six cents.

That the said wards also own money to the
value of a few hundred dollars —

Your Complainant as guardian aforesaid says
that under the proceedings had in a Chancery
cause in the County Court of Nansemond County
wherein Levi D. Ames and others were plaintiffs
and John W. Ames Executor of John Ames dec'd. &
others are defendants, had to assign dower to said
Mrs. Mary Ann Ames in the lands of her said husband
and to equalize shares under the said John Ames'
will, the sum of $625. was agreed upon the
said Infants, James E. and Benj.ª F. Ames, to
be paid to Richd. B. Ames, and that they now
owe the said sum, and that their income is not
sufficient to support them and pay said debt and
that in order to pay such debt it has become necessary
to make sale of a portion of their estate, and as they
have vested the said sum in real estate, your Com-
plainant believes it to be best to sell their interest
(1/5) in the two aforesaid parcels now held by said
Mrs. Mary Ann Ames as part of her dower in the
lands of said John Ames dec'd, and which were

loaned to her by her said husband's will for life — That Richard B. Ames, one of the sons of said John Ames died, desiring to own the family Homestead, after the death of his mother the said Mrs. Mary ann Ames he already purchased the shares — one fifth each — of Levi D. Ames & John W. Ames and is willing to purchase the share of said Infants — that he gave the said Levi D. & John W. Ames, each $750. for their respective shares and will pay the same for the share of said Infants, which your Complainant says is a very fair price therefor, and with the said sum of $750, your Complainant as their guardian can pay the said sum of $625 and the interest thereon due by them to Rich^{d} B. Ames, in equalizing Lands as aforesaid, and which your Complainant prays may be allowed & sanctioned by this Court as an arrangement advantageous to his wards

That he files herewith a copy of John Ames' will marked A, as part of this Bill — That Mary ann Ames the widow of John Ames died, renounced the provisions made for her by said will, and hence the apportionment of her dower in his Lands, but in making such apportionment the Commissioners under the proceedings aforesaid in the County Court apportioned to her as part of her dower, the same Lands loaned to her by the deceased — a copy of the Commissioners Report made in the

case in the County Court as aforesaid is filed herewith marked (B.) — The arrangement asked for by your Complainant is so manifestly to the advantage of said minors that he prays this Court will authorize him to make the same.

Your Complainant further says that if the said James E. & Benja. F. Ames orphans of Benja. F. Ames dec'd were dead, the following persons would be their heirs — first each would heir from the other if both were dead, then their Uncles & aunts & their Descendants — to wit: John W. Ames, Levi D. Ames, Richard B. Ames, Margaret Ann Ames, Elizabeth Deans (widow) late Ames, & Elizabeth Ames & Margaret Edward Ames infant Children of James Edward Ames dec'd — and which last named two infants are under fourteen years old.

In Consideration whereof and as this Court has ample power to grant the relief asked for your Complainant prays that, John W. Ames, Levi D. Ames, Richard B. Ames, Margaret Ann Ames, Elizabeth Deans, & James Edward Ames & Benja. F. Ames & Elizabeth Ames & Margaret Edward Ames, the last four Infants, may be made Defendants hereto & answer the allegations herein — That the infant defendants may have a guardian ad litem appointed them to defend them herein; That the sale and transfer of the Interest in the Lands aforesaid may be made & the

proceeds applied as prayed for, and that all other and proper relief may be granted, consistent with Equity &c.

John R. Kelly p.c

Nansemond County to wit.

I John W. Ames guardian of James Edward Ames & Benja. F. Ames Infants being sworn, do declare that the facts set forth in the foregoing Bill are true, as he verily believes — Given under my hand this 29th Day of September 1866

Signed

Jno W. Ames.

Sworn to before me this
29th Day of Sept 1866

B Wright J P

Kelly p. q

John W. Ames pdu &

v } Bill

John W. Ames dal.

Nans. Cir. Ct.

Ames, qdn: for Ames

Vs Ch Chy: Notes

Ames Dal:

1866. Sept: 14th: Summons in Chy. to Octo: Rules 1866.

" Octo: 1st: Bill & fileo — answers of adult defts -

filed & genl: replen:

" " " P. B. Scenties appts a gdn: ad litem to consult

defts: who files their answer to which there was

a genl: replen: Cause set for hearing on mo: of Pltffs:

Counsel.

" Oct: 8th. Depn: filed

" " 15th Decree for Sale &c

" " 22nd: Comm's Bond executed & filed.

1867. Feby: 5th: Report filed 1867. Apl: 16th: Final Decree

Chy: Notes