1882-014
Nansemond Co. (Suffolk)

Chancery Causes: Flewellyn Jones, George T. Rawls & ux vs Thomas Bond & ux

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Thomas Board and ~~[illegible]~~, Laura F. his wife, nee Jones,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in February *next to answer a Bill in Chancery, exhibited against them in the said Court by* Llewellyn Jones, George T. Rawls and Mollie F. his wife.

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 18th *day of* January *188*2*, in the* 106th *year of the Commonwealth.*

Teste: Peter B. Prentis *Clerk.*

R. H. Rawles & H. H. Causey p.q.

Llewellyn Jones Lal;

25 ff } Summons in Chy:

Thomas Bond and Hannah his wife, nee Jones

To Feby: Rules, 1882.

Pro: B. No 1. Page Cir: Co:

Precedent sent in Copy Answer of Thomas Bond and Hannah his wife. Jones

J. H. Rawles Dy Clk
J. S. Faulkner Solr

At a Circuit Court held for Nansemond County the 10th: day of April, 1882.

Flewellyn Jones, George T.
Rawls and Mollie F. his wife. Plaintiffs.

Against } In Chancery

Thomas Bond and Laura F.
his wife, nee Jones . . . . . Defendants

This Cause came on this day to be ~~a-~~ heard on the bill of the Complainants taken for confessed, the defendants on whom process had been duly served still failing to appear and plead, answer and demur thereto, on the exhibit filed, and was argued by counsel:

On consideration whereof the Court doth adjudge, order and decree that E. E. Lee, A. P. Comer, T. R. Gaskins, James Arthur and Wm T. Jordan, who are hereby appointed commissioners for that purpose, any three of whom may act, having been first duly sworn, do proceed to lay off and divide the real estate which David B. Jones by his last will and testament bequeathed to three of his children - to wit: Flewellyn L. Jones, Mary F. Rawls and Laura F. Bond and described in said will as "all that portion of my land which formerly belonged to

"Yeatis Free School" - except so much of said tract as is embraced between a ditch leading from the branch to the main road and was in sweet potatoes the last season - which according to the terms of a codicil to said will is to be taken from said "Free School" land and added to the "home place", containing between fifty and sixty acres, by estimation, into three equal parts in value, having due regard to quality and quantity, and assign one of said parts to each of the children among whom the said land is to be divided under the will of the decedent - namely, to Llewellyn Jones, one part, to Mary F. Rawls one part, and to Laura F. Bond one part.

But if said commissioners should find it impracticable to divide to said land among the aforesaid parties, or should be of the opinion that the interest of the said parties would be better promoted by a sale of the same; in such case they are required to report the facts upon which their opinion is based to the Court, and also what in their opinion is the fee simple value of the whole tract; and in either case they are required to report their proceedings, under this

Order to Court.

A Copy.
Teste:

Peter B. Prentis. Clerk.

Pursuant to the above order we the undersigned Commissioners appointed to lay off and assign to the parties mentioned in the foregoing order have made the following decision All that portion of land from the Centre of the Branch Commencing at Bullwaggie Hill and lying on the maine road to a ditch mentioned in the Codicil of the will down said ditch and a branch lying on the north Easterly until it Strikes the branch on the east to be set apart as One Third in Value * All parties agreeing to said division. * and the remainder to remain undivided. * The whole tract being estimated at Twelve Hundred Dollars.

E. E. Lee
C. P. Conner

I. R. Haskins
W. J. Arthur
W. S. Isaac

* Which one third we have set apart as the property of Laura A. Bond, the wife of Thomas Bond.

* And to be the joint property of Mary F. Rawles the wife of Wm. T. Rawles and Heandlon Jones

X mid

Fleiwellyn Jones dcd

25 } Copy Decree - appl: 10th 1882

Thomas Bond Louise Ly.

Jones, Rawls & wife
vs Ch. cher
Bond & wife

This cause came on this day to be heard on the bill of the complainants taken for confessed, the defendants on whom process have been duly served still failing to appear and plead, answer and demur thereto, on the exhibit filed, and was argued by counsel;

On consideration whereof the Court doth, that C. E. Lee, A. P. Gomer, T. R. Gaskins, James Arthur and Wm. T. Jordan, who are hereby appointed Commrs. for that purpose, any three of whom may act, having been first duly sworn, do proceed to lay off and divide the real estate which David B. Jones by his last will and testament bequeathed to three of his children - to wit: Elnelyn L. Jones, Mary F. Rawls and Laura F. Bond, and described in said will as "all that portion of my land which formerly belonged to Yeates Free school" - except so much of said tract" as is embraced between a ditch leading from the branch to the main road and near in sweet potatoes the last season - which according to

the terms of a codicil to said will is to be taken from said "Free School" land and added to the "home place", containing between fifty and sixty acres, by estimation, into three equal parts in value, having due regard to quality and quantity, and assign one of said parts to each of the children among whom the said land is to be divided under the will of the decedent - namely, to Thullya Jones, one part, to Mary F. Rawls one part, and to Laura F. Bond one part.

But if said Commissioner should find it impracticable to divide the said land among the aforesaid parties, or should be of the opinion that the interest of the said parties would be better promoted by a sale of the same, in such case they are required to report the facts upon which their opinion is based to the Court, and also what in their opinion is the fee simple value of the whole tract; and in either case they are required to report their proceedings under this order to Court.

Jones + Rawlstal
vs
Bond + wife

1882 apl. 10 —

Rough decree
to be entered

Geo. T. Blow

copied

Entered Orders Book
No 1 page 561

Jones, Rawls & wife
vs
Bond & wife

This cause came on this day to be again heard on the papers formerly read therein and on the report of E. E. Lee A. P. Comer, T. R. Gaskins, W. J. Allen and Wm. T. Jordan, the Comrs. appointed by decree entered herein at the April term 1872 of this Court to divide the land in the proceedings mentioned among the several parties thereto entitled, in accordance with the terms of said decree and was argued by Counsel

On consideration whereof it appearing to the Court, that in the partition made by the said Commissioners Lot No. 1 containing one-third part in value of the whole tract and embracing "all that portion "of land from the centre of the branch com-"mencing at "Bullweggie" Hill and lying "on the main road to a ditch mentioned "in the codicil of the will down said ditch "and a branch on the East to be set apart "as the property of Laura F. Bond the wife "of Thomas Bond"

And that Lot No. 2. containing two-thirds in value of the whole tract and

en lucine "the remainder" of said tract of land to remain undivided and to be the joint property of Mary F. Rawls the wife of George L. Rawls and Llewellyn Joner, "All the parties agreeing to said division".

And the Court doth further adjudge, order and decree that the said report of the aforesaid Commissioners be confirmed and that the partition aforesaid as in manner and form made be held firm and stable between the several parties and that they execute to each other mutual conveyances of the lots herein before mentioned as assigned and allotted to each of them as aforementioned

And it is ordered that the costs of this suit be proportionately borne by the parties hereto.

And nothing more remaining to be done unto it is ordered that the same be removed from the docket.

Jones & Rawls
vs
Rawls et als

1882 - Civil Term
Rule to account
To be entered
Leon Rhodes

Entered & Recorded in Chancery Order Book No. 1 — Page 596

I David B. Jones of Sleepy Hole Magisterial District, Nansemond Co. State of Va. being of sound and disposing mind do make this my last will and testament. I give unto my wife Anna Jones so long as she remains my widow all that portion of my land which formerly belonged to Jno. W. Ward also the piece of land I bought of James E. Bidgood, together with all of my household and kitchen furniture, corn fodder, hogs & farming implements. It is my desire that my children Mattie and Frank live with my widow. In the event they should not do so she is to pay to them Thirty dollars each per annum. When my wife Anna ceases to be my widow by death or otherwise, I wish all the foregoing property both real and personal to be equally divided between Mattie E., David F., Nancy D., and Florence A. Jones my children. I also give unto my wife Anna my interest, one half of Sloop, Skiff and lights. All that portion of my land which formerly belonged to Zeter Free School I give to be equally divided between my children Fluellen L. Jones, Mary F. Rawls and Laura F. Bond. Out of my Piedmont and Arlington Insurance and Masonic Relief Association monies I give unto my grand daughter Lillian J. Rawls and my grand son

David L. Bond One hundred dollars each.
All the balance of said money I wish equally divided among my children Mattie E. David F. Nancy D. and Florence A. Jones. The residue of my estate should there be any I give unto my wife Anna and I make her my executrix and respectfully ask the Court not to exact any security of her.

This, my last will and Testament made this the 20th: day of November One thousand Eight-hundred and eighty

Witnesses
A. P. Conner
Jno. W. Ames.

David B. Jones his mark (Seal)

I David B. Jones do make this codicil to my foregoing will and testament; It is my desire that so much as is known as the Free School land, as is embraced between a ditch leading from the branch to the main road and was in Sweet potatoes the last season be taken from the said Free School land and added to my home place, and be considered a part and parcel of the same. I also wish my son David F. Jones to have my silver watch. Also my son Thullen L. Jones to pay my Executrix One hundred dollars rent for last year

Given under my hand and

seal this the 7th: day of January, 1881.
Witnesses
A. P. Gorner
Jno. W. Ames

Daniel his B. Jones
mark

At a Monthly Court held for Hanover and County the 14th: day of March, 1881. This Last Will and Testament (and Codicil thereto) of David B. Jones, late of this County deceased, was this day fully proved by the oaths of A. P. Gorner and Jno. W. Ames, subscribing witnesses hereto, and was thereupon ordered to be recorded.
And on the motion of Anna Jones, the Executrix named in the said Will, who made oath as the law directs, and entered into a bond in the penalty of Two Thousand Dollars, conditioned according to law (but without security the Will directing that none should be required of her, and which said bond being acknowledged by the obligor therein, is ordered to be recorded.) Certificate is granted the said Anna Jones for obtaining a probat of the said Will (and codicil) in due form.

Test.
Allen B. Prentis Clerk

A Copy,
Test,

A copy
David B. Jones
Will

"Xbt" "Q"

In the Circuit Court of Nansemond County
In Chancery

Llewellyn Jones, George T. Rawls
and Mollie F. Rawls, his wife, nee Jones . Plaintiffs

vs.

Thomas Bond and Laura F. his
wife, nee Jones. . . Defendants.

To the Hon.ble George Blow, Judge of said Court.

Humbly complaining, sheweth unto your honor, that Daniel B. Jones, the father of your complainants, Llewellyn Jones and Mollie F. Rawls and also of the defendant Fannie Bond, was in his lifetime seized and possessed of certain real estate, lying in the County of Nansemond, and of said said lands, a portion thereof was a certain tract or parcel containing Sixty (60) acres, more or less, adjoining that portion of said Daniel B. Jones other lands known as the "Old place", the lands of James Bidgood and the County road, and being so thereof seized and possessed some time in the year 1880, departed this life, having however, first made his last will and testament and bequeathed this particular tract of 60 acres aforesaid, to your Com-

complainants Llewellyn Jones and Mollie F. Rawls and to the defendant Hannie Bond, three of his children, all of whom are adults. A copy of the said bill of the aforesaid S. B. Jones is herewith filed marked "A" and is prayed to be taken as a part of this "Bill"

And your complainants state that the said tract of land is not susceptible of advantageous partition amongst the parties entitled thereto. and hence your complainants desire that the same may be sold in gross and the proceeds thereof distributed amongst the parties share and share alike.

There being but 60 acres in the tract of land with a tenement house and all the necessary outbuildings and lying as it does in the lower part of Nansemond County in the midst of what is known as the "Trucking belt" it will be far more advantageous to all the parties interested to have said land sold as a whole and divide the proceeds than to have the same cut up into three long narrow strips which would contain in neither parcel enough for a farm; moreover the fact that there are buildings upon the place renders it next to impossible to make a satisfactory division of the same.

In tender consideration whereof, and

forasmuch as your complainants are remediless in the premises, save by the aid of a Court of Equity, where matters of this kind are alone and properly cognizable, your complainant prays that the said Thomas Bond and Hannis his wife, be made parties defendant to this bill, and required on their corporal oaths to answer the same, according to the best of their knowledge, remembrance information and belief, as fully and particularly as if the statements of this bill were here again repeated, and the said defendants thereto specially interrogated; that the said real estate be exposed to sale and the proceeds thereof be distributed among the parties respectively entitled thereto; that proper process may issue and that such other and further relief may be afforded your Complainants as the nature of their case may require or to equity shall seem meet.

And your Complainants will ever pray &c

C. H. Causey of Counsel
for complainants.

Rawl & Jones
Caney)

Jones, Rawls & Co
vs
Fincher

Bond & wife:

Bill

Copy case for Bill

Llewellin Jones Esq.

vs. & Chy. Rules

Thomas Bond & Laura F. his wife

1882. Jany. 18th: Summs in Chy issued to Feby. Rules 1882

" Feby. 6th: Bill & exhibit filed – Decree Nisi vs. defts

" March 6th. Decree Nisi confirmed and cause set for hearing on Mo. of Plffs' Counsel

Chy. Notes