1874-012
Nansemond Co. (Suffolk)

Chancery Causes: James E. Jones & Susan Jones vs Willie H. Jones, infant

Will: 1868, William M. Jones, Nansemond Co.

Jones

v

Jones &c.

This cause came on this day to be
again heard on the papers formerly read, & it
appearing to the Court that the Decree made in
this cause at the January term 1869 of this Court
has not been executed and that James Barry
one of the Commissioners therein named has died,
and James Dillard, another of said Commissioners
has removed out of Montgomery County, ~~& that~~
~~& must~~ doth adjudge order and decree that A.
E. Hall, Nat. H. Crop, P. H. Lee & Rev. J. Johnson
who for that purpose,
~~but they~~ are hereby appointed Commissioners, (any
three of whom may act) proceed, in the first place
to set apart and assign unto Mrs Susan Jones
~~late Jones~~ widow of Wm. Jones deceased, for life
One third in value of all the Lands whereof the
said Wm. Jones died seized & possessed, as her
Dower therein, & to that end may assign the
said Dower in all the Lands referred to, out
of any one tract, and then divide the Home
& the improvements thereon
tract, which contains 301 acres more or less, into
two equal parts, including any part thereof that
may be included in the said Dower, equally
between the said James E. Jones & Willis H. Jones

That the Dower aforesaid of said Susan, is to be
assigned & set out of said Home tract, & the David Henderson
Land & the Jason Holland Land, & any others of which
the said Wm. Jones died seized & possessed. The

Lands to be assigned to said Willie H. Ivey, to be held by him on the terms of this Settlement, the said Willie H. Ivey's wife: That the said Commissioners will report the value of each separate parcel of land, and make report to Court.

June 1
M.
Ivey et al

1873
Sub. to Co. Ct.
Decree
Petition
Peter B. Porter

Entered May 276

James E. Ames (and Susan Ames,

against

Willie L. Ames, an Infant,

On the motion of the Complainants by their Attorney, Peter B. Pruitt, it is by the Court appointed guardian ad litem to the Infant defendant, and thereupon by consent of parties, this cause was docketed, & the said Complainants filed their Bill & said Infant defendant, by his said guardian ad litem filed his answer to said Bill & by like consent the cause came on to be heard on said Bill, and answer and the exhibits filed with said Bill, and on general application to said answer, and was argued by Counsel: On consideration whereof, the Court doth adjudge, order and decree that A. E. Hall, James Dillard, L. N. Webb, Robt. S. Johnson and James Barnes, be and they are hereby appointed Commissioners for that purpose (any three of whom may act) proceed in the first place, to set apart and assign, ~~unto~~ for life Mrs. Susan Ames, the widow of Wm M. Ames dec'd, one ~~for life~~ third in value of all the Lands whereof the said deceased, died seized & possessed as & for her Dower therein & to that end may assign the Dower, in ~~the~~ lands, in any one tract, and which Lands are the home tract, the Henderson tract and

any other lands should there be any such:
and then Divide such part of the home tract
as may not be covered by Dower (should Dower
be assigned out of the same) into two equal
parts in value and assign one part to the
said James E. Ives & the other part to the
said Willie H. Ives, to be held on the terms
of the Testator's will, and such part of the
Home tract as may be included in the Dower,
they will set apart to be held jointly without
division by said James E. Ives & Willie H. Ives,
- that in making such assignment & division
the said Commissioners will report the estimated
quantity of land in each tract and the
value thereof, and make report to Court.

Ives &c
vs
Ives

1869
Jan'y Court
Decree

I William M Jones of the County of Nansemond, in the State of Virginia, do make and ordain this to be my last will and testament in manner and form as follows to wit. First I leave in the hands of my Executor, the sum of Five thousand Dollars, in bonds, to be kept at interest, soo can be done and the interest to be paid over to my beloved wife Susan, annually, during her life or widowhood, and at her death or marriage, the said sum is to be returned into my estate, to be divided with the residue thereof as directed in the seventh item. If however this said sum cannot be kept at interest, then and in that event I wish my said wife to receive so much, as can be collected from the aforesaid sum as interest, also I leave the use of the lands and plantation whereon I now live with dower privilege only to my beloved wife Susan during her life or widowhood and at her death or marriage I leave to my son Willie H. Jones, the said lands and plantation during his life, and if the said Willie H Jones should die before he arrives to lawful age or without an heir, lawfully begotten of his body, then and in that event I give the said lands & plantation to be equally divided between my grandsons Francis M & Mc. Ferrin Jones, to them and to their heirs for ever. Secondly, I give to my son Willie H Jones, the sum of Twenty thousand dollars, in bonds, to be kept at interest by my Executor for him, the said Willie H. Jones be kept until he arrives at lawful age to be paid out for his board, clothing, tuition &c or so much thereof as his actual necessity may require and I request his guardian not to permit him to waste his Estate by extravagant use, If however the said Willie H. Jones, should die before he arrives at lawful age or without an heir lawfully begotten of his body then and in that event I give the aforesaid sum of Twenty thousand Dollars, to my son Adolphus H Jones and to his heirs forever. Thirdly I give to my son Adolphus H Jones the sum of Fifteen thousand dollars, in bonds, also I give him the lands and appurtenances which I purchased from Wm B. Whitehead with all the personal property mentioned in the deed from said Whitehead to me, now in the possession of David Henderson. Also I give to my son Adolphus H Jones, the tract of land, which I purchased from Jason Holland lying near South Quay Church to him and to his heirs for ever. Fourthly I give to my son Willie H. Jones, one horse, bridle and saddle, his choice; also I give to my beloved wife Susan, one horse, and two beds and furniture her choice, and to my son Willie H. Jones, one bed and furniture, and to my son Adolphus H Jones two beds and furniture, to them and to their heirs forever. Fifthly: If by reason of insolvent bonds being in my estate there should not be sufficient funds to pay all the legacies, then and in that event, I desire the legacies to be proportioned agreeable to the funds, Sixthly: I hereby appoint my son Adolphus H Jones the lawful guardian of son Willie H. Jones with the request that he take charge of him and adopt him as his own, and train him up in the way he should go not in the way he would go. Seventhly. all the residue of my estate, of what nature or kind soever, I leave to be equally divided between my beloved wife Susan, and my son Adolphus H. Jones, and Willie H Jones, share and share alike. Lastly I hereby nominate and appoint my son Adolphus H. Jones, my lawful executor of this my last will and testament, with the request that the Court permit him to qualify as Executor and not require him to give security, as I am willing to trust

hum with my estate. In witness where of I have hereunto set my hand and seal. the 13th day of June, in the year of our Lord, One thousand eight hundred and Sixty seven

Wm M. Jones. Seal

Signed, sealed and acknowledged to be the last Will and testament of William M Jones, in the presence of
Robert J Johnson
James T. Johnson
Samuel Darden.

At a Quarterly Court held for Nansemond County the 9th day of November 1868.

This Last will and Testament of William M Jones, late of this County deceased, was this day fully proved by the oaths of James T. Johnson and Samuel Darden, two of the subscribing witnesses hereto, and was thereupon ordered to be recorded. And on the Motion of Adolphus H Jones, the only Executor named in the said Will, who made oath as the Law directs and entered into a bond in the penalty of Fifty 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 obligor thereig is ordered to be recorded) Certificate is granted the said Adolphus H. Jones for obtaining a probat of said will in due form

Teste:
Peter B. Prentis Clerk

A Copy.

Teste.
Peter B. Prentis. Clerk

Wm. M. Jones

Will

(A. Copy)

"B"

This Deed made and executed this 5th: day of January, in the year Eighteen hundred and sixty-seven, between William M. Jones of the County of Nansemond and State of Virginia, of the one part, and James E. Jones, of the County and State aforesaid, of the other part, Witnesseth, that the said William M. Jones, for and in consideration of the natural love and affection, which he bears to the said James E. Jones, and for the further consideration of the sum of One dollar, to him in hand paid, by the said James E. Jones, at or before the ensealing and delivery of these presents (the receipt whereof is hereby acknowledged) has given, granted, released and confirmed unto the said James E. Jones and to his heirs, One half of a certain tract or parcel of land, whereon the said Wm: M. Jones now resides, lying and being in the upper part of the aforesaid County of Nansemond, adjoining the lands of Thomas H. Cross, Wm B. Daughtrey and A. H. Jones, containing Three Hundred and one acres, be the same more or less, which lands together with one half of the improvements thereon situated or which may be hereafter put thereon, the said Wm: M. Jones hereby conveys to the said James E. Jones and to his heirs forever. In Witness Whereof, the said Wm: M. Jones hath hereunto set his hand and seal, the day and year as first above written. The life privilege of said lands & premises are hereby reserved.

Wm. M. Jones (Seal)

Nansemond Co: to wit:

I, A. H. Jones, a Justice of the Peace in the County aforesaid and State of Virginia, do hereby certify that Wm: M. Jones, whose name is signed to the annexed deed bearing date the 5th: day of January 1867, personally appeared before and acknowledged the same to be his act and deed in my County and State aforesaid. Given under

my hand, this 13th. day of March 1867.

A. H. Jones. J.P.

In the Clerk's Office of Nansemond County Court, the 26th. day of March 1867. This Deed of Gift was received, and with the certificate written thereon admitted to record.

Teste,

Peter B. Prentis. Clerk

A Copy:

Teste,

Peter B. Prentis. Clerk

"A"

10 Negroes named
To } Copy Deed of Gift
James E. Jones

X No 3

Jones vs

N.

Jones

On the motion of the plaintiffs attorney,
It is ordered that this cause be dismissed

Jones, Jr
vs.
Jones

1874
Sept. 21. Order

Bill dismissed
Ino be entered
Geo T Elwell

Entered

The answer of Willie N. Ives, an Infant to a Bill in Chancery filed in the County Court of Nansemond County by James E. Ives & Susan Ives against him - this answer filed by P. B. Prentis his guardian ad litem.

His Respondent says, that the statements contained in said Bill are true so far as he knows, but being an Infant and ignorant of his rights in the premises submits all his right in the premises to the protection of the Court and prays that no order or decree may be made in the cause inconsistent therewith.

And his Respondent will ever pray &c.

Peter B. Prentis
g.d. ad Litem

Ivey, &c

vs

Ivey,

answer of

Infant defts.

To the Worshipful Court of Hammond County, in Chancery Sitting.

Complaining shew unto the Court your Complainants Jane, E. Jones and Susan Jones.

Your Complainants respectfully represent to the Court and say, That on the 5th day of January 1867, Wm. M. Jones of said County, executed a deed of gift to said Jane, E. Jones, which was duly recorded, conveying to said Jane, E. Jones, ~~a tract~~ ~~of land~~ viz One half of a certain tract or parcel of land, whereon the said Wm. M. Jones then resided, lying and being in the Upper part of the aforesaid County of Hammond adjoining the Lands of Thos. N. Cox, Wm. B. Daughtry and A. N. Jones, containing Three hundred and one acre, more or less, with one half of the improvements thereon situated, or which may be put thereon — a copy of which deed is filed herewith as part of this Bill & marked "A"

That after the making & recording said deed, to wit on the 8 day of October 1868 the said Wm. M. Jones died, first having made & executed his Last Will & Testament which was duly ordered to be recorded by Hammond County Court on the 9th day of November 1868, a

duly certified copy of which is filed herewith as part of this Bill marked "B".

That notwithstanding, the said Wm. Jones had by deed aforesaid disposed of the Land therein described, yet by his said Will, afterwards vended, he says "I "leave the use of the Lands and plantation "whereon I now live with Dower privilege only, to "my beloved wife Susan during her life or wid- "owhood, and at her death or marriage I leave "to my son Willie H. Jones, the said Lands and "plantation during his life, and if the said Willie "H. Jones should die before he arrives to Lawful "age or without an heir, Lawfully begotten of his "body, then and in that event I give the said "Lands & plantation to be equally divided between "my grandsons Francis M. & McFerrin Jones "to them and their heirs forever"

Your Complainants are advised and charge that the said Will cannot operate to convey the deed aforesaid, and to the extent of one half of said Lands, (the said Lands being the same referred to in the deed & in cause of the Will above named), so that the said James E. Jones, is entitled under said deed to one half of said Lands & improvements

Your Complainants further say that on this 11th day of January 1868 in this Court,

the said Susan Ives, who is the widow of the said Wm M. Ives, has renounced the provision made for her under said will, in the mode required by law, and claims to be entitled to her distributive share of the Lands & other estate of said Wm M. Ives, deceased and consequently is entitled to claim Dower in the Lands aforesaid, and that in consequence of her renunciation of said will and taking Dower in said Lands, the said Willis H. Ives, who is an Infant, will become entitled to the immediate possession of one half of all said Lands that may not be included in the Dower, and your Complainant ~~Joanna~~ E. Ives, is entitled to the other half, by virtue of said Deed, and at the death of said Susan, that part which may be assigned for Dower will belong, one half, to your Complainant Joanna E. Ives, and the other half to said Willis H. Ives, or other parties entitled under said will

Your Complainants therefore pray that proper persons may be appointed to set apart and assign to said Susan Ives, widow of said Wm M. Ives, Dower in all the Lands whereof the said Wm M. Ives died seized (and possessed, to wit: in

the Lands above referred to. and in the Lands on which said Henderson resides purchased by said Wm. Ives of Wm B. Whitehead and in the Land purchased by said Wm. Ives of Isaac Hollond, and in any other Lands the said Wm. Ives may have died seized & possessed of — and that the Homestead aforesaid may be equally divided as to value between the said James E. Ives, and Willie H. Ives, so far as not taken as Dower, and that the Houses & improvements such part of the Land as may be assigned as Dower, be set apart to said James E. Ives & Willie H. Ives, jointly subject to said Dower.

In Consideration whereof and as this Court has jurisdiction to grant due adequate relief — To the End your Complainants pray that said Willie H. Ives, an Infant may be made defendant hereto, and that some proper person may be appointed to defend him in this suit — That the prayer of your Complainants may be granted and that due other and further relief may be granted Consistent with Equity &c.

John R. Kilby S. V.

Kelly p. v

James E. Ines &
Susan Ines

v. } Bill

Willis H. Ines

1869
Jany 11th. Interlo: Decree
1872. March 14 Costs
" June 11 "
1873 July 14. Decree for
division of property,
1873 Aug Term
Removed to Cir Co

Nan? Co. Ct.