1867-010 PRISCILLA E JONES VS COMITTEE OF FRANCES E. JONES ETC 1867

NANSEMOND COUNTY
(SUFFOLK)

CHANCERY CAUSES

SURNAMES: RAWLES, RAWLS, ELEY, PRENTIS

NOTICE FOR TAKING DEPOSITIONS—Sold at Legal Blank Depot, 43 Pine Street.

Priscilla E. Jones
Complainant
VS.
Exum L. Eley Sheriff of Isle of Wight County &c et al
Defendants

IN THE
Circuit Court of
Nansemond County

Take Notice, That on the 27th day of September 1866, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day, at the Clerk's office of Nansemond County Court. in the town of Suffolk County of Nansemond & State of Virginia, depositions will be taken, to be read on the trial of the above entitled case on behalf of the plaintiff; and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place, and between the same hours, until completed.

To the above named Exum L. Eley Sheriff &c and others.

James E. Jenkins
Attorney to the above named.

We severally acknowledge Service of a Copy of within Notice Sept 17th 1866.

Mamaduke Lewis
Peter B. Prentiss, gdn: ad litem to infant defendants

Proctor & Jones
"
Evans & Ely, Sol's
of Defendants Co de Lat

Robert Co Ridle
Register Chancery

1866. Septr: 18th. I left a Copy for Elisha Rawlings of the within Notice with Mary Rawlings wife of said Elisha & explained the same to her: he being beyond Seas

J W Ely Sol's

NOTICE FOR TAKING DEPOSITIONS—Sold at Legal Blank Depot, 43 Pine Street.

Priscilla E Jones
Complainant
vs.
Exum L Eley Sheriff of
Isle of Wight County & ex al
Defendt;

IN THE
Circuit Court of
Nansemond County

Take Notice, That on the 27th day of September 1866, between the hours of eight o'clock in the forenoon and six o'clock in the afternoon of that day, at the Clerks office of Nansemond County in the town of Suffolk County of Nansemond State of Virginia, depositions will be taken, to be read on the trial of the above entitled case on behalf of the plaintiff; and that the taking of said depositions, if not completed on that day, will be continued from day to day, at the same place, and between the same hours, until completed.

To the above named Exum L. Eley Sheriff &c and Others.

James E Jenkins
Attorney to the above named.

Copy for Exam L Eley
Sheffey Dy W & com-
mittee of Eby Frances
E Jones dec'd

Exam Lieut Service of Copy of written
7/66

E L Eley

The deposition of Peter B. Prentis taken be-
fore me Richard O Whitehead a Notary
Public for Nansemond County pursuant to notice here
to annexed at the Clerk office of Nansemond
County in the town of Suffolk and State of
Virginia on the 27th day of September AD 1866
between the hours of Eight o'clock in the forenoon
and six o'clock in the afternoon to be read as
evidence on behalf of the plaintiff in a certain
Suit in equity depending in the Circuit Court of
Nansemond County wherein Priscilla E Jones is
plaintiff and Edwin L. Eley Sheriff of Isle of
Wight County and Commissioner of the estate of Fran-
cis E Jones dec'd Marmaduke Jones, Elisha Rawls
(of A) and Mary his wife late Mary Jones and Mary
Louisa Jones Anna M Jones & Maggie L. Jones the
last three infants under the age of 21 years are de-
fendants

Present James E Jenkins attorney for plaintiff

Peter B. Prentis being duly Sworn deposeth and
Saith as follows.

Question by Plaintiffs Counsel - State your bu-
siness - And any thing you may know as to the
purchase of a house and lot in Suffolk by one
Francis E Jones dec'd for the benefit of Priscilla
E Jones, where the funds came from if you know
the same Either from personal knowledge or from
Official papers in your possession at any time
and any facts Connected with a deed which said
Francis E Jones caused to be prepared to trans-
fer the title to plaintiff &

Answer. I am the Clerk of the County and Circuit Courts of Nanse-
mond County - From my own knowledge together with that obtained

All Available Text Successfully Captured

from others, who were in a condition to know. I am satisfied, that the consideration money mentioned in the Deed of Bargain & Sale from Wm Mahlon Jones Trustee to Francis E. Jones, for the House & Lot in Suffolk, was furnished to said Francis E. Jones, by Mrs: Priscilla E. Jones, the Plaintiff, in this cause, and that the same (money) was raised by Mrs: Jones, in the manner set forth & alleged in the Pltff's Bill, which this deponent has read over with great care.

That sometime during the year 1862, this deponent, at the request of Mrs: Priscilla E. Jones (the Plaintiff) and Wm Mahlon Jones, the brother of Francis E. Jones dec'd, drew a Deed of Bargain & Sale to be executed by said Francis E. Jones & wife to said Priscilla E. Jones for the said House & Lot, in Suffolk; that during said Year, say in the months of March or April, the said Francis E. Jones came to the Clerk's Office of Nansemond County Court with the view & for the purpose of signing & acknowledging said deed; but, upon its being suggested to him, that it would be better, for him & his wife to execute the same & acknowledge said deed before a Justice of the Peace, in order that it might be certified for record, he adopted the suggestion & requested the deponent to enter the requisite certificates on the Deed, & send it to Windsor, Isle of Wight Co: Va, where he & his wife lived, which was accordingly done - and further this deponent saith not.

(Signed)

Peter B. Peaks.

State of Virginia - Nansemond County, to wit:

I, Richard O Whitehead a notary public for the county aforesaid, do certify that the foregoing deposition was taken on the day & at the place and between the hours set forth in the caption hereto & pursuant to the annexed notice.

Given under my hand this 27th day of September 1866

Richard O. Whitehead

Notary Public.

Priscella E. Jones

vs

Deposition

Exum L. Eley. Sh'ff &c

Def:

Issued

Return to hand 27th Sept: 1866

Clk

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Exum L. Eley Sheriff of Isle of Wight County and Committee of the Estate of Francis E. Jones dec'd. Marmaduke Jones, Elisha Rawls & al and Mary his wife late Mary Jones: and Mary Louisa Jones, Anna M. Jones & Maggie S. Jones the last three infants.

to appear at the Clerk's Office of our Circuit Court, for the County of Nansemond, on the first Monday in September — next, 1866, being rule day, to answer a bill in chancery, exhibited against — them — by

Priscilla E. Jones.

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 28th. day of August. 1866, and in the 91st. year of the Commonwealth.

Peter B. Prentis Clerk.

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

Executed Septr: 15th: 1866 and a copy hereof delivered to Elisha Rawls (d a) and Mary by order

Wm Duy Sheriff &
Ex officio Coll.

Leaksville P.O.
Rockingham Co. N.C.

Priscilla E. Jones
vs
Samuel M. Clay
Exam. & Ex. Bill
Rockingham

To Septr: Rules 1866

P.O. Box No. 1. Page 13

Cty: Co

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON Exum L. Eley Sheriff of Isle of Wight County and Committee of the Estate of Francis E. Jones dec'd: Marmaduke Jones, Elisha Rawls (of a.) and Mary his wife, late Mary Jones: and Mary Louisa Jones, Anna M. Jones & Maggie S. Jones, the last three infants

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

Priscilla E. Jones.

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 28th day of August. 186 6, and in the 91st year of the Commonwealth.

Peter B. Prentis. Clerk.

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

Jenkins. pr

Priscilla E. Jones

vs

Simms. in Chy

Exum & Eley, Solrs: &c

Dal:

To Septr: Rules 1866.

Pro: 6: No. 1. page 13

Co: Co

Mar. Service of Subpoena, ad resp. in Chy acknowledged by Mar.

W. J. Jones

Virginia –

At Rules held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday the 3rd: day of September 1866.

Priscilla E. Jones . . . . . Complainant

against } In Chancery

Ephm L. Eley. Sheriff of Isle of Wight County and Committee of the Estate of Francis E. Jones decd: Mannadukе Jones Elisha Rawls (of A) and Mary, his wife, Lobe Mary Jones & Maggie S. Jones: the last three infants. . . . Defendants.

(and Mary Louisa Jones, dau. of M. Jones)

On the Motion of the Complainant, 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 upon him a copy of this order.

Teste,

Peter B Prentis. Clk.

1866. Septr: 3rd: I acknowledge service of the foregoing order, and that I have received a copy hereof.

Peter B. Prentis.

gdn: ad litem

Priscilla E. Jones

vs } Cr: a[ppt]q: gen: ad litem

Exam L: Eley, Sh[e]ff: of Isle of Wight County & Tenn[e]r of the Estate of Frances E. Jones Lal.

In the County Court of Isle of Wight County.

Dec'r. 4th. 1865.

On the motion of Priscilla Jones, ordered that the estate of her husband Francis C. Jones dec'd; be committed to the hands of Exum L. Eley Sheriff of Isle of Wight County, for administration.

A Copy.

Teste, N. P. Youngblood

Exhibit A

At a Circuit Court held for Nansemond County, the 12th. day of October 1866.

Priscilla E. Jones . . . . . Plaintiff.

Against } In Chancery

Exum L. Eley, Sheriff of Isle of Wight County, and committee of the estate of Francis E. Jones, dec'd Mannaduke Jones, Elisha Rawls (of A) and Mary his wife, late Mary Jones, and Mary Louisa Jones. Anna M. Jones & Maggie S. Jones the last three infants. . . . Defendants.

This cause came on this day to be heard on the bill, answers of Mannaduke Jones, filed by leave of the Court, and Peter B. Prentis, who has been assigned as guardian ad litem to defend the interest of the infant defendants, and the deposition of a witness and replication, and was argued by counsel. And it appearing to the satisfaction of the Court that although the legal title to the house and lot claimed by plaintiff was in Francis E. Jones, now deceased, yet he was but a trustee for the benefit of plaintiff, and purchased the house and lot with plaintiffs money for her benefit, the Court doth order, adjudge and decree that Peter B. Prentis who is a Commissioner appointed for that purpose, do cause to be prepared and execute a deed (reciting these facts therein) to Priscilla E. Jones conveying the house and lot in the bill mentioned and particularly described reporting to the next term of this Court his action herein.

A Copy:

Teste,

Peter B. Prentis. Clerk

Suffolk, Nansemond County, Va.

January the 1st: 1867

To the Circuit Court of Nansemond County:

The undersigned begs leave to report, that, pursuant to the annexed or foregoing decree of said Court, he has prepared and executed a Deed to Priscilla E. Jones, conveying to her the House and lot in

the Bill mentioned and described, in the mode indicated by said Decree — and which is herewith returned.

Respectfully Submitted.

Peter B. Prentis

Commissioner

1867. April 23rd: Received of Peter B. Prentis, Clerk of the Circuit Court of Nansemond County, the deed referred to & returned with the foregoing report.

Priscilla E. Jones

Priscilla E. Jones

vs } Copy Decree & Comm'rs. Report

Exam'd. L. Eley. Sh'ff. &c

Fee[illegible]

June 15th 1867

Nansemond Cir

Jones

vs.

Eley Shiffle. &

This cause came on this day to be again heard upon the papers formerly read, and upon the Report of Commr. P. B. Prentis made pursuant to decree of 13th of Octo. 1866, to which report there is no Exception, ~~whereof the~~ and was argued by Counsel, On Consideration whereof the Court doth confirm the said report and doth adjudge order & decree that the deed returned with said report be delivered to the ~~Complan~~ Plaintiff, Priscilla E. Jones, and that said Commr. acknowledge the same before the proper officer for record and that the proceedings had in this cause be made final & binding between the parties hereto, and nothing now remaining to be done in this cause the same is ordered to be removed from the Docket, and that the costs be paid by the Plaintiff.

Jones
N. G. Mem
Eley Staff &c.

To be entered
R. H. B.
apl 20. 1867.

Entered

Prescilla E Jones
v
Exum L. Eley Shff &c
et al

Decree

This cause came on this day to be heard on the bill, answer of Marmaduke Jones and Peter B. Prentis who has been appointed as guardian ad litem to defend the interest of the infant defendants, and the deposition of ~~Peter B. Prentis~~ a witness sworn by Court. replication filed by leave of the court - And it appearing to the Court, by the Lewis assigned by counsel Satisfaction of the Court that although the legal title to the house and lot claimed by plaintiff was in Francis E Jones now deceased, yet he was but a trustee for the benefit of plaintiff, and purchased the house and lot with plaintiff's money for her benefit, this Court doth order adjudge and decree that Peter B Prentis who was Commissioner appointed for that purpose, do cause to be prepared and execute a deed (reciting these facts herein) to Prescilla E Jones conveying the house and lot in the bill mentioned and particularly described reporting to the next term of this Court his action herein

Jones
vs
Eby et al

Oct^r Co 1866

Decree
To be entered
Rec'd

Entered

The Joint & Separate answer of Mary Louisa Jones, Anna M. Jones & Maggie S. Jones, infants, by Peter B. Prentis, their guardian ad litem, to a Bill in Chancery filed against them and others, by Priscilla E. Jones, in the Circuit Court of Nansemond County.

These Respondents say, that so far as they know, the facts set forth in said bill are true but being infants and incapable of knowing what is best for themselves, submit all their interests in the premises to the Court, and pray, that no order or decree may be made inconsistent therewith.

Peter B. Prentis
g.d. ad litem

Priscilla E. Jones

Answer of infant defendants.

Ephm L. Ely, Solr. &c
Counsel of Priscilla E.
Jones decd &c.

Priscilla E Jones
Complainant
vs
Eppa L. Eley Supt of
Isle of Wight Co &c et al
defendants

In the Circuit Court
of
Nansemond County

This defendant saving and reserving to himself all manner of exception to plaintiff's bill of Complaint; answers and says. He has carefully examined the said bill, read it over and weighed well the allegations therein, and plaintiff's statements so far as he is concerned are literally and really true. The money to be paid to her as set forth, was her own money, seperate from the proceeds of sale of Wm A Jones lands for her in consideration of her relinquishing her right of dower therein, and was by this defendant deposited with her brother Francis E Jones at plaintiff's request, to purchase the house and lot in the bill named - That said Francis E Jones did purchase the same as stated and paid to this defendant as trustee to the deed of trust named in the bill, the said money for the same - That plaintiffs husband Wm A Jones then being very much involved in debt, it was thought best by her friends to place the legal title in Francis E Jones during the life time of her husband to prevent his Creditors levying on the house and lot for his debts and at his death convey the same to her, But being unbarred in the law, defendant made a deed of bargain and sale to Francis E Jones for the property conveying same in fee simple. Defendant further answering says he knows it was the intention of his late brother Francis to convey the lot to the Complainant upon the death of her husband and had caused a deed to be prepared for that purpose, but failed to execute it before his death by reason of being a Soldier as stated.

Having answered this defendant prays to be dismissed hence without Costs &c.

(Signed)

Mamaduke Jones

Sworn to before me
This 12th day of October
1865.

James E Sendkiss
Comm'r in Chy
Nan Co Ct

Priscilla E Jones

vs

Dr Chy

Exum L. Eley Shff &c

Answer of

Marmaduke Jones.

To the Hon Richard H Baker Judge of the 1st Judicial Circuit &c

Humbly complaining showeth unto your honor your Complainant Priscilla E Jones - That on or about the year 1854, one William E Jones (her late husband), was seized and possessed of Certain real estate in Nansemond County Consisting of a farm on the Somerton road, near Suffolk, a tract of land lying on or near said road, further from Suffolk, and a house and lot in the upper part of the town of Suffolk - That during the year 1857 becoming involved in debt, he conveyed by deed of trust, The whole of his real and personal estate To one Marmaduke Jones in trust for the benefit of his Creditors, which was duly recorded in the Clerks Office of Nansemond County Court on the 11th day of Augt. 1857 - That on the 11th Feby 1858 at the request of the Creditors mentioned in said deed, the said Marmaduke Jones trustee as aforesaid having duly advertised the same, offered for sale at public Auction the whole of the real estate conveyed by said deed, but finding that your Complainant had not signed the deed of trust with her husband, or relinquished her dower right in the lands aforesaid, the same would not bring a fair price, he the said Marmaduke Jones at the request of the Creditors aforesaid agreed with your complainant that, if she would join with her husband and himself in executing deeds for the two tracts of land near Suffolk the reasonable value of her right of dower, which was fixed at Three hundred dollars, should be reserved from the proceeds of Sale and invested as she might deem best - That thereupon Said real estate last mentioned viz two tracts of land above described, was sold and your Complainant joined her husband and the said Marmaduke Jones trustee in executing deeds to the purchasers, relinquishing her right of dower therein, and the said Marmaduke Jones in good faith set apart, the said sum of Three hundred dollars from the proceeds of Sale and at her request deposited same with her brother in law Francis E Jones to be invested as she might direct. That at the same time One hundred dollars more was Contributed by her brother in law Marma-

duke Jones and foiends for her benefit for invest
ment with the Three hundred dollars which he
the said Marmaduke Jones at her request deposited
with the said Francis E Jones - making in all Four
hundred dollars - That upon the sale of the house
and lot aforesaid (and hereafter more fully described)
Conveyed by said deed of trust, by said trustee, at
the request of your Complainant, the said Francis
E Jones did purchase for your Complainant the lot
aforesaid, situated in the upper part of the town of
Suffolk, on the East side of Main Street, bounded on
the north by Mrs Elizabeth Jenkins' lot, on the East by
a branch formerly the Eastern boundary of said Town
on the South by Edward Arnold's lot, and on the west
by the Main Street, measuring on the said Street Forty
nine and a half feet and running back, same
width to the branch, at and for the price of Four
hundred dollars, and with the said Three hun-
dred dollars deposited with him at her request
and the said One hundred dollars donated as above
mentioned paid for the same, whereupon the said
Marmaduke Jones trustee to said deed of trust de-
siring to secure said house and lot to her free from
the demands of her husbands Creditors and not
being Correctly advised by some gentleman learned
in the law, but intending to do the best for your
Complainant, made and executed a deed of bar-
gain and sale conveying said house and lot in
fee simple to Francis E Jones and the same was
duly recorded in the clerks office of Nansemond
County Court - That afterwards and after the
death of his said husband, William A Jones as
She has been informed said Francis E Jones caused
to be prepared a deed of bargain and Sale Con-
veying said house and lot to your Complainant
intending in good faith to sign the same and ob-
tain the signature of his wife, Mary Jones and her
relinquishment of right of Dower, but at that time
he was a soldier in the Confederate army and
was unable to do so before his death which oc-
curred on the battle field on the 21st June 1864
near Petersburg, whereby although the house and
lot was purchased with her money for her benefit
the legal title is now in the heirs at Law of said
Francis E Jones -

That on the 7th day of February 1865 the clerks of-
fice of the County Court of Nansemond County
with all the records therein was burned, includ-
ing the deeds referred to in this bill of Complaint
and it is impossible to procure any Copy from any
person, whereby she is unable to file them herewith
as exhibits - That her said husband William A
Jones died in the City of Richmond on the day of
186, leaving as the children of himself and your
Complaint Anna M Jones and Maggie S. Jones
both at that time and now infants under the age
of Twenty one years - That said Francis E Jones
(Killed as aforesaid) left a widow Mary Jones and
an infant child Mary Louisa Jones - That since
his death her said widow Mary Jones has intermar-
ried with one Elesha Rawles (of A) That at the De
cember term of the County Court of Isle of Wight County
there being no administration On the Same, the Estate
of said Francis E Jones was committed to the hands
of the Sheriff of said County Exum L. Eley as will ap-
pear by a Certificate of the Clerk thereof, filed here-
with and prayed to be made a part hereof and marked
A

Your Complainant is informed, that she is the
rightful and lawful Owner of the house and lot a
foresaid and that tho' the legal title stands in the
heirs at law of said Francis E Jones dec'd, a court of
chancery has power to decree the title to her. To the
end therefore she prays that the said Marmaduke Jones
Exum L. Eley Sheriff &c aforesaid, Elisha Rawles and
Mary his wife late Mary Jones, Mary Louisa Jones
Anna M Jones and Maggie S. Jones the last three
infants under the age of twenty one years may be
made parties hereto, and Compelled to answer the
allegations herein Contained on oath, That a guar-
dian ad litem to defend the interests of the infant
defendants be appointed - That a Commissioner
of this Court be appointed to carry into effect the
agreement and intention of said Francis E Jones,
by being ordered to execute a deed to your Complain
ant for the house and lot aforesaid conveying the
fee simple title, and that such further orders and
decrees as the premises as are Consistent with justice
and shall protect the interests of your Complainant and
she will Ever pray &c

James E. Jenkins

P. 9.

Priscilla E Jones
Complainants
Bill
In Chancery
vs
Exum L Eley Sheriff of
Isle of Wight County
and Committee of the
estate of Francis E
Jones dec°, Marmaduke
Jones Elisha Rawles (of
A) and Mary his wife late
Mary Jones and Mary
Louisa Jones Anna M
& Maggie S. Jones, the last
three infants

Priscilla E. Jones

2d Chy: Notes

Exam L. Clay Solr: for Comm: of Francis E. Jones
dec'd &c:

1866. Aug: 28th Sumd in Chy: & rd to Septr: Rules 1866

" Septr: 3d Bill &c filed.

" " " P. B. Prentis appt'd g'd: ad litem to
infant defts: who filed their answer
to which there was a genl: replen: &
cause set for hearing on the Chancellor's docket as to all the adult
defendants

" " 27 Deposition filed

" Octo: 1. Cause set for hearing on motion of Pltff's
Counsel

" " 12. Cause docketed R. B. Prentis, as
Counsel: appointed Commissioner to make deed
to Pltff: Hayfield &c

1867. Jany: 15 Report filed

" " 18th Final Decree.

Chy: Notes