

1894-030
Nansemond Co. (Suffolk)

Chancery Causes: Fluellyn Jones et al vs Exx of David B. Jones et al

Rawls, Bond, Edwards, Wright, Ward, Bidgood, Copeland, Arthur, Ames

341
Chancery Papers

Phellips Jones & als.

vs.

David B. Jones' Ex. & al.

Causey & Rawls p. 9

1894
October 12th.
Removed from
the Docket.

Costs

211	\$15.00
211 1/2	16.50
211 1/4	2.00
211 1/8	20.00
211 1/16	10.00
	\$63.50

Muellem L Jones & als
vs

Anna Jones widow of D B Jones decd & als
It appearing that there has been no
order or proceeding for five years in this
cause, it is ordered that it be stricken
from the docket with leave to re-instate
with good cause within one year from
this date.

Shuallen L Jones
vs

Anna Jones Credit.

Oct 12th 94

John entered
CMS

Entered in Chancery
Order Book No. 2
Page 589. -

Jones & al
vs

Jones Exor & al

The plaintiffs in this case as well as Thomas Bond and Laura F. his wife, who in the bill are named as defendants, except to the report of Com^r Robt. R. Prentiss on the ground of manifold errors and imperfections in the making up and stating of the account of the defendant Anna Jones as Executrix of the Estate of D. B. Jones dec^d and especially in allowing as charges against said estate \$19.17 paid Oliver & Mansfield, \$82.18 paid George Lait; \$197.82 paid Joseph R. Wright; \$28.⁰⁰ paid F. L. Jones

F. L. Jones & al.
vs. } In Chy

D. B. Jones' Ex. & al

Exceptions of F. L.
Jones & al. to Report
of Court. Rob. R. Preu-
tis filed 27 Mar.
1883

1883. April 13th. Filed
clerk

The Answer of Florence C. Jones, an infant, by
Peter B. Preatts, her guardian ad litem, to a Bill
of Complaint exhibited her and others, by Anna
Jones, widow and Executrix of David B. Jones, deceased
& others, in the Circuit Court of Hanscomand
County:

This Respondent, saving all just exceptions
to, for answer to the said Bill, says, that being an
infant, she submits her rights involved in the
same, to the protection of the Court.

And having answered she prays to be dismissed
L

Peter B. Preatts,
Gdn: ad litem

James L. Abbe.

4
25

David B. Jones widow
of Ex. V. L. Abbe

Mother of Infant

Dr. His Estate of David B. Cross, deceased.
In account with Anna Cross, Executrix.

Cr.

1881 March 14 The Executrix qualified.

Apr. 7 By Cash for the Chattel Estate of the Testator, not specifically or generally bequeathed by his will, constituting the residue of his Estate, bequeathed to his widow, Anna, as his residuary legatee and converted by the Executrix at its appraised value, as per appraisement, into money for payment of the Testator's debts. To wit:

\$ 271 25

" Cash for the chattel Estate of the Testator constituting all the household and kitchen furniture, corn fodder, pigs, and farming implements bequeathed by his will, as a general legacy to his widow Anna, so long as she may remain his widow and afterwards to his children, Mattie E. David F. Nancy D. and Florence C. Cross, in equal shares, the same having to abate, being necessary for payment of the Testator's debts and having been converted by the Executrix into money at their appraised value, as per appraisement, to wit:

256 25

" Cash held by the Testator at the time of his death on deposit at the Bank of Portsmouth, Va.

77 33

23 To paid Wm D. Hedger, account for labor per rot \$ 9 00

" " "Portsmouth Times", newspaper, for subscription of Testator to name, per rot. 2 00

" " "Frederick Hickins for labor " 95

" " John H. Gale, Atty. for services " 1 50

" " John H. Amer, F. M. Arthur and J. S. Ar-
thur appraisers, each \$1 00 per rot. 3 00

Carried over

\$ 16 10 \$ 614 83

1881	Apr.	23	Brought over	\$ 16 10	\$ 664 33	
May	4		Paid Simon Bayard, Jr. for swearing the affidavits, per rect.	1 50		
	22	"	" Amosback & Benson, grocery bill "	1 23		
July	1	"	" Riddick & Richardson, store account "	7 65		
	"	"	" Scott & Flemming for office R. "	45 00		
	2	"	" J. R. Drummell, bill for lumber "	90		
	5	"	" Hines & Mansfield bill for barrels "	19 17	✓	
	8	"	" George Lait, bill for seeds "	82 18	✓	
	9	"	" David C. Williams, bill for liquors used by Deviator as medicine in his last sickness, per rect.	7 65		
	"	"	" Fort Vico, store account. "	5 11		
	"	"	" H. E. Frohman, bill for groceries "	12 81		
	11	"	" Joseph Perkins for 25 hob bed sash @ \$2.50 each = \$62.50 and \$2.18 interest on the bill, per bill & rec.	64 68	✓	
	"	"	" Costs of warrant to recover the above sash of F. H. Jones, who had them in possession, per rect.	2 00		
	13		Cash for the above-warrant sash		50 00	
	"		Cash for 455 lbs pork @ 7 1/4 c.		33 00	+
	"		Cash of John Cecel for 3 live hogs		15 00	
	"		Cash of F. H. Jones for six bbls of and potatoes.		18 00	
	"		Cash of same, being balance due on settlement		2 50	
	14		Paid A. P. Senne store bill, per rect.	25 91		
Aug.	12	"	" Trustees of Whites Free schools, bill for a small school house, per rect.	10 00		
Sept.	12	"	" Richard Campbell, bill for labor "	8 00		
	20	"	" Capin & Brill for oil &c "	1 85		
Oct.	25	"	" Geo. Miller for digging grave "	1 50		
Nov.	13	"	" Thos. Glavin for subscription of Testator to "The Empire Herald" 10, per rect.	1 50		
	14	"	" Wm. J. Wright, medical bill "	5 00		
	"	"	" State and County taxes for 1880 "	25 16		
			Carried over	\$ 574 87	\$ 724 33	

1881	Dec.	14	For amount due	\$ 344	89	\$ 724	33
		23	To paid Wm. H. Jones bill for tuition of Testator's daughter, Mary E. per rect.	10	00		
		"	" " Jones for the year 1881 " "	16	75		
	Dec.	1	" " J. H. Brinkley, bill for potatoes " "	3	00		
1882	Mar.	13	By Cash of J. H. Jones being amount charged to him in the Testator's Will as rent.			200	00
			To paid William C. Kirby, Attorney, for professional services rendered the				
			Executor	per rect.	50	00	
		24	" " Dr. Wm. E. Rumble, medical bill for professional visits to and medicines for the Testator during his last sickness,	per rect.	284	00	
			By Cash of Dr. Wm. E. Rumble in full of freight bill.			9	50
	Apr.	6	To paid Joseph H. Wright, bill for labor and supplies furnished farm hands of Testator,	per rect.	197	72	+
		"	" " for 5 bags of guano @ \$5.00 per bag, returned to J. H. Jones for a like number of bags, borrowed of him and used by the Testator in his lifetime to be returned in kind.	per rect.	25	00	+
			By Cash of John H. Jones Jr. being money borrowed by him of the Testator,			13	80
			To paid John H. Jones Jr. bill for potatoes sprouts and 2 rot bed sash.	per rect.	5	00	
			By Cash of George S. Pires, Constable, collected of a negro for apples sold to him.			1	50
			To amount retained for payment of pro due Clerk of Court and tax on qualification, copies of will and for recording Inventory and appraisement and so forth.			10	00
			Carried over	\$ 957	46	\$ 849	13

1882	Apr.	6	Brought on	\$ 951 46	\$ 849 13
			To 6 percent commission on \$ 49.13	22 46	
			" Fee for Comm. of Accounts for audit of this account retained.	5 00	
			" " for Clerk of Court for recording this account retained.	3 50	
		7	By Balance due The Excelsior.		153 29

1882				\$ 1002 42	\$ 1002 42
Apr.	7	To Balance due The Excelsior brought on	\$ 153 29		

Commissioner's Office,

Suffolk, Va., 7th April, 1882

TO NANSEMOND COUNTY COURT:

The undersigned respectfully reports to Court that Anna Jones
the Executrix of the last will and testament of David B. Jones,
deceased, has exhibited before your Commissioner a statement
of all moneys received by ^{her} ~~him~~ as said Executrix and with which ^{became} ~~she is~~
chargeable, and of all moneys disbursed by ^{her} ~~him~~ during the periods embraced in the foregoing
account, together with the vouchers in support of the disbursements; that he
finds a balance of One hundred and fifty-three and $29/100$ dollars

to be due by the said David B. Jones's Estate to the said Executrix
on the 7th day of April, 1882,

with interest thereon from that day; that the said account is supported by satisfactory
vouchers and that the said Executrix
has given such bond as the law requires, the penalty thereof, and the security thereto
being sufficient; that the disbursements as made by said
Executrix as set forth in the above account, were proper and
such as the law allows and were made according to law and
the provisions of said will, as said account will show.

That the said Executrix was embraced in the list of Fiduciaries
posted at the front door of the Courthouse of Nansemond County, on the first day of March
Court last, and now on this day (ten days having elapsed since said list was posted as afore-
said) the foregoing account is stated and completed.

Given under my hand as Commissioner aforesaid, the day and year first aforesaid.

Wilbur J. Hilby
Commr. of Accounts.

Virginia:

IN THE COUNTY COURT OF NANSEMOND COUNTY,

The 12th: day of June 1882

This, the foregoing, Account, which was filed in the Clerk's Office of this Court on the 2nd: day of May, 1882, by Wilbur G. Kilby Commissioner of Accounts, having remained therein one month, was this day examined by the Court, and no exceptions having been filed thereto, and no errors appearing on the face thereof, the Court doth confirm and order the same to be recorded.

Teste:

Peter B. Prentiss,

Clerk.

A Copy,

Teste:

Peter B. Prentiss. Clerk.

David B. Jones

with Copy Acct

Anna Jones, Executrix

"Exhibit G"

Inventory and Appraisement of the Chattel property belonging to the Estate of David B. Jones, deceased. April 7th. 1881.

1 Small table	\$ 25-	Brought on	\$ 60 00
1 Clock	10	1 Lot old plows	3 00
1 Mirror	40	1 Cart, wheels & harness	15 00
8 Chairs	2 50	1 do " "	9 00
1 Old table	50	8 Hoes	2 00
1 Lounge	5 00	2 Shovels	50
1 Washstand, Bowl & pitcher	1 00	2 Pitch forks	25-
1 do	75-	2 Hoe-forks	1 00
1 Table	50	1 Grub-Hoe	50
1 Mirror	50	1 Cornsheller	1 00
1 Bed, stand & furniture	25 00	2 1/2 bushels pears @ 80¢	2 00
1 do " "	15 00	50 bbls Corn @ \$2.25-	112 50
1 Bedstead & Mattress	6 00	3000 lbs fodder @ 75-	22 50
1 Large table	1 00	1 Grind Stone	50
1 Sideboard	50	1 Iron pot & oven	1 50
1 doz. plates & 2 dishes	1 00	15 Shirts	25 00
Carried forward	\$ 60 00	Total	\$ 256 25-

The above articles are given by the Will of the deceased to his wife, Anna, so long as she remains his widow, and after she ceases to be his widow, then, equally, to his children, Mattie E. David F. Nancy D and Florence O. Jones.

1 Spring Waggon & harness	\$ 50 00	Ante brought up	\$ 205 00
1 Buggy & Harness	30 00	3 Bulls	30 00
1 Bay Mule	50 00	1 Brindle Calf	2 00
1 Old mare	30 00	33 Hot Bed Sash @ 75¢	24 75-
1 Old Cow & calf	10 00	30 Chickens @ 25-	7 50
1 Colt	35 00	4 Geese	2 00
Carried on	\$ 205 00	Total	\$ 271 25-

We, the undersigned do hereby (after being duly sworn) certify, that the foregoing inventory and appraisement of the Chattel property belonging to the estate of David B. Jones, dec'd, is correct, to the best of our knowledge and belief.

Appraisers {
Mo: W. Ames
J. M. Arthur
W. J. Arthur

Anna Jones, Executrix.

State of Virginia - Nausemond County, to wit:

I, Wilbur J. Kilby, Commissioner of Accounts, in and for said County, in said State, having inspected the foregoing Inventory and Appraisement of the Chattel estate of David B. Jones, deceased, do approve the same, and certify, that it is in proper form.

Given under my hand this 13th day of June, A.D. 1881.

Wilbur J. Kilby,
Commr. of Accounts

In the Clerk's Office of Nausemond County Court, the 14th day of June, 1881.
This Inventory and Appraisement was this day filed, duly certified, and thereupon admitted to record.

Teste:

Peter B. Prentiss, Clerk

a Copy:

Teste:

Peter B. Prentiss, Clerk

Xm'd

David B. Jones'

Inventory & Appraisement

(a copy)

"Exhibit A."

At a monthly Court held for Lawrence County, the 13th day of June, 1887.

George J. Rawls guardian of
Martha E. Frank and Nancy

D. Jones persons interested. . . Plaintiff.

Against { On a Rule to show
cause, why the Defendant
should not be required
to give security

Anna Jones, Executrix of David B.

Jones, deceased. Defendant.

This day came the parties by their Attor-
neys, and the Defendant entered into a Bond,
in the penalty of five hundred dollars,
conditioned according to law, with John W.
Ames her surety therein who justified on
oath as to his sufficiency: which Bond be-
ing acknowledged by the obligors therein,
is ordered to be recorded.

A copy.
Teste

Peter B. Prentiss. Clerk.

"Exhibit E."

I David B. Jones of Sleepy Hole Magisterial District
Tausenmond Co. State of Va being of sound and
disposing mind do make this my last will and
testament. I give ~~and bequeath~~ unto my wife
Anna Jones so long as she remains my widow
all that portion of my land which formerly be-
longed to Geo. H. Ward, also the piece of land I
bought of James C. Bidgood, together with all
my household and kitchen furniture, cows, fod-
der, hogs & farming implements. It is my de-
sire 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.
Hancy D. and Florence C. Jones my children.
I also give unto my wife Anna, my interest, one
half of Shop, Skiff and Rigter. All that por-
tion of my land which formerly belonged to
Peates Free School I give to be equally divided
between my children Ellen S. Jones, Mary
F. Rawls and Laura F. Bond. Out of my
Piedmont and Arlington Insurance and Mas-
sic Relief Association monies, I give unto my
Grand-daughter Lillian J. Rawls and my
Grand-son David S. Bond One Hundred dol-

bars each. All the balance of said money I wish equally divided between my children Mattie E. David F. Nancy D. and Florence C. 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.

Witness

A. P. Gomer

Jno. H. Ames.

David^{his} B. Jones ^{seal}
mark

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 F. L. Jones to pay my Executrix One Hundred dollars rent for last year. Given under my hand and seal this the 21st. day of

January 1881.

Witness

A. P. Gomer

Jno. H. Ames

David^{his} B. Jones —
mark

At a Monthly Court held for Hantsworth
County, the 14th day of March, 1881.
This Last Will and Testament (and Codicil hereto)
of David B. Jones, late of this County, deceased,
was this day fully proved by the oaths of A. P.
Gomer and Geo. H. Ames, subscribing witnesses
hereto, and was thereupon ordered to be recorded.
And on the motion of Anna Jones, the Execu-
trix 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 probate of the said will (and
Codicil) in due form.

Teste:

Peter B. Prentiss, Clerk.

A Copy,

Teste:

Peter B. Prentiss, Clerk

David B. Jones ^{Xm's}

Will

(A Copy

Exhibit ("a")

The separate answer of Anna Jones in her proper person and as Executrix of David B. Jones deceased, one of the defendants, to the Bill of Complaint exhibited against her and others in the Circuit Court of Chaussemond County, by Fluellyn Jones and others. Complainants;

This Respondent reserving to herself all right of exception to the said Bill of Complaint, for answer thereto, says:

That it is true as stated in said Bill that David B. Jones, lately the husband of this defendant, departed this life testate, his death having occurred on the 16th. day of February 1881, and that his last will and testament and the codicil thereto were duly proved and admitted to record in the Clerk's office of the County Court of Chaussemond County on the 14th. day of March 1881 and that exhibit "A" filed with said Bill is a correct copy of said will and codicil and that this defendant, named as Executrix in said will, did duly qualify as such Executrix on said 14th. day of March 1881 in said County^{Court}, and give Bond in the penalty of two thousand

dollars without security as said will directed that none should be required of her. But, on the 13th. day of June 1881 at the instance of Geo. P. Rawls, Martha E. Jones and David Frank Jones and Nancy B. Jones, persons interested, complainants in said Bill, this defendant ~~do was~~ as executrix, aforesaid ^{was} required by said County Court to enter into and give a new Bond in the penalty of \$500 ^{as she did} with John W. Ames security as will appear by ~~the order of~~ a duly certified copy of the order of said County Court filed herewith as part of this answer and marked "Exhibit E."

This defendant admits ~~as~~ charged in said Bill, that under said will, ~~as~~ so long as she remains the widow of said David B. Jones, she is to have "all the household and kitchen furniture, corn, fodder, hogs, and farming implements" which were of said David B. Jones at the time of his death, and also certain parcels of his land, namely, the parcel formerly owned by John W. Ward the parcel formerly owned by James C. Bidgood and a part of the parcel formerly owned by the trustees of Yeates Free schools. - which said several parcels

of land adjoin each other ~~&~~ and form one tract, containing about 75 acres, assessed at \$1125.00.

This defendant also admits that it is true that whenever this defendant "ceases to be the widow by death or otherwise" of said David B. Jones, "all the foregoing property real and personal is to be equally divided between Mattie E. David F. Nancy D. and Florence O. Jones, his children".

This defendant also says it is true that the said David B. Jones, in his said will expressed the desire that his children, Mattie E. and David Frank, should live with this defendant. but, if they should not, that this defendant should pay them thirty (30) dollars each per annum. And this defendant says further that for about one month after the death of said David B. Jones, the said Mattie E. and David Frank Jones lived with her. but since that time they have not lived with her and, perhaps will not live with her again.

That the proportional part of said sum of \$30. due on 31st, December 1881, has been paid by this defendant to, the Complainant

George T. Rawls, as guardian for said Mattie E. and David Frank Jones respectively and the full sum of \$30, for each of them, will be paid as the same becomes due annually hereafter.

And this defendant denies that up to the day upon which said Bill was filed, she had failed to ^{have} ~~see that~~ a proper appraisement, ^{made} of the chattel property bequeathed to her under said will during her widowhood. On the contrary she alleges that for more than seven months before the filing of said Bill, the appraisers duly appointed by said County Court, had not only made an appraisement of said chattel estate bequeathed to her, but ~~also~~ had also made an appraisement of all the other chattel estate of said David B. Jones deceased, ~~and returned the same~~, which said appraisement was recorded in the Clerk's office of said County Court the 14th day of June 1881, a duly certified copy of which is herewith filed as part of this answer and marked "Exhibit F."

And this defendant says that said appraisement was made in due form

✓ and time and recorded in due time according to law and is a full and complete appraisement, as it purports to be, of all and singular ~~the~~ chattel property of said David B. Jones, deceased, and that it is not incorrect in any respect, and that it embraces all the articles, which under the law, the appraisers were required to appraise.

This defendant further says that, the tract of land, which formerly belonged to Yeates Free Schools, and is given under said will to Phuellyn L. Jones, Mary F. Rawls and Laura F. Bond, consists of about 50 acres and is assessed at \$750.⁰⁰.

That this defendant has sold her one-half interest given her under said will, in the sloop, the skiff and lighter, to said Phuellyn L. Jones for ~~about \$500.~~ ^{\$195.}

That nothing has come into the hands of this defendant, as Executrix aforesaid or otherwise from the Policy of Insurance on the life of said David B. Jones in the Piedmont and Arlington Life Insurance Company, the Company having failed a short time before the death of said David

B. Jones and is insolvent and from the best information this defendant can obtain~~ed~~^{be}, there will ^{be} little or nothing if any thing, realised from the said Policy in that Company.

That as to the money due by the Masonic Relief Association ~~in~~ under the Policy of Insurance on the life of said David B. Jones deceased in that association, a contest arose as to whether the money ~~should be~~ was subject to the provisions of said will and to be disposed of as by said will directed, or according to the provisions of the Policy, and it was decided that the money should be paid, as it was, ^{paid} according to the provisions of the Policy, direct to said David Frank and Chauncy D. Jones, two of the children of said David B. Jones, for whose benefit the Policy was obtained, and accordingly the money was paid to Geo. T. Rawls, the guardian of said David Frank and Chauncy D. Jones, this defendant having received none of it, nor did it pass through her hands.

That the residue of the estate given under said will to this defendant

consisted exclusively ^{of some money and} of the chattel estate of said Testator, which was appraised by said appraisers and not included in the list of articles appraised as having been given to this defendant during her widowhood, or, in other words, of all his chattel estate, except "the household and kitchen furniture, corn, fodder, hogs and farming implements" of said Testator.

That on the 14th. day of November 1881 at the age of sixteen months, Florence O. the only child of this said Testator by this defendant, departed this life.

And this defendant claims that the land devised to her under the said will during her widowhood, and afterwards in fee to Mattie E. David F. and Nancy D. and Florence O. Jones, is a specific gift to her and them, subject to a charge during the widowhood of this defendant, of ~~the~~ an annuity of \$30. each for said Mattie E. and David Frank Jones:

That the land devised "to be equally divided between Phyllis Jones, Mary F.

Rawls and Laura F. Bond" is a specific gift to them.

That the one-half interest of said David B. Jones in a certain, skiff, and sloop and lighter, bequeathed to this defendant, is a specific gift to her.

That the gift of a silver watch worth some \$15. or \$20. to David Frank Jones, is a specific gift to him.

That the gift of "household and kitchen furniture, corn, fodder, hogs, and farming implements" to this defendant during her widowhood and afterwards to Mattie E. David F. and Nancy D. and Florence O. Jones, is a general legacy or gift to her and them.

That the property bequeathed to this defendant under the head of "The Residue of the estate" of said David B. Jones, is a residuary legacy to her.

And this defendant further claims that as the said David B. Jones did not by his will charge any particular part or kind of his estate with the payment of his debts, it was proper to apply the property included under the head of a

residuary legacy (being all chattel estate) to the payment of debts in the first place and if that were not sufficient, then to apply the property included under the head of general legacy to the payment, of said debts and then for the payment of such as might remain then unpaid, the specific legacies or gifts, should contribute ratably.

Accordingly this defendant, as Executrix aforesaid, ~~having~~ ^{has} taken possession of the personal estate of said David B. Jones, included under the heads ~~of~~ of residuary and general legacies under his will, ^{and} has applied the same in payment of his debts at its full valuation as appraised by the appraisers, as will appear by a duly authenticated copy of her executonal account filed herewith as part of this Bill and marked "Exhibit G." there being no other assets, except the specific gifts that this defendant could control for the payment of the debts of said David B. Jones.

And this defendant further says

that after she had applied said property or assets included under the heads of residuary and general legacies, to the payment of said debts, there was still unpaid, sundry debts, costs of administration &c. which this defendant nevertheless, paid, leaving a balance due her on her said account of \$153.29, with interest due thereon from the 7th. day of April 1882 till paid, as will appear by said "Exhibit G." for the payment of which sum of \$153.29, this defendant asks that provision may be made out of the remainder of the estate of said Testator, not heretofore applied to payment of his debts or disposed of by this defendant,

This defendant further says that she had charged herself with the sum of \$35, as the value of a colt appraised as the property of said David B. Jones, and had accounted for the same in her said account towards the payment of the debts and claims against said estate, when by ~~proper~~ ⁱⁿ suit, and judgment of the County Court of said County against her, the said colt was recovered of her by David

Frank Jones as his own and that she paid her counsel \$15. as his fee for ~~defendant~~ defending the said suit and the sum of \$14.40 as the costs thereof, making a sum total of \$64.40 also due her by said estate in addition to the said sum of \$153.29, ~~for~~ which she asks may be paid to her out of said estate.

In view of the foregoing facts, this defendant claims that her security to her Bond as executrix aforesaid is sufficient and that she should not be required to give other or additional security, she having freely administered said estate, which is in debt to her in a sum exceeding \$200. and her, surety, John W. Ames, being seised and possessed of unincumbered real estate in said county assessed at \$5139.⁰⁰.

This defendant asks that ^{an} ~~a~~ ~~fur-~~ther account of her transactions as said Executrix may be taken and reported to Court in this cause showing the exact sum due her by said estate; and that provision may be made for payment of the same out of said

estate, and that ~~an account~~ separate accounts may be taken of the specific property given or devised under said will, showing its value, and that the same may be made to abate ratably for the payment of the said indebtedness of said estate to this defendant and the claims against said estate of all other persons, and that all such further and adequate relief may be granted this defendant as to Equity may seem meet and proper.

And now having fully answered the Bill of the Complainants, this defendant prays hence to be dismissed with her reasonable costs in this behalf expended and she will ever pray &c.

Anna Jones, Executrix of
David B. Jones deceased,
By Wilbur J. Kilby, her
Attorney

Sept. 15th. 1882

State of Virginia }
Hausemund County } to wit

This day personally appeared before me, the undersigned, a Notary Public in and for said County in said State, Anna Jones, Executrix of David B. Jones deceased and made oath that the statements made in the foregoing answer, so far as made of her own knowledge are true and so far as made upon knowledge or information derived from others, she believes them to be true.

Given under my hand this 15th. day of September 1882.

Wilbur J. Kilby
Notary Public

David B. Jones, Ex^r Ad.

ad^r } In Chy.
Huellyn Jones Ad.

Answer of Anna Jones,
Ex^r Ad.

~~~~~

1882. Sept. 29<sup>th</sup> Ex<sup>r</sup> Ad. CLK.

In the Circuit Court of Harsewood County.  
In Chancery

Fluellen Jones, George T. Rawls and Mary F.  
his wife (nee Jones) Mattie E., David F. and  
Nancy D. Jones, the last three infants, who  
sue by George T. Rawls their guardian  
and next friend.

Plaintiffs

vs

Anna Jones widow and Executrix  
of David B. Jones late of this County,  
Thomas B. Jones and Daniel F. his wife  
deceased, and Florence O. Jones an infant. Defendants

To the Hon<sup>ble</sup> George Blow, Judge of said  
Court.

Humblly complaining sheweth  
unto the Court, your complainants  
above named, that David B. Jones, late of  
this County deceased and the father of Fluellen  
Jones, Mary F. Rawls, Mattie E., David F. and  
Nancy D. Jones, duly made and published his  
last will and testament, in writing, bearing  
date on or about the 20th day of November 1880,  
and appended a codicil thereto on or about the  
7th day of January, 1881. and in said will  
appointed Anna Jones, the defendant above  
named, the sole executrix of his said will  
as in and by the same will appear, a duly au-  
thenticated copy of said will being herewith

filed, marked "A" and is prayed to be taken as a part of this Bill.

That under said Will the defendant Anna Jones was to take and hold so long as she remained the widow of said D. B. Jones certain lands and all the household and kitchen furniture, corn, fodder, hogs and farming implements.

That the decedent desired that his children Mattie E. and David F., infants, should live with the said defendant Anna Jones, but if they did not then she was to pay to each of them the sum of \$30<sup>00</sup> per annum.

That when the said Anna Jones ceased to be the widow of David B. Jones "by death, or otherwise, all the foregoing property, both real and personal" was to be equally divided between Mattie E., David F., Nancy D. and Florence O. Jones, the children of the decedent.

And your complainants further shew unto your honor that soon after the death of the aforesaid testator, the said will was duly admitted to probate in the County Court of Ham-remond County, and the said Anna Jones qualified as the Executrix of the same, in the said Court. and the said Anna Jones hath possessed herself of the personal estate and effects of the said testator.

That as requested in the will of the testator no security was required of the said Executrix by the Court in which she qualified.

And your orators further shew unto your Honor that the said defendant Anna Jones, as Executrix aforesaid has failed up to this day ~~see that the appraisers appointed by the Court~~ to make a proper appraisement of the chattel property, conditionally bequeathed to her.

Your Complainants shew further that under the terms of the Testator's will his Executrix was to pay to Mattie E. and Daniel H. Jones, two of his children, in the event that they did not live with her the sum of \$30<sup>00</sup>, each, per annum, and since a very short period after the death of said D. B. Jones, they have not lived with her.

Your Complainants further state that in bringing this suit their object is, simply, to have the will of D. B. Jones declared null and void by the Court; to have a proper appraisement of the personal estate of said D. B. Jones; that already filed in the Clerk's Office of Harsemond County Court being improper in form and very incorrect in other respects, especially in not embracing articles which should have been returned and also to ask

this honorable Court to require proper security of Anna Jones the Executrix named in said will of D. B. Jones dec'd.

In tender consideration whereof and inasmuch 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 Complainants pray that the said Anna Jones widow and Executrix of David B. Jones deceased and Florence O. Jones, an infant, child of said David B. Jones, Thomas Bond and Laura H. Bond be made parties defendant to this bill and be required to answer the same according to the best of their knowledge, 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 a proper guardian ad litem be assigned the infant defendant to defend her interest in this suit.

That an account may be taken by a commissioner of this Court of the transactions of said Anna Jones, the Executrix aforesaid; that a further appointment of the personal estate as left by said David B. Jones dec'd. may be made, That the said Anna

Jones may be required to pay the sum  
of \$30.<sup>00</sup> per annum to Mattie E. and  
Daniel F. Jones as required under the  
testator's will; and that proper security  
be required of the said Anna Jones as  
Executrix of the last <sup>will</sup> and Testament of the  
said Daniel B. Jones deceased.

And that your Complainants may have  
all such other and further and general  
relief in the premises as the nature of  
their case may require, or to equity  
shall seem meet.

And your Complainants will  
ever pray &c.

Chas. H. Causey of  
Counsel for Complainants

Rawley }  
Causery }  
Jones & al  
vs E. In chey

D. B. Jones Ex'x & al

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Bill

Flewellyn Jones Hal:

25 { Chy: Notes

Anna Jones, widow and Ex<sup>t</sup> of David B. Jones dec'd Hal:

1882. Jan'y: 31st: Sum<sup>n</sup> in Chy: joined to Feby: Rules, 1882.

" Feby: 6th: Bill re, filed Decree nisi vs adult depts:

" " " Peter B. Prouty, apptd gdn: as helms  
to the infant depts. who filed her answers  
to which there was a genl: repl:

" March 6th: Decree nisi confirmed, & cause set for  
hearing on mo: of Pl<sup>ff</sup>: Counsel.

" April 10 Leave given Anna Jones Ex. of David B.  
Jones deceased, to file her answer.

" Sept<sup>r</sup>: 29th: Answer of Anna Jones, Ex<sup>t</sup>: filed

" Oct<sup>r</sup>: 13<sup>th</sup> ~~Continued~~ Decree for acc<sup>n</sup>:

1883. March 27. Sum<sup>n</sup>: what filed

" Apr<sup>l</sup>: 10. Exceptions for Anna Jones & enter

" Oct<sup>r</sup>: 3. Repl: for Pl<sup>ff</sup>: filed

" " " Repl: " Repl: "

" Oct<sup>r</sup>: Jan: Continued - 1884. Apr<sup>l</sup>: & Oct<sup>r</sup>: Cont<sup>n</sup>

1885. Apr<sup>l</sup>: & Oct<sup>r</sup>: Cont<sup>n</sup> - 1886. Apr<sup>l</sup>: & Oct<sup>r</sup>: Cont<sup>n</sup> - 1887. Apr<sup>l</sup>: & Oct<sup>r</sup>: Cont<sup>n</sup>

1888. Apr<sup>l</sup>: Cont<sup>n</sup> - 1889. Oct<sup>r</sup>: 10th: Decree annulling exception, & causing Refuse

& payt. p money to & for Colo

Chy: Notes

New York, July 5<sup>th</sup> 1881

~~At~~ The Executors of the late Mr D<sup>r</sup> B James  
Bought of **HINES & MANSFIELD,**  
**COMMISSION MERCHANTS,**

And Wholesale Dealers in all kinds of

**GENERAL PRODUCE,**

1 & 2 Prospect Avenue, 2 Devoe Avenue, and 25, 26 & 27 Vesey Pier,  
WEST WASHINGTON MARKET.

WM. M. HINES,  
D. H. MANSFIELD.

1880

Nov 14 213 Yards Burlaps as Bill Recd 119/4

Settled by Shipment  
of Mr Jos<sup>ph</sup> H Wright as Paid<sup>d</sup> Recd July 15/81  
Hines & Mansfield

Exhibit R filed with the  
deposition of Anna Jones  
Peter B. Peattie, Comr

1881

5 Feb'y



NORFOLK, VA.,

187

David B. Jones

While I exercise the greatest care to have all Seeds pure and reliable, it is hereby mutually agreed, between myself and the purchaser of this bill, that I do not warrant, and am not in any respect liable or responsible for Seed sold by me, or for any loss or damage arising from any failure thereof in any respect.

Bought of GEORGE TAIT,  
SEEDSMAN,  
IMPORTER OF AND DEALER IN  
ENGLISH, GERMAN, FRENCH, CANADIAN AND AMERICAN SEEDS,  
No. 7 Market Square, (East Side).

|      |    |                                       |           |       |        |
|------|----|---------------------------------------|-----------|-------|--------|
| Aug  | 3  | 1/2 lb Rutabaga                       |           | 30    | 30     |
| Sep  | 11 | 3/4 " Darts Rutab Early Cabbage       |           | 3 00  | 3 00   |
| Oct  | 7  | 3/4 " Large York "                    |           | 2 25  |        |
| 1881 |    | 1/4 " Jersey Wakefield "              |           | 1 50  | 3 45   |
| Aug  | 20 | 2 bbls Darts Ex Early Peas 1/2 1/2 Bu | 650       | 4 78  |        |
|      |    | 1 " Marrow Peas 3 50 "                | 225       | 10 84 |        |
|      |    | 1 bush Ex Early Valentine Beans       |           | 4 50  |        |
|      |    | 1 " Mohawk "                          |           | 4 50  |        |
|      |    | 1/2 " Black Wax "                     |           | 3 50  |        |
|      |    | 3 barrels 96                          | 3 bags 30 | 1 20  | 3 51 3 |
|      |    |                                       |           | 82 18 |        |

July 8-1881 Received payment  
from Mrs Anna Jones Executrix

Geo Tait

Exhibit S. filed  
with the deposition  
of Anna Jones  
Peter B. Peunt's Comm.

—

Exhibit S

1881

Dr. David B. Jones

In acct with

Jos. H. Wright

1879

December 25 to Balance due on Settlement  
had this day \$130 33

one pair of shoes in the year 1880

3 50

County Taxes

1 58

in cash & shipments

3 4

Paid To. et. B. Garner

2 35

to hacco bought of Tralman

3 00

tobacco from town

50

tobacco and Shirting

3 25

in cash

4 75

tobacco and money

3 70

in cash

10 00

one Pair of Pants and cash

7 00

Clothing

22 00

62 00

Ten months at ten dollars <sup>per month</sup> in the year 1880

\$100 00

Due to Jos. H. Wright for clothings

And other things for hands

\$13 49

1881 to 1 1/2 month of labour 16,00

16 00

\$259 82

Credit

22 00

Due

\$197 82

Nonseme County, to wit:

This day Joseph H. Wright personally appeared, <sup>before</sup> a Justice of the Peace of the said County, and made oath to the correctness of the foregoing account to \$197 82.

Given under my hand this 6th day of April, 1882

J. O. Savage

J. P.

Exhibit W. filed with the deposition  
of Anna Jones

Peter B. Peckham, Clerk

David B. Jones

in account with

Josh. H. Wright



1882 April 6th. Received of Anna Jones Exec-  
utrix of David B. Jones deceased, one hun-  
dred and ninety seven \$82/100 dollars  
in full of the within account,  
\$197.<sup>82</sup> Josh. H. Wright

To Abnellyn Jones, Geo. T. Rawls and Mary A. his wife, Mattie E. David F. and Stanley D. Jones, the last three infants, who sue by George T. Rawls their guardian and next friend, Plaintiffs

TAKE NOTICE that, on the 2nd day of October, 1883, next, at the office of Wilbur J. Kilby, in Suffolk, Va.

between the hours of 8 A. M. and 6 P. M. of that day, I shall proceed to take the Depositions of

John W. Ames, Wm. J. Arthur, F. M. Arthur and

and others, to be read as evidence in my behalf, in a certain suit in Equity

depending in the Circuit Court of Chausemonde county, wherein

you are Plaintiff and I and others are Defendants;

and if, from any cause, the taking of the said Depositions be not commenced on that day, or, if commenced, be not

concluded on that day, the taking of the same will be adjourned and continued from day to day or from time to time.

at the same place and between the same hours, until the same shall be completed.

Respectfully,

To the Sheriff of }  
county to execute.

20 Sept. 1883.

Anna Jones in her own right and as Executrix of David B. Jones deceased,  
By Wilbur J. Kilby Atto.

Sufficient and legal service of the within  
notice is hereby acknowledged for all the  
within named Plaintiffs, and for Thomas  
Bond and Laura F. his wife two of the  
defendants to the within mentioned suit,  
20th. Sept. 1883

Wm. H. Cauley of  
Counsel for Plaintiffs J. H.

~~Sufficient and legal service of the within  
notice is hereby acknowledged for the within  
named infant defendants, Mattie E. David  
H. and Nancy D. Jones~~

In the Circuit Court of House-  
mond County, Va.

Fluellyn Jones, Geo. T. Rawls and  
others, Plaintiffs

against

} In Chancery

Anna Jones Executrix of David B.  
Jones deceased and others, Defendants  
~~Present: { C. H. Causey att. for the Plaintiffs and Thos. and~~  
~~Laura F. Boyd, and Wilbur J. Kilby att. for Anna Jones.~~

The Depositions of John W. Ames  
Frank M. Arthur and others, taken  
before me, Peter B. Prentis, a com-  
missioner in Chancery of the Cir-  
cuit Court of Housemond County  
Va. pursuant to notice hereto an-  
nexed, at the office of Wilbur J.  
Kilby in the Town of Suffolk in  
said County on the 2nd. day of  
October A. D. 1883 between the hours  
of 8 A. M. and 6 P. M. to be read  
as evidence on behalf of Anna  
Jones in her own right and as Ex-  
ecutrix of David B. Jones deceased  
in a certain suit in Equity de-  
pending in said Court wherein  
said Fluellyn Jones and Geo. T.

Rawls and others are Plaintiffs and the said Anna Jones in her own right and as Executrix aforesaid and others are defendants

Present; Wilbur J. Kilby attorney for Anna Jones, Defendant. C. H. Causey, Att. for Plaintiffs & Thos. and Laura F. Bond.

Henry F. Copeland being duly sworn on the Holy Evangelists of Almighty God deposes and says as follows:

1 Q

What is your age, do you know the parties to this suit, and where do you reside

Ans.

I am 58 years of age, and I know the parties to this suit and I reside in Chautauque County

2 Q

Did you know David B. Jones and if so, how long before his death and were you ever at his residence in Sleepy Hole District in said County

Ans

Yes I knew him from ~~1860~~ 1857 and was at his house on visits once or twice a year

3 Q

Were you with him during his last illness & if so how often

Ans

Yes I was with ~~one~~ him once

about two or three weeks before his death

4 Q. Did you hear him say at that time or at any other time any thing about his indebtedness to Joseph H. Wright his wife's brother

Ans I did.

5 Q. What did he say? State all the facts and circumstances

Ans. During the last illness of Mr. Jones, he wanted to see my wife and he sent Mr. Joe H. Wright to my house for her. Mr. Wright came for her I stated that he did not think Mr. Jones could live long. Joe then went on to speak of his uncle David's affairs which I knew he had been managing for some time, and said if Mr. Jones died he did not owe much the biggest bills he owed being what he owed him (Joe) and the doctor, I ~~then~~ <sup>then</sup> ask Joe how much Mr. Jones owed him and he said he owed ~~me~~ <sup>him</sup> nearly \$200. I asked him then how much Mr. Jones gave him I he said

ten dollars per month and that  
while he could get \$25 a  
month I had been offered that  
much, he could not stand  
the work required of him for  
that much. His uncle David  
could not get along without  
him so he was willing to re-  
main with his uncle David  
for ten dollars. My wife went  
to see Mr. Jones and I went to  
his house for her. I think, the  
second day after she went there,  
~~and~~ I remained ~~that~~ there  
two days and one night, while  
I was there and in his room  
he talked about his affairs  
and as near as I can recol-  
lect he said I have worked  
hard all my life I was  
getting so ~~he~~ I could live I  
here I ~~am~~ ~~about to~~ can't  
live long. He then said I will  
leave enough to keep Anna  
along if she will take care  
of it, and said ~~the~~ I  
am most out of debt. The  
biggest debts I owe ~~is~~ are

those due ~~the doctor~~ Joe and the doctor, I added that I owe Joseph <sup>nearly</sup> ~~about~~ \$200, I asked no particulars nor questions as it was none of my business

6 Q. ~~Whom~~ did he refer to when he spoke of "Joe" or Joseph

Ans. The last above question and answer are excepted to by Counsel for Plaintiffs

6 Q To whom did Mr. Jones refer when he spoke of "Joe" or "Joseph"

Ans. His wife's brother, Joseph H. Wright,

7 Q While you <sup>were</sup> at Mr. Jones' on the occasion referred to above, did you have opportunity to notice his chattel estate & if so what value would you put upon it

Ans. The last time I ~~saw it~~, it before that referred to when I saw it, it was pretty well worn, He showed me his tools, He had one harrow & that was pretty good & that was all that I saw that I wanted as it was all that was any account. He was well then & able to be about.

8 Q

Did you examine the ~~the~~ corn he had on hand during your visit to him in his last illness & if so can you state how much there was of it

Ans

I did notice it closely ~~but~~ as to its quality, ~~but~~ Joe asked me to ~~go~~ go out I look at his crop of corn as it was as good or the best he ever made, I asked me how much I thought there was in the crib which crib was narrow but perhaps 20 feet long and I said how much Joe do you think there is in there & he said I think 100 barrels or ~~the~~ more, I said it takes a big crib to hold 100 barrels of corn in the shuck (& it was in the shuck), And that I have handled a good deal of corn in the barrel ~~on~~ in my life and if he could get 80 barrels out of there he would get it all, & I think it was doubtful whether that much was there. The corn was all sorts

long & short as it was hauled from the field.

9 Q. How long before Mr. Jones' death was it when you were at his house & saw the corn;

Ans. I don't know exactly but some two or three weeks, I know he lived longer than I expected.

~~10 Q. Do you know~~

~~The at~~ The last question I answer expected to be counsel for Plaintiffs as not responsive & irrelevant.

10 Q. Do you know whether there was much company to see Mr. Jones in his last illness with horses or whether he had stock which were fed out of said corn from the time you saw it to the time of its appraisalment and if so how much ~~of~~ corn would said horses and stock consume in a week

Ans. There was a good deal of company there when I was there. <sup>I went with to see Joe to see</sup> ~~Joe asked me to go see~~

his hogs which he had up to  
fatten, and I would say that  
with the horses there and the  
hogs, it would take not less  
<sup>than</sup> four barrels a week to feed  
them. He might have fed  
them with three barrels or  
four barrels, but he fed  
them heavy and four barrels  
were as little as I could  
have fed them on.

Cross-examined by

Counsel for Plaintiffs

1 Q

Do you know any thing of the  
terms of the contract between  
Daniel B. Jones & Jos. H. Wright  
& if so when was the contract  
made & what were its terms?

Ans

I do not, I only know what  
the parties told me, frequently  
years ago

2 Q

How long before Mr. Jones death  
did you <sup>last</sup> see & converse with  
him

Ans

I suppose some two or three  
weeks before his death, &  
he was in good mind

3 Q.

You have stated in your answer to the 8th question, in your examination in Chief that you examined the corn closely & that the crib was about 20 feet long, please state how wide it was & whether the corn was rough shucked or not.

Ans.

I think it was <sup>feet long</sup> 20, but not over 12 or 13 feet wide and don't know whether the corn was rough shucked or not. I do not suppose the crib was over 6 or 7 feet high to the eaves. The corn was not above the eaves. I went in the crib to get corn to feed my horse

4 Q.

How many hogs were in the pen to fatten when you saw them & how long were they fed before being killed after you saw them

Ans

That is something I know nothing about and I don't know the number, but there were right many of them & ~~fine ones~~ and some fine ones.

5 Q.

Do you know any thing of the value of the personal estate of Mr. Jones at the time of his death

Ans.

I do not. I know his horses were very common & his Chatel estate very ordinary. There was nothing valuable about it.

6 Q.

How long before the death of Mr. Jones was Jos. H. Wright at your house

Ans

I suppose some two or three weeks

7 Q.

What was the condition of Mr. Wright's health at that time

Ans

At that time about as good I ever saw him. ~~For~~ <sup>say</sup> a year or two previous he was affected <sup>with</sup> catarrh which gave him a horseiness, but I do not know of his ever being unable to do his work

8 Q

Why then did he ~~stay~~ <sup>say</sup> as you say in your answer to the fifth question in your examination in chief that though he

could get \$25 a month elsewhere  
he could not stand the work  
required of him for that much

Excepted to by counsel for  
Anna Jones as irrelevant

Ans. He did not say that when  
he came to my house the last <sup>time</sup>,  
It was twelve months or 2  
years previous to that time, He  
said it then talking about  
wages I remarked that <sup>he</sup> was  
offered \$25 a month, but <sup>this</sup> much  
David could not get along with-  
out him, <sup>Mr</sup> Jones was uneducat-  
ed <sup>(Goe)</sup> he could not stand the  
exposure required of him for  
that price

And further this defendant  
says not

Henry F. Holford

Wm. J. Arthur being duly sworn  
and deposes and says as  
follows.

1 Q

What is your age, where do you  
reside & do you know the parties  
to this suit & were you one of  
the appraisers of David B. Jones'  
estate

Ans. I am 56 years of age, reside in  
Hesseman County, I know the  
parties to this suit and was  
one of the appraisers of the estate  
of Mr. Jones

2. Q.

It appears by the appraisement  
of Mr. Jones' estate that one clock  
was appraised at 10<sup>c</sup>, please  
state whether that was its true  
value or not & your reasons  
for appraising it at 10 cents.

Ans.

I remember the clock. I did  
not consider it worth any  
thing. It was an old clock

3 Q

It also appears by the appraise-  
ment that there was 1 lot of flaws  
appraised at \$3.<sup>00</sup> please state  
whether that was the full value  
of the ~~clocks~~ flaws and state  
what kind of flaws they were.

Ans The flaws as well as every thing that we appraised, I put at what I believed to be ~~these~~ ~~true~~ their true value. In my ~~4 Q.~~ opinion there was not more than 50 barrels of ~~corn~~ corn as appraised and not more than 3000 lbs of fodder

4 Q. Then you say that in your opinion the chattel estate of Mr. Jones was not worth more than its appraised value of \$527.50

Ans I thought so then & I think so now

5 Q Did you appraise all the chattel estate you could find,

Ans We appraised all that was exposed to us

6 Q Was corn worth at the time of the appraisement more than \$2.25 per barrel, taken long & short and all sorts in the sheek as that of Mr. Jones was.

Ans No sir, it was not.  
7 Q. Was fodder at that time worth more than 75<sup>c</sup> per thousand pounds

Ans. such as that of Mr. Jones was  
8. Q. . to sir, it was not,  
the lounge & mattress were not  
appraised, were they left as part  
of the <sup>law</sup> for the widow of  
Mr. Jones

Ans I think so as far ~~as~~ as I can  
remember

9 Q. Were the seed Irish potatoes, cab-  
bage plants & sweet potatoe slips  
planted on Mr. Jones' farm at  
the time of the appraisement.

Ans. They must have been as the  
~~7<sup>th</sup> of~~ the time of the appraise-  
ment was late for them not  
to be planted, we saw nothing  
of them along with his Chattle  
estate.

10 Q Do you know whether Mr. Jones  
ever owed Mr. Jos. H. Wright or  
paid him wages for his ser-  
vices?

Ans I do not know whether he ever  
owed him or paid him wages,  
but Mr. Wright told me in  
the fall before Mr. Jones died  
that Mr. Jones <sup>then</sup> owed him \$180.  
This answer is excepted to by.

11 Q. Counsel for Plaintiffs  
Was the chattel estate not appraised, such as the widow was entitled to under the poor law.

Ans. Yes sir;

1 Q. Cross-examined by  
Counsel for Plaintiffs  
When you appraised the corn & fodder did you measure & weigh the same or simply estimate it.

Ans. We did not measure or ~~weigh~~ <sup>weigh</sup> it & I have never seen it done at appraisements

2. Q. Do you know whether it was measured & weighed at the sale

Ans. I do not, I was not there.

3 Q. What was the condition of the corn in the crib

Ans. It was what we call "~~snapped~~" "snap" shucked, that is to say the rough shuck was left on the stalk

4 Q. What were the dimensions of the crib in which the corn was

Ans. I suppose about 20 feet long  
but not 12 feet wide, but about  
10 or 11 feet wide, & about 6 or  
7 feet from the floor to the eaves

5 Q Do you know any thing about  
the terms of the contract between  
Mr. Jones & Mr. Wright's.

Ans. Nothing.

6 Q Did you ever hear Mr. Jones say  
at any <sup>short</sup> time previous to his death  
that he owed Mr. Wright any thing

Ans. No Sir

And further this deponent  
says not

W. J. Arthur

1 Q J. M. Arthur being duly sworn  
deposes and says as follows  
What is your age, where do you  
reside, do you know the parties  
to this suit were you one of  
the appraisers of the estate of  
Daniel B. Jones

Ans I am 40 years of age, reside  
in Chautauque County, I know  
the parties to this suit & was one  
of the appraisers of Mr. Jones's es-

tate, I knew Mr. Jones all my life.

2. Q. One clock of Mr. Jones was appraised at 10 cents. 1 lot of ~~flour~~ old flour at \$3 <sup>00</sup>, 50 barrels of corn at \$2.25 per barrel & 3000 lbs. of fodder at 75 cents per thousand, were the values placed upon these things as above as much as they were worth.

Ans. We placed the values according to what the things were worth. As to the clock, I don't recollect it. I have seen a lot of old flour brought for \$3 <sup>00</sup>.

3 Q. Was there any more than 50 bbls of corn & 3000 lbs of fodder.

Ans. According to my recollection I thought there was about 50 or 55 bbls, some thought one thing some another & we took the average & made it 50 bbls. As to the fodder 3000 lbs. was the true quantity.

4 Q. Was there any thing like 80 bbls of corn or 8000 or 9000 pounds

of fodder  
Ans. No Sir there was not,  
5 Q was corn such as Mr. Jones had  
selling for more than \$2.25 per  
bushel or fodder for more than  
75 cents per thousand at the  
time of the appraisement,

Ans I suppose not.  
6 Q How far do you reside from  
Mr. Jones' place

Ans. About 4 miles  
7 Q And your brother, W. J. Arthur  
The same distance

8 Q The lounge & mattress were not  
appraised, were they left for the  
widow under the poor law

Ans I do not recollect  
9 Q Was Mr. Jones' chattel estate  
worth any thing like \$1800. or  
\$2100.

Ans. Not what I saw  
10 Q Was not its appraised value  
of \$527.50 in fact about its  
true value

Ans I think so.  
11 Q Were the seed Irish potatoes, sweet  
potatoe slips & cabbage plants  
not planted and growing on

Mr. Jones' farm at the time of the appraisement

Ans. I do not know, but suppose that at that time of the year they had been planted

12 Q Did you see any such things with Mr. Jones' chattel estate to Sir

13 Q Do you know any thing of the indebtedness of Mr. Jones to Jos. H. Wright

Ans. I heard Mr. Wright say that Mr. Jones owed him about \$190<sup>00</sup> dollars. He was sitting up in a cart ~~at~~ on the day of the appraisement. I do not recollect whether he said it directly to me or others, for there were several others standing near

This answer is excepted to by the counsel for the Plaintiffs

Cross-examined by counsel for the Plaintiffs

1 Q When you appraised the corn & fodder, did you measure & weigh it ~~the~~ or simply estimate it?

Ans. We estimated it  
2. Q Do you know whether it was  
weighed & measured at the  
sale.

Ans I do not  
3 Q What was the condition of the  
corn in the crib

Ans It was in the shuck. That is to  
say, about half the shuck was  
on it & perhaps  $\frac{2}{3}$  of the shuck  
was on it. As to the crib I  
think it was not over 18 feet  
long & about 10 feet wide &  
about 6 feet high from floor  
to eaves.

4 Q Do you know any thing about  
the terms of the contract between  
Mr. Jones & Mr. Wright

Ans Nothing. And I never heard  
Mr. Jones say a short time pre-  
vious to his death that he owed  
Mr. Wright

And further this defendant  
says not

J. M. Anthony

John W. Ames being duly sworn  
deposes and says as follows

1 Q

What is your age, where do you  
reside, do you know the parties  
to this suit How long did  
you know David B. Jones before  
his death Were you one of the  
appraisers of his estate

Ans

I am 61 years of age, reside  
in Chautauque County about  
3 miles from Mr. Jones' place  
I know all the parties to this  
suit & was one of the apprais-  
ers of Mr. Jones' estate

2 Q

The clock of Mr. Jones was ap-  
praised at 10 cents, 1 lot of  
old flaws at \$3 00 50 barrels  
of corn at \$2.25 per barrel  
& 3000 pounds of fodder at  
75 cents per thousand, were  
these the full values of these  
things

Ans

In my opinion they were.  
My recollection as to the clock  
is that it was not in run-  
ning order and was not worth  
repairing, As to the flaws I am  
satisfied that they were not

worth over \$3<sup>00</sup>

3 Q.

Was there any more than 50 barrels of corn or 3000 lbs of fodder

Ans

I don't think there was, If I had ~~wanted~~ bought 50 barrels that day, I would not have taken the file for that quantity, As to the fodder there was no more than 3000 lbs there

4 Q

Was there any thing like 80 bbls of corn or 8000 or 9000 lbs. of fodder

Ans

No Sir

5 Q

Was corn ~~worth~~ such as Mr. Jones had worth more than \$2.25 per barrel or fodder more than 75 cents per thousand at the time of the appraisement

Ans

I do not think it was

6 Q

When the corn & fodder were appraised, was that part thereof to which the widow was entitled under the four law, excepted from the estimate of the quantity.

Ans.

I think it was

6 Q

was Mr. Jones' Chatter estate  
worth any thing like \$1800,  
or \$2100

Ans

I can say emphatically,  
no Sir

7 Q

was not its appraised value  
of \$527.50 in fact its true  
value

Ans

I believe so.

8 Q

were the seed Irish potatoes, sweet  
potatoe slips & cabbage plants  
not planted & growing on Mr.  
Jones' farm at the time of the  
appraisement

Ans

They were, ~~planted~~

9 Q

Do you know any thing of  
the indebtedness of Mr. Jones  
to Jos. H. Wright?

Ans

I have frequently heard  
Mr. Jones speak of his owing  
Joe. Mr. Jones used to talk  
freely with me about his  
money matters for I knew  
him all my life, I have  
heard him remark often that  
~~it did not~~ what he owed Joe  
did not trouble him. He

felt easy about it as Joe did not want his money and also heard him say that he was giving Joe \$70. per month & that he was the cheapest hand he had. I have heard him say that time and again & that while he was not able to do much hard labor, Joe looked after & attended to his business better than any one he could get, Mr. Jones was an uneducated man, could not keep accounts nor read nor write Mr. Wright did all his correspondence & shipping & kept all his accounts, I do not know whether he ever paid Joe.

~~10 Q~~

10 Q

Ans

~~was~~  
was not all the chattel estate of Mr. Jones appraised, except the four law exemptions  
As far as I know and believe it was.

Cross-examined by the  
Counsel for the Plaintiffs

1 Q

When you appraised the corn  
& fodder, did you measure &  
weigh it or simply estimate  
it

Ans

Estimated it

2. Q

Do you know whether it was  
weighed & measured at the sale

Ans

I do not

3 Q

What was the condition of the corn  
in the crib

Ans

It was rough or slip shucked,  
that is the rough shuck ~~had~~  
been left in the field, ~~as~~

4 Q

Do you know any thing about  
the terms of the contract between  
Mr. Jones & Mr. Wright

Ans

Nothing more than what I have  
stated, I heard Mr. Jones during  
his last sickness, about a  
month or two before his death  
say that he ~~was~~ Joe, but ~~he~~ I  
<sup>do</sup> ~~did~~ <sup>not</sup> <sup>recollect</sup> ~~say~~ how much

Jno W. Ames

1 Q

Anna Jones being duly sworn  
deposes and says as follows:  
What is your age, where do you  
reside & do you know the parties  
to this suit & what relation  
were you to Mr. Jones

Ans

I am 34 years of age, I reside  
on the farm of David B. Jones  
in Chautauque County. I know  
the parties to this suit. I am  
the widow of Mr. Jones & am  
one of the defendants ~~of~~ to  
this suit. I was executrix of  
Mr. Jones' estate

2. Q

Were you present when Mr. Jones'  
estate was appraised

Ans

Yes sir

3 Q

What was the condition of the  
clock that was appraised at  
10 cents & was that its true  
value.

Ans

<sup>for a long time</sup>  
It had been <sup>for a long time</sup> out of order  
I paid \$2.50 twice Mr. Jones'  
death for repairs on it & it  
does not keep time now. I do  
not think it was worth more  
than 10 cents when appraised

4 Q

Was there more than 50 barrels

of the ~~corn~~ corn or 3000 pounds  
of the fodder which was  
appraised <sup>5</sup>.

Ans. I don't think there was after  
the part belonging to me under  
the for law was taken out  
5 Q was the corn worth more than  
\$2 <sup>25</sup> per barrel or the fodder  
more than 75¢ per thousand

Ans. I do not think it was.  
The fodder had been torn  
~~to~~ into pieces by the baile  
before it was gathered &  
was not worth much

6 Q What was the condition of the  
old flans appraised at \$3. I  
were they worth any more

Ans. They were in a bad condition  
I had to have work done on  
them & new castings put on  
them before I could use <sup>them</sup>. They  
were not worth over \$3. for ~~the~~ <sup>N</sup>  
~~best~~ I had taken <sup>the best</sup> under the  
for law

7 Q One lounge & Mattrass were  
not appraised. were they  
retained by you as necessary  
bedding & bed ~~are~~ exempt

under the poor law  
Ans They were, I had <sup>a</sup> brother & a  
white servant living with me,  
and needed the lounge & mat-  
trass for the servant

8 Q Please examine paper marked  
Exhibit R. as a part of this dep-  
osition and say whether or not  
it is the bill for \$19.<sup>17</sup> paid  
by you as Executrix of Mr.  
Jones & charged to his estate  
in your account & who con-  
tracted that bill & what be-  
cause of the articles men-  
tioned therein

Ans It is the bill referred to, as paid  
by me & charged to Mr. Jones'  
estate, It was made by Mr.  
Jones in the fall of the year  
before he died, The bills charged  
therein were sent to Mr. Jones &  
he got the same. F. Lee Jones, his  
son got 60 yards of it & Geo.  
T. Rawls had 20 yards & the  
balance Mr. Jones had sewed  
together & put on his hot beds  
before he died, The quantity  
had by F. Lee Jones & Geo. T. Rawls

was borrowed by them but it has never been ~~for~~ returned by them nor paid for

9 Q

Please examine paper marked Exhibit S as part of this deposition and say whether or not it is the bill for \$82.18 paid by you as Executrix aforesaid & charged by you in your account & who contracted the bill or debt & what became of the articles charged therein

Ans.

It is the bill that I paid as referred to. ~~I the one I pa~~, Mr. Jones bought the articles charged in it. The ~~cabbage~~ seed ~~he~~ were planted before Mr. Jones' death ~~I the plants up~~ and some of them were up. ~~I were used~~ <sup>the plants</sup> during <sup>he</sup> ~~when~~ died. All ~~were~~ the seed were planted before Mr. Jones died except a barrel of peas & that was planted before the appraisement

10 Q

It appears by your executorial account that you paid for 5 bags of guano \$28. & returned the guano to Blue Jones. Am

of Mr. Jones, please explain that transaction

Ans.

Mr. Jones borrowed 5 bags of guano of his son, Elue, before his death, as that of Mr. Jones which had been ordered had not come, and that borrowed of Elue was used by Mr. Jones before his death under the seed which he had sown. After his death Elue claimed the guano & so I bought 5 bags for him in the place of the 5 which Mr. Jones had borrowed of him and the charge is for this guano.

11 Q.

Please examine paper marked Exhibit W as a part of this deposition and state whether or not it is the bill paid by you for \$197.82 to Jos. H. Wright for wages due him by Mr. Jones.

Ans.

It is the bill.

12 Q

It appears from said Bill that on 25-Dec 1879 Mr. Jones & Mr. Wright had a settlement to that date & that Mr. Jones was found

to owe Mr. Wright \$130.33 at that time, do you know whether such a settlement was had? State all you know about it.

Ans.

I remember very well that the settlement was had and Mr. Jones paid Mr. Wright \$50, but did not have the money to pay the full amount then due. The \$50 was borrowed back by Mr. Jones & hence it was not credited on the amount due by him to Mr. Wright. Then Mr. Wright & Mr. Jones entered into a contract whereby Mr. Jones was to give him \$100 for ten months of the next year (1880). At the end of 1880, Mr. Jones being then in his last illness, Mr. Jones told Mr. Wright that he could not do without him & to go ahead as he had been doing & he would give him <sup>for 1881</sup> the same wages, namely \$10 a month as he had been giving for 1880. Mr. Jones in his last illness called me to his bed & talked about his being about

to die I said that whether he lived or died he wanted Mr. Wright paid. The account paid by me ~~was~~ ~~correct~~ is correct

13 Q

Then you say ~~of your own~~ knowledge that the account for \$197.82 paid Jos. H. Wright by you was to your knowledge correct and according to the contract made by Mr. Jones & Wright

Ans

Yes, I do.

14 Q

It has been said that one clock was not appraised, why was it not appraised

Ans.

Because it was Mr. Wright's & not Mr. Jones'. It was bought by Mr. Jones & given to Mr. Wright

15 Q

~~Seed was~~ It has been said that seed Irish potatoes, sweet potato slips & cabbage plants were not appraised, if there were any such things where were they.

Ans

They were in the ground. Six barrels of seed Irish potatoes were not planted. I sold them & accounted for the

16 Q proceeds of \$18<sup>00</sup> in my account  
 Ans were all the live hogs appraised  
 All except what the fore law  
 gave me

17 Q What became of the pork or  
 dead meat ~~sit on~~

Ans. Just before Xmas 1880 some  
 hogs were killed & the meat  
 used by the family. Some  
 were killed by order of Mr.  
 Jones after Xmas & the meat  
 put in the smoke house &  
~~the meat~~ used by the family.  
 Some of this was on hand  
 when he died and was used  
 by the family.

18 Q Was all the other meat & hogs  
 sold by you & accounted for in  
 your account

Ans Yes Sir.

Cross-examined by Coun-  
 sel for Plaintiffs.

1 Q Who cultivated the farm in  
 1881 after Mr. Jones' death to  
 the end of the year

Ans ~~Myself~~ I did it, I hired Mr.  
 Wright to attend to it for me

2 Q

What crops were raised, what did they sell for & what became of the proceeds

Excepted to by counsel for Anna Jones because under the will of Mr. Jones the crops on the farm were given to his widow along with the farm.

Ans

We raised cabbage, garden peas, snafs, irish potatoes & corn & sweet potatoes. The cabbage for the most part were parched up by the sun in the field. They brought me in debt & were not worth shipping. The crop of peas was very short I do not know how many there were. The snafs were so low in market I only picked them over once & the balance not being worth picking I left them in the field. Mr. Blue Jones, a neighbor & several neighbors did not pick theirs at all. I do not know how many barrels of the irish potatoes there were, but the bugs ~~got~~ were very bad in them & the crop was short on their

account. I flauted 20 barrels of seed, I made about 75 barrels of corn. The sweet potatoe crop was not very good but I made a pretty fair crop. I cant tell what the crops sold for, which were sold, but all were not sold. The sweet potatoes sold for \$2, to \$2.75 per barrel but I cant say how many were sent away. Irish potatoes sold as low down as 50 cents a barrel. The money for the things sold I used in payment of Mr. Jones' debts & for any thing else I wanted

3 Q What bills were paid out of the proceeds

Ans. Tait's bill for seeds, Hines & Mansfield's & Jos. Wilkuis' & I paid for the goods returned to Blue Jones

4 Q How much meat was in the smoke-house at the time of appraise-  
ment  
Ans I reckon not more than 300 or 400 pounds

5 Q At what time was the bill of Mr.

Wright first made out when  
did you first see it  
Ans. ~~After~~ The bill was drawn off  
~~last~~ after Mr. Jones' death from  
the books that ~~he~~ ~~there kept~~  
were kept during his lifetime.  
I saw it when it was drawn  
off in April 1882

6 Q Who kept the books  
Mr. Wright kept the books as  
he had been doing for 8 or 9  
years

7 Q Could Mr. Jones keep his own  
books & accounts

Ans No Sir for he could not  
do it

8 Q Have you got the books in  
which the account was kept  
& if not what has become  
of them

Ans I have not got them, one got  
burnt up accidentally by the  
children's putting the iron boiler  
on fire in the draw with the book  
Mr. Wright had his account in  
a small pocket book which he  
kept in his pocket, but what  
became of it after his death

I do not <sup>know</sup>. The book burnt up  
 was burnt ~~be~~ in the Spring of  
 1880 after the account of Mr.  
 Wright was drawn off.

Re-examined by Counsel for  
 Anna Jones.

1 Q.

After paying the expenses of  
 the cultivation of the crops  
 raised by you during 1881 after  
 Mr. Jones' death, ~~did~~ were there  
 any profits

Ans

to Sir, we did not make  
 any thing clear.

2 Q

were the expenses paid by  
 you out of your own funds

Ans.

~~3 Q~~

Yes Sir, I did not make  
 enough out of the crops to  
 pay the hands nor Mr.  
 Wright that year

3 Q

You have said that you paid  
 Tait's bill for seeds, Hines &  
 Mansfield's bill & Jos. Wilkins  
 bill & the bill for guano for  
 F. Jones out of the proceeds  
 of the sale of the crops. &  
 now you say there were no profits,  
 did you mean to say that

you used the money ~~money~~ received by you as returns for crops ~~sold~~ in paying those bills, before deducting the expenses paid out of your own money to raise the crops.

Ans.

I did not deduct any thing out of the proceeds of the sale because the commission merchants to whom the crops were shipped retained the money to pay their bills.

4 Q

If the sales of the crops had been sent to you & the expenses of raising the crops deducted would there have been left any money to pay the bills of the commission merchants except the money from the sale of the Chatter estate? To Sir, there would have been no other money but that from sales of the Chatter estate.

Ans

And further this defendant says not

Anna, Jones

State of Virginia  
Nauvoo County } to wit

I, Peter B. Prentiss, a Commissioner in Chancery of the Circuit Court in and for said County in said State, do hereby certify that the foregoing depositions were duly taken, sworn to, and subscribed before me at the time and place mentioned therein.

Given under my hand this 2nd day of October A.D. 1883

Peter B. Prentiss.

Comm<sup>r</sup> in Chy.

David B. Jones Ex<sup>l</sup> dal  
ad & Depositor  
Fluellen Jones dal

1888. Octo: 3rd. Filed  
clk

To

Anna Jones

You are hereby notified that on the 13th day of September, 1883 at the Office of Peter B. Prentiss in the town of Suffolk between the hours of 9 a.m. and 6 p.m. we shall proceed to take the depositions of George T. Rawls, Thelma Jones & others to be read as evidence in our behalf in a certain suit in equity depending in the Circuit Court of Newsumand County wherein you are defendant and we are complainants; and if from any cause the taking of the said deposition be not commenced, or if commenced be not concluded on that day the taking thereof will be adjourned from time to time at the same place and between the same hours until the same shall be completed

George T. Rawls  
Thelma Jones  
Thos Bond &  
Lama his wife

1883 Sept. 1st. Service of the within  
notice is hereby acknowledged  
for Anna Jones, Executrix of  
David B. Jones, deceased.

Wilbur J. Kilby  
Atto. for Anna Jones

Notice —

1  
The depositions of Sarge J. Rawls,  
Thuelyn Jones, Thomas Bend and  
others taken before Peter B. Prentiss, a  
Commissioner in Chancery of the  
Circuit Court of Hantsworth  
County on the 13th day of September  
1883, to be read in evidence in a  
certain cause in chancery depend-  
ing in said Circuit Court between  
Sarge J. Rawls & other plaintiffs &  
Anna Jones executrix of Daniel B.  
Jones decd & other ~~and~~ defendants.  
Said deposition above referred  
to to be read on behalf of the  
plaintiffs in the cause.

Present

C. H. Hauser of Counsel for Pliffs  
and

1912 2 Wilbur J. Kiehl for Anna Jones Deft  
Serge J. Rawls being first asked sworn deposition & says  
~~What is your name, age, occupation~~  
and are you one of the parties to  
this suit

The Deft by her att. excepts to the  
competence of this witness -

Ans. Sarge J. Rawls, 28 yrs of age - a farmer  
and I am one of the parties to the

2<sup>nd</sup> Q. Q. 2.

Suit

Examine the paper marked "Exhibit H" and state whether or not it contains a full or true return of the personal property of the late David B. Jones

Ans  
3<sup>rd</sup> Q.

Is it or is not  
State in what particular it is not correct + add all you know about it -

Ans

The property was not all appraised and some that was appraised was run over and pretended to be - there was a clock appraised at ten cents worth in my opinion three dollars & a half - Corn was appraised at \$2<sup>25</sup>/<sub>100</sub> per bbl. and was worth at the time in the neighborhood \$3<sup>00</sup>/<sub>100</sub> per M. and only 50 Bbl were appraised when I think there were 75 or 80 bbl. - Only 3000 lbs of fodder was appraised @ 75 cts per 100 lbs. I think there ought to have been more but I did not see it - Fodder at that time was worth \$1<sup>00</sup>/<sub>100</sub> per Cwt. A lot of "old flour" was appraised at \$3<sup>00</sup>/<sub>100</sub> when one flour in the lot was worth more money - There was one Lorry not appraised -

4.2.

Cross cut saw were not appraised  
What did you estimate the chattel  
estate of David B. Jones to be worth  
at the time of his death?

~~Ans~~  
Ans

Excepted to by Deft. Counsel  
I made an estimate of it - and  
I considered it - worth \$2100 - I  
would have given \$1800 - for it - at  
the time -

5.2.

Examine the paper marked "Exhibit-5"  
and state whether or not all the items  
charged therein are proper charges  
against the estate of David B. Jones,  
and especially the amount of \$19.17  
charged as having been paid to Hines  
& Mansfield for burials

~~Ans~~  
Ans

Excepted to by Deft. Att  
In the acct is not correct and  
the charge for the burials is not  
right - The Executors received the bene-  
fit of the burials and the estate  
did not - the burials were used for  
covering back over the hot-bed - and  
was solely for her benefit

6.2.

~~State whether or not the amt of \$82.18  
is a proper charge and whether the es-  
tate received the benefit of the Seed  
fund for~~

6.2

Examine the account and state wherein it is incorrect--

The bill for \$82.18 paid to George Fair-ought not to have been charged to the estate as the profits therefrom never went to the credit of the estate

The bill for \$198.82 charged as having been paid to Joseph H. Wright for labor and supplies is not a proper charge against the estate. Mr Jones told me he did not pay for any way at that time that he had him to take care of and did so as one of the family

7 Q.

Was not the chattel estate of Daniel B. Jones sufficient to have paid off all his indebtedness under proper management--

Excepted to

Ans

It was amply sufficient

~~And~~

Exam - Examined by Sept 2<sup>nd</sup> day

14 2

You say that the clock appraised at 10 was worth \$3.50. Have you examined the clock and do you know anything about or where it came from

Ans

I know it works and keeps good time -

27 2

Is it not in fact - an old clock

which given to Mr Jones by Sol-  
dier during the war.

Ans I do not know. I know it was  
there and kept true.

3 x 2 You have said that you thought there  
were 75 or 80 bbls of corn instead  
of the 50 appraised - How do you  
know there were 75 or 80 bbls -

Ans I judge it to be that amount  
from looking at it.

4 x 2 You estimate the chattel estate  
of Mr Jones to have been worth  
\$2100. at the time of his death  
He died in February 1881, and  
his chattel est. was appraised  
in April 1881 - about two months  
afterward at \$527.50 - please ex-  
plain why the difference in  
so short a time between your  
estimate and the actual ap-  
praisement

Ans Because I did not have the man-  
agement of it, and the property was  
not appraised.

5 x 2 What was the Lorry & the Cat saw  
worth that ~~was~~ not appraised?

Ans The Lorry I never examined - the  
saw was sold - I do not know what

6 x 2 It - sold for  
 Was not the Bunlap charged in the  
 acct of the Ex - at \$19.17 in fact used  
 by you and Fdw Jones?  
 An No - it was not - Mr Jones gave me  
 20 yds of bunlap - I do not know whether  
 or it - was a part of the same, or not.  
 7 x 2 When did he give it - to you  
 An In the fall before he died -  
 8 x 2 Was not the produce raised from the  
 seed shipped to Mr Jos. Wilkin of  
 Philadelphia & sold by him and the  
 proceeds placed to the credit of Mr  
 Jones for what Mr Jones owed him  
 This question excepted to as wholly  
 irrelevant and immaterial  
 An If Mr Jones owed anything to Wilkin  
 I don't know anything about it -  
 9 x 2 And further the deponent saith not  
 George J. Haws

Thomas Bond being duly sworn  
 deposes and says -  
 1 - 2 What is your name - age, occupation  
 and are you one of the parties to this  
 suit  
 An Thomas W. Bond - 32 yrs of age - wheel-  
 right and I was one of the defendants

2. 2

to the suit

Examine the paper marked exhibit "7"  
and state whether or not it contains a  
full and true return of the personal  
property of the late Daniel B. Jones

Ans  
Ans

This witness excepted to as incompetent  
The clock I think was not appraised  
at its value - I think it was worth  
not less than \$2.<sup>00</sup> and I know  
that during Mr Jones sickness it  
was in good order - it was an  
8 day clock - I paid 15 cts a short  
time ago for a clock key - There  
was a lot of old plow - I think there  
must have been 6 or 8 of them  
appraised at \$300. and one of the  
lot was sold at the sale for \$3.<sup>00</sup>

~~There was a lot of pork that was  
not appraised - there were a  
lot of hogs in the~~

The fodder I do not think was ap-  
praised at its proper value & I think  
there were more than were appraised  
- I think there were 8000, or good 6000  
of fodder & hay and there were 4 horses  
fed from it during the year and  
there was none bought that I  
know of - I think there must have

been 75 or 80 bbl of corn judging from  
the size of the beam and the pile of  
corn in it - including all of it -  
Did the appraiser weigh the fodder  
and measure the corn when the  
same were appraised

2 Q  
3. 2

Ans They did not  
Then how did they ascertain the  
amount of each?

Ans I suppose simply by looking at the  
beam & the bush -

1. 2.

What do you believe the <sup>Chattel</sup> estate of  
D. B. Jones was worth at the time  
of his death

Ans I think it was worth \$1200 - to  
\$1800 - I mean including the  
poor law

5. 2

Examine the paper marked exhibit 9.  
and state whether, or not all the items  
charged therein are proper charges  
against the estate of Daniel B. Jones  
and if not, why not.

Ans

I do not think the charge for Burial  
is correct, because it was made for  
her own benefit and was not ap-  
praised - <sup>a part of</sup> it was used on the hot beds  
~~and then sent for burial cover~~  
I do not think bill for seed was

a proper charge against the estate became they were not appraised and were used for her benefit - one barrel of the pea-seed was planted before Mr Jones death and the cabbage seed were planted the rest of the seed were not appraised and were planted after, and the profits went to the executor.

The charge for guano was not proper as the guano was not appraised and the same was used by the Defendant much her crop and for her benefit with the exception of one bag which was used on peas.

The charge for \$197.82 for labor + supplies to Mr Wright I do not consider proper - for the reason that I heard Mr Jones say before his death one morning when he was speaking of ~~whom he~~ chose to whom he owed money. He mentioned all the people to whom he owed anything and did not mention Joe Wright - Finally his son said how much do you

one Joe. - He said I do not owe him anything - He said I do not pay Joe any wages - Some one had to take care of Joe & he took care of him and that he gave him the board and clothes and some spending money some time.

There was a lot of hogs in the pen Joe killed half of them - took them to town and sold them and the - here there is an account given of them - the other half of the hogs were killed and put in the smoke house after Mr Jones death and no account was ever given of them. Just before Mr Jones death there were some other hogs killed and put in the smoke house and no return was made of them -

There was in the house another clock that was not appraised at all - an alarm clock - Joe Wright told me it cost \$2.<sup>00</sup> There was one Lamp & matches not appraised and was worth \$4 or \$5. - There was a lot of seed Irish potatoes not appraised worth \$3 - in all - ~~Estimated~~

There were 36 barrels. There were two wheelbarrows not appraised - worth \$2<sup>50</sup> each - There were a lot of Sweet potato slips I don't know how many worth from 50¢ to 75¢ per bushel - There were a lot of Cabbage plants on the bed which were not appraised worth 27<sup>5</sup> per 100 - about 500 to the sack in the bed.

— So much of the above answer as relates to the conversation had with Mr D. B. Jones about Mr Wrights bill is excepted to by Deft Atty —

Please state whether or not Mr. Jones carried on the farm after Mr. Jones death and used the seeds, sack, burlap and Supplies of corn, fodder, pork and bacon &c in making a crop for that year - ~~and if so state~~ and what was done with the crops.

Excepted to by Deft Atty  
Yes she carried it - or with these supplies and shipped the crops for her own benefit

~~Corn & raised by Deft Atty~~  
And further this dependent said not  
H. H. Bond

H. H. Edwards being duly sworn  
deposes and says as follows

1 Q. What is your name, age, occupation and do you know the parties to this suit

Ans H. H. Edwards, 37 yrs of age, a farmer and know the parties to this suit.

~~2 Q. How much corn did you estimate Mr D. B. Jones crop at~~

2 Q. Please state how much you would estimate Mr D. B. Jones corn crop at ~~where~~ he died

Except to

Ans I never looked in the crib. I saw it some time during his sickness but do not know how much.

3 Q. Do you think there was more than 50 bbl

Ans I do - I think there was 70 or 75 bbl as the crib was a large one and nearly full.

And further the deponent says not  
H. H. Edwards

Mrs Mary Edwards being duly sworn  
deposes and says as follows

1 Q. What is your name, your age and where do you reside & do

Q. you know the parties to this suit  
 Mary Edwards - fifty years reside  
 in Haverhill County & I know  
 the parties to this suit.

2 Q. Did you ever hear Mr S. B. Jones say  
 whether or not he owed Mr Joe  
 Wright anything during his last  
 illness?

Ans I heard him say that he did not  
 owe him a dollar - that he did  
 not pay him any wages - that he  
 was diseased and he gave him  
 his medical & clothe and a  
 little spending money -

3 Q. How long was this before his  
 death

He was on his death bed - this  
 was only a few days before his  
 death -

2 Question & answer excepted to  
 by depts attorney -

4 Q. Do you, or do you not know whether  
~~or not~~ all the chattel estate was  
 appraised -

Ans Mr Armer one of the appraiser -  
 came to my house and read  
 over the list - I said Mr Armer  
 all the articles are not appraised

There was a lounge not appraised  
and there were many articles not  
mentioned

1x2 X-examined by Depts. Atty  
Who was present when Mr Jones  
told you that he did not owe Mr.  
Joe Wright anything, and here did  
he come to refer to the matter  
An. Huellyn his son, was present,  
and brother said "I do not owe  
him a dollar"

2x2 Did Mr Asner explain to you  
that the articles not appraised  
were such as were covered by the  
poor-law or were exempt?

3x2 An. He did not say anything about it.  
Please state if you can what  
was not appraised?

An. 1 Lounge was not appraised and  
other things I can't recollect  
and further the Deponent said not

Morrey Edwards

State of Virginia - County of Hanover, to wit:  
I, Peter B. Prentiss, a Commissioner in Chancery of the Circuit  
Court in and for the County aforesaid, in said State, do

1  
Hereby certify that the foregoing depositions were duly taken,  
sworn to and subscribed before me at the time and place  
mentioned therein.

Given under my hand this 13th day of September, 1883.

Peter B. Prentiss.

Comm: in Chy

Shnelly in Jones dal:

to { Descriptions

David B. Jones Esq. dal

1883. Octo: 3rd. Filed  
clerk

Fluellyn L. Jones & al.

vs.

Jones' Ex. & al.

This Cause came on this day to be again heard on the papers formerly read and on the Report of Commissioner, Robert R. Prentiss filed on the 27th. day of March 1883 and on the exceptions of the Complainants and others to said Report filed on the 13th. day of April 1883 and on the examinations of witnesses filed with said Report and on those filed on the third day of October 1883, and was argued by counsel.

On consideration whereof the Court doth over-rule said exceptions and approve and confirm said Report, and doth adjudge order and decree that the balance due Anna Jones, Executrix of David B. Jones deceased amounting to the sum of two hundred and sixty one and  $\frac{89}{100}$  dollars, as specified in said Report, be credited by her as of the 7th. day of April 1883 with the sum of one hundred and thirteen and  $\frac{69}{100}$  dollars, the latter sum

being that part of said balance for which said Anna Jones as a legatee and devisee of said David B. Jones is liable; and that the following sums of money be paid to said Anna Jones by the parties named, to wit; by Mattie E. Jones the sum of thirty-six and  $\frac{45}{100}$  dollars with legal interest thereon from the 7th day of April 1883 till paid; By David Frank Jones the sum of thirty-six and  $\frac{88}{100}$  dollars with like interest; by Chauncy D. Jones the sum of thirteen and  $\frac{97}{100}$  dollars with like interest; by Fluellyn L. Jones the sum of twenty and  $\frac{30}{100}$  dollars with like interest; by Mary F. Rawls the sum of twenty and  $\frac{30}{100}$  dollars with like interest; and by Laura F. Bond the sum of twenty and  $\frac{30}{100}$  dollars with like interest, - the amounts so decreed to be paid to said Anna Jones being the respective parts of said sum of two hundred and sixty-one and  $\frac{89}{100}$  dollars for which said Mattie E. Jones, David Frank Jones, Chauncy D. Jones, Fluellyn L. Jones, Mary F. Rawls and

Laura F. Bond as legatees and devisees of said Daniel B. Jones are respectively liable.

And the Court doth further adjudge order and decree ~~that~~ with the consent of parties that the costs of this suit be paid pro rata by the parties thereto, - that is to say, forty-three and  $\frac{5}{12}$  per cent thereof by Anna Jones, thirteen and  $\frac{1}{12}$  per cent by Mattie E. Jones; fourteen and  $\frac{1}{12}$  per cent by David Frank Jones; five and  $\frac{1}{3}$  per cent by Chauncy D. Jones; seven and  $\frac{3}{4}$  per cent by Phuellyn L. Jones; seven and  $\frac{3}{4}$  per cent by Mary F. Rawls; and seven and  $\frac{3}{4}$  per cent by Laura F. Bond.

Jones & al.

vs. } In Chy.

Jones & al

---

In the Circuit  
Court of Chase-  
mond County

October 10th. 1888

Entered Chy. O. B. No 2. P. 214

Decree

To be entered

C. M. Strie

We consent to this  
decree.

C. M. Strie, atty  
for F. L. Jones & Mary F.  
Randle.

Wilbur J. Kilby  
Atty. for Ex. & al.

Phuellyn Jones & al.

vs.

David B. Jones' Ex. & al.

This cause came on this day to be heard on the Bill of the Com-plainants, taken for confessed as to Thomas Bond and Laura F. his wife adult defendants on whom process had been duly executed, they still failing to appear and demur, plead and answer, and on the exhibit filed with said Bill and on the answer of Anna Jones widow ~~of~~ and executrix of David B. Jones deceased and the exhibits filed with her answer and on the answer of the infant defendant Florence C. Jones by Peter B. Prentiss her guardian ad litem, with general replications to said answers and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that the defendant, Anna Jones, executrix of David B. Jones deceased do render an account of her transactions before one of the Commissioners of this Court, who is directed to examine

state and <sup>and report</sup> settle the same, <sup>to Court</sup> regarding as prima facie correct any account <sup>of said ~~adverse~~ ~~executions~~</sup> that may have been settled under the order of, ~~and~~ a court of competent jurisdiction and returned to, and recorded by, order of such Court. and that the said Commissioner do ~~also~~ ~~st~~ ascertain and report to Court in separate accounts the value of the ~~specific~~ legacies, gifts or devises <sup>respectively</sup> under the will of said David B. Jones deceased to said Anna Jones his widow, and to his children, Mattie E. David F. Nancy D. Florence Q. and Fluellyn Jones and Mary F. the wife of George T. Rawls. and Laura F. the wife of Thomas Bond, together with any matters specially stated, deemed pertinent by ~~the~~ said Commissioner or which may be required by any of the parties to be so stated:

Notice of the time and place of taking of said accounts, when served upon the counsel for the plaintiffs and defendants in this cause, shall be sufficient.

Jones

vs.

Jones Ex. & al

Nausemud County  
Circuit Court

Octo 13<sup>th</sup> 1882

Decree

To be entered

Geo. W. Wood

We consent to this  
decree

Causey & Rawley  
attys for Defts.

Wilbur J. Kilby

Atty for defendants.

Entered - Chancery  
Order Book No. 1 - P. 388

Copied

at once.

Fluellyn Jones & al.

vs.

David B. Jones's Executrix & al.

On the motion of the defendant,  
Anna Jones & widow and Executrix  
of David B. Jones deceased, ~~leave is~~  
~~her~~ by counsel, leave is hereby given  
the said defendant to file her  
answer in this cause

Phucllyn Jones tal

vs.

David B. Jones' Ex. tal

Wauseward County  
Circuit Court

10th. April 1882

Order

To be entered

Geo. W. Jones

Entered Order Book No 1  
page 825

At a Circuit Court continued and held for Stannard  
County the 13th day of October 1882

Thelwell Jones & al.

Plaintiffs

Against E. B. Jones

Executrix & al.

Defendants.

This Cause came on this day to be heard  
on the Bill of the Complainants, Taken for Confes-  
sion to Thomas Bond and Laura F. his wife, adults  
defendants on whom process had been duly  
executed, they still failing to appear and demur,  
plead and answer, and on the exhibits filed with  
said Bill and on the Answer of Anna Jones,  
widow and executrix of David B. Jones, deceased  
and the exhibits filed with her answer, and on  
the answer of the infant defendant, Florence C.  
Jones by Peter B. Prentiss his guardian ad litem,  
with general replications to said answers and  
was argued by Counsel.

On consideration whereof the Court doth  
adjudge, order and decree, that the defendant,  
Anna Jones, executrix of David B. Jones, deceased,  
do render an account of her transactions  
before one of the Commissioners of this Court,  
who is directed to examine, state, settle and  
report the same to Court, regarding as prima  
facie correct any account of said executrix  
that may have been settled under the order of a  
Court of competent jurisdiction, and returned to  
and recorded by order of such Court, and that  
the said Commissioner do ascertain and report.

to Court in separate accounts, The value of the legacies,  
 gifts or devises respectively under the will of said  
 David B Jones, deceased, to said Anna Jones his  
 widow, and to his children, Mattie E. David F  
 Stanley, Florence C. and Muellyn Jones, and  
 Mary H the wife of George J Rawls and Laura  
 F the wife of Thomas Bond, together <sup>with</sup> any matters  
 specially stated, deemed pertinent by said Commissioner  
 or which may be required by any of the parties to  
 be so stated, Notice of the time and place of  
 taking of said accounts, when served upon the  
 counsel for the plaintiffs and defendants in  
 this cause, shall be sufficient.

A Copy:

Teste:

Peter B. Prentiss. Clerk.

Enc

Muellyn Jones Lat

to { Copy Recd Oct 13/52

David B. Jones, Ex'r Lat:

March 29th

**Commissioner's Office,**  
**SUFFOLK, NANSEMOND COUNTY, VA.**

27 February 1883

To Thelma Jones, George T. Rawls and Mary T. his wife,  
Mattie E., David T. and Nancy D. Jones, the last three  
infants, who sue by George T. Rawls their guardian  
and next friend. -

Plaintiffs,

and

Anna Jones widow and Executrix of David B. Jones  
decd., Thomas Bond and Laura T. his wife, and  
Florence O. Jones, an infant. -

Defendants.

You are hereby notified that I have fixed upon the 27<sup>th</sup> day of March  
next, to take and settle, at my office, the following accounts, to-wit:

1. An account of the transactions of Anna Jones as  
Executrix of David B. Jones decd., regarding as  
prima facie correct any account of said Executrix  
that may have been settled under the order of a  
Court of competent jurisdiction and returned to  
and recorded by order of such Court. -
2. In separate accounts the value of the legacies  
gifts or devises respectively under the will of said  
David B. Jones decd. to said Anna Jones his widow,  
and to his children Mattie E., David T., Nancy D.,  
Florence O., and Thelma Jones and Mary T. the wife  
of George T. Rawls and Laura T. the wife of Thomas  
Bond together with any matters specially stated deemed  
pertinent by himself or required by any of the parties to be so stated  
required to be taken by the decree of Nansmond Circuit Court, rendered on the  
thirteenth day of October 1883 in a suit in Chancery depending in  
said Court, in which you are parties, plaintiffs and defendants; at which time and place you  
are required to attend.

Given under my hand as Commissioner in Chancery of the said Court, the day and year  
first aforesaid.

Robt. D. Smith.

Commissioner.

We acknowledge legal and sufficient service of the  
within notice. -  
Wilbur J. Kilby, Atty.  
for Anna Jones Ex. &c.  
Officer of Court  
for Petition  
Peter B. Prentiss, grand Juror  
of Florence O. Jones

Thos. Jones & Thomas  
Carr  
Notice.  
J.B. Jones Ex. &c.  
27 March 1883.

Dr. The Estate of David B. Jones, deceased  
In Account with Anna Jones, Executrix, &c.

|             |                                                                                                                                                                                                                                                               |           |           |  |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|--|
| 1882        |                                                                                                                                                                                                                                                               |           |           |  |
| Apr. 7      | To Balance due the Executrix brought on from the last account recorded                                                                                                                                                                                        | \$ 153 29 |           |  |
|             | " One colt appraised as the property of the Testator with his chattee estate and charged to the Executrix in her former account, but since recovered of her by D. Frank Jones by a warrant and judgment in his favor, deciding that the colt belonged to him. | 35 00     |           |  |
| July 10     | " paid the costs of the above-mentioned warrant and judgment. per rect.                                                                                                                                                                                       | 14 40     |           |  |
|             | " paid Wilbur J. Kilby Atty. for defending the above-mentioned warrant.                                                                                                                                                                                       | 15 00     |           |  |
| 1883 Jan. 8 | " paid Wilbur J. Kilby, Atty. on account of services rendered the Executrix in the Chancery suit of F. L. Jones and others against her and others.                                                                                                            | 35 00     |           |  |
| 1883 Apr. 7 | " Interest on the above balance of \$153.29 for one year                                                                                                                                                                                                      | 9 20      |           |  |
|             | By Balance or amount of principal sum due this day                                                                                                                                                                                                            |           | 252 69    |  |
|             | " Amt. of interest due this day.                                                                                                                                                                                                                              |           | 9 20      |  |
| 1883        |                                                                                                                                                                                                                                                               | \$ 261 89 | \$ 261 89 |  |
| Apr. 7      | To Balance or amount of principal due the Executrix this day, brought on                                                                                                                                                                                      | \$ 252 69 |           |  |
|             | " Amount of interest due this day, to the Executrix brought on                                                                                                                                                                                                | 9 20      |           |  |
|             | Total due Executrix 7 Apr. 1883 with interest on \$252.69 part thereof from 7 Apr. 1883 till paid                                                                                                                                                             | \$ 261 89 |           |  |

Aect. of Anna Jones  
Executrix

Exhibit No 1.  
filed with deposition  
of Anna Jones. -

The depositions of Mrs Anna Jones and others taken before Robt. H. Prentiss, a Commissioner in Chancery of the Circuit Court of Waukesha County, on the 27. day of March 1883, under a decree of the said Court entered on the 13. day of October 1882 in the chancery cause of Thelma Jones and others v. D. B. Jones Executors & others, to be read as evidence before the said Commissioner, touching to certain matters of account referred to the said Commissioner for settlement by the said decree.

Present: Milton Wilby, counsel for Anna Jones  
Executrix &c -

The witness Anna Jones being first duly sworn in answer to questions deposes and says:

1. Q. What is your age, residence, and do you know the parties to this suit? Are you the Executrix of D. B. Jones dec'd?

A. I am 34 years of age. I was born on 22. April 1849, I live in Waukesha County. I know the parties to this suit and am one of the defendants and am Executrix of David B. Jones dec'd.

2 Q.

Did the Appraisement of the estate of D. B. Jones Dec'd, your testator, as returned by the Appraisers (Exhibit "F" with your Answer) include all the chattel estate of your testator both his household and kitchen furniture, corn, fodder hogs, and farming implements" as well as the "residue" of his estate given you under the will?

A.

Yes, it included all. - except such as were exempt under the poor law - these articles were not included. -

3. Q.

Is the account of your fiduciary transactions rendered before the Commission of Accounts of Sansemona County correct; and did you pay out the sums of money therein reported as paid out by you?

A.

Yes the account is in all respects correct, and the debts therein reported as paid were just debts, and were paid by me as charged. - And the receipts as therein reported were all that I have ever received as Executive. - The balance therein reported as due me is still due.

The Defendant here files a paper

marked Exhibit No. 1. as evidence in this case. -

4. Q. Examine paper marked Exhibit No. 1. and state whether that is a correct account of your transactions as Executor since the above mentioned account was returned?

A. Yes, this is a correct account, and the amounts therein named were paid out by me. - The balance \$261.89 is justly due me with interest on \$252.69 from 7 April 1883 until paid. -

5. Q. Do Mattie E. and David Frank Jones live with you now -

A. No. Nor do I expect them to live with me again.

6. Q. Have you paid them the annuity of \$30. - per year each since they left you.

A. Yes. and I shall continue to do so.

7. Q. What is the fee simple value of the land given you during your widowhood under the will of the testator, & its annual value also?

A. From \$2000- to \$2500. I think. It is rented for \$250.-

8. Q. For what price did you sell your  $\frac{1}{2}$  half interest in the Sloop, Skiff and lighter?

Ans. As near as I recollect it was \$195.-

9. Q. Has anything come into your hands as Executrix from the policy of insurance on the life of D.B. Jones Decd. from the Piedmont & Arlington Life Ins. Co. and if not is there any prospect of your receiving anything?

Ans. Nothing has been received, and I do not expect receive anything. The company is said to be insolvent.-

10. Q. What became of the money from the policy on D.B. Jones' life in the Masonic Relief Association of Norfolk?

Ans. I reckon that Frank & Nancy got it.- It was paid to Geo. T. Rawls as their guardian ~~by~~ under the terms of the policy.-

11. Q. State if you know the ages of Mattie E. Nance.

and David Frank Jones?

Ans. Mattie E. was born 31. Jan'y. 1863 - Nancy A. was born October 16. 1865 - and David Frank Jones was born May 1. 1869.

12. Q. When did Florence O. Jones die, and what was her age?

Ans. She died the 14. ~~October~~ <sup>November</sup> 1881 aged 16 months.

13. Q. What was the value of the coat recovered of you by David Frank Jones?

Ans. It was appraised at \$35.

14. Q. What is the value of the "Free School land"?

Ans. It would I suppose sell for \$1000. - or \$1500. - It rents for about \$140. I think.

15. Q. What is the value of the watch given to David Frank Jones?

Ans. About \$15. - I reckon.

Further this Dependent saith not.  
Anna Jones

James C. Bidgood another witness being first duly sworn in answer to questions deposes and says:

1. Q. What is your age, residence, occupation and do you know the parties to this suit?

Ans. I am 47 years old. I live in Nauset, I am a farmer, and I know the parties to this suit.

2. Q. Are you familiar with the parcel of land given by D. B. Jones under his will to his widow, if so, state its fee simple and annual value?

Ans. I know the location I used to own one piece of it. I know the land pretty well, have known it for thirty years. I live on an adjoining farm. I think <sup>it</sup> worth \$2500. - I know what it rents for now, but that should not bias my judgment, I think it ought to rent for about \$200. -

3. Q. Are you familiar with the parcel of land given by D. B. Jones under his will to Abuellyn Jones, Mary T. Rawls and Laura Bond, if so, state its fee simple and annual value?

1  
Ans. I think I know it - I have known it for 30 years more or less - If there be 50 acres of it I should think it was worth \$1000. - Its annual value I should say was \$100. -

Further this Dependent saith not. -

J C Bidgood

J. M. Arthur being first duly sworn in answer to questions deposes and says:

1. Q. What is your age, residence, occupation and do you know the parties to this suit? -

Ans. - I am 40 years old I live in the lower Parish of Stansford County, I am a farmer, and I know the parties to this suit. -

2. Q. Are you familiar with the land given to Anna Jones by the will of D. B. Jones decd.; if so, state its annual and fee simple value? -

Ans. Yes sir I am familiar with it - I live about 3 miles from it and have known it all my life. - I should think it was worth from \$2200. - to \$2300. - About \$175 - is its annual value though it rents this year for \$250. -

3. Q.

Are you familiar with the land given to Thelma Jones, Mary F. Rawls and Laura F. Bond by the will of D.B. Jones decd.; if so, state its fee simple and annual value?

Ans.

I am familiar with it I have known it all my life. - About \$1000. - I would think is its fee simple value - Its annual value about \$100. - -

4. Q.

Were you one of the appraisers of the estate of D.B. Jones decd. and did the appraisement returned ~~contain~~ embrace all the chattel estate of D.B. Jones, and was the valuation then fixed fair?

Ans.

I was one of the appraisers. - So far as I know everything was appraised except the articles exempt under the poor law. I believe everything was appraised and at a fair valuation. -

Further this deponent saith not. -  
F. M. Arthur.

John H. Luns, being first duly sworn in answer to questions deposes and says:

1. Q. What is your age, residence, occupation, and Do you know the parties to this suit?

Ans. I am 61 years old, reside in Ansemond, I am a farmer, and I know the parties to this suit. -

2. Q. Are you familiar with the land given to Mrs Anna Jones by the will of D. B. Jones Decd; if so, state its fee simple and annual value?

Ans. I am familiar with it - have known it all my life. - I estimate its fee simple value at \$2500. - and it is now rented for \$250. I think that a high rent. - About \$200. I would otherwise consider fair. -

3. Q. Are you familiar with the land given to Thelwyn Jones, Mary T. Raults and Laura F. Bond by the will of D. B. Jones Decd; if so, state its fee simple and annual value?

Ans. Yes. I am familiar with it, I have known it all my life. -  
I have thought that it was worth some \$1250. - & I think that \$125. would be a full rent for the whole of it. -

4 Q.

Were you one of the appraisers of the estate of D.B. Jones decd., and did the appraisement returned embrace all the chattel estate of D.B. Jones, and was the valuation then fixed fair?

Ans. I was one of the appraisers. - To the best of my knowledge and belief it ~~contain~~ embraced all the property (except the poor-law property) and the valuation was fair - I thought so then, and I think so now. -

Further this Depoent saith not. -  
Jno W. Arnes

State of Virginia

County of Hansemond, to wit:

I, Robt. Prentis, a Commissioner in Chancery of the Circuit Court of Hansemond County do certify that the foregoing depositions were taken, sworn to and subscribed before at the time and place mentioned in the caption hereto. -

Given under my hand this 27 day of March 1883.

Robt. Prentis.

Commissioner in Chancery

D<sup>r</sup> The Estate of David B. Jones deceased.

In account with Anna Jones Executrix

P.

1881 Mar 14

To Executrix qualified.

April 7

By Cash for the chattel estate of the testator not specifically or generally bequeathed by his will constituting the residue of his estate bequeathed to his widow Anna, as his residuary legatee and converted by the Executrix at its appraised value as per appraisement, into money for payment of the Testator's debts, to wit:

271 25

" Cash for the chattel estate of the testator constituting all the household and kitchen furniture, corn, fodder, hogs and farming implements bequeathed by his will, as a general legacy to his widow Anna, so long as she may remain his widow and afterwards to his children, Mattie E. David F. Nancy D. and Morrice O. Jones, in equal shares, the same having to abate being necessary for payment of the testator's debts and having been converted by the Executrix into money at their appraised value as per appraisement, to wit:

256 25

" Cash had by the testator at the time of his death in the Bank of Portsmouth Va.

77 33

23 To paid Wm D. Rogers asc for labor per acct

9

" " Portsmouth Times newspaper for subscrip-  
tion of testator to same per acct.

2

" " Archer Wilkins for labor " "

95

" " John H. Gayle for services

1 15

" " John H. Ames, F. M. Arthur and H. J. Arthur  
appraisers each \$1.00 per acct

3

Carried on

16 10

604 83

|          |          |                                                                                                       |                      |            |          |
|----------|----------|-------------------------------------------------------------------------------------------------------|----------------------|------------|----------|
| 158      | April 23 | Brought on                                                                                            |                      | \$ 16 10 6 | 60483    |
|          | May 5    | To paid Simon Bryant JP for swearing<br>the appraisers                                                | per rect             | 1 50       |          |
|          | 22       | " " Armstrong Denson grocery bill                                                                     |                      | 1 23       |          |
| July 1   | " "      | Riddick Richardson store accounts                                                                     | "                    | 7 65       |          |
|          | " "      | Scott & Hemming for coffin                                                                            | "                    | 40         |          |
|          | 2        | " " J. R. Trammell bill for lumber                                                                    | "                    | 90         |          |
|          | 5        | " " Nines & Mansfield bill for barrels                                                                | "                    | 19 17      |          |
|          | 8        | " " George Tait bill for seeds                                                                        | "                    | 82 18      |          |
|          | 9        | " " David E. Williams bill for liquors used<br>by testator as medicine in last sickness               | per rect             | 7 65       |          |
|          | "        | Tait & Co store account                                                                               |                      | 5 10       |          |
|          | "        | T E Notman bill for groceries                                                                         | "                    | 12 81      |          |
|          | 11       | " " Joseph Mallons for 25 hot bed sash at \$2.50<br>each = \$62.50 and \$2.18 interest on<br>the bill | per bill and receipt | 64 68      |          |
|          | "        | " " Costs of warrants to recover the above<br>sash of J. Jones who had them in<br>possession          | per rect             | 2          |          |
|          |          | By Cash for the above named sash                                                                      |                      |            | 50       |
|          | "        | " " 455 lbs pork @ 7 1/4 c                                                                            |                      |            | 33       |
|          | "        | " " John Codd for three hogs                                                                          |                      |            | 15       |
|          | "        | " " T. L. Jones for six bbls of seed<br>potatoes                                                      |                      |            | 18       |
|          | "        | " " Same being balance due on<br>settlement                                                           |                      |            | 3 50     |
|          | 14       | To paid A. D. Brown store bill                                                                        | per rect             | 26 91      |          |
| Aug 12   | " "      | " " Trustees Yeates Free Schools bill for a<br>small school house                                     | per rect             | 10         |          |
| Sept. 12 | " "      | " " Richard Copeland, bill for labor                                                                  | "                    | 8          |          |
|          | 20       | " " Napier L. Bottinger for ditto                                                                     | "                    | 1 85       |          |
| Octo 20  | " "      | " " Geo. Mettew for digging grave                                                                     | "                    | 1 50       |          |
| Nov. 13  | " "      | " " Thos. S. Clau for subscription of testator<br>to the "Suffolk Herald" newspaper                   | per rect             | 5 50       |          |
|          | 14       | " " Dr. J. Wright, medical bill                                                                       | "                    | 5          |          |
|          | "        | " " State & County taxes for the year 1880                                                            | "                    | 25 16      |          |
|          |          | Carried on                                                                                            |                      | \$344.89   | \$724.33 |

|           |    |                                                                                                                                                                            |           |           |           |
|-----------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|
| 1881 Nov. | 14 | Brought on                                                                                                                                                                 |           | \$ 344 89 | \$ 724 33 |
|           | 23 | To paid Rosa M. Jones bill for tuition of testator's daughter Nancy D.                                                                                                     | Dr. recd. | 10        |           |
|           |    | Taxes for the year 1881                                                                                                                                                    | "         | 18 75     |           |
| Dec.      | 9  | " " M. A. Brinkley bill for potatoes                                                                                                                                       | "         | 3         |           |
| 1882 Mar. | 13 | By Cash of J. L. Jones being amount charged to him in the testator's will as rent.                                                                                         |           |           | 100       |
|           |    | To paid William Gilby Attorney for professional services rendered the Executor per recd.                                                                                   |           | 50        |           |
|           | 24 | " " Dr. Wm. E. Kemple medical bill for professional visits to, and medicine for the testator during his last sickness                                                      | per recd. | 284       |           |
|           |    | By Cash of Dr. Wm. E. Kemple in full of freight bill                                                                                                                       |           |           | 9 50      |
| April     | 6  | To paid Joseph H. Wright bill for labor and supplies furnished farm hands of Testator                                                                                      | per recd. | 197 82    |           |
|           |    | " " for 5 bags of guano @ \$5.60 per bag returned to J. L. Jones for a like number of bags borrowed of him and used by the testator in his lifetime to be returned in kind | per recd. | 28        |           |
|           |    | By Cash of John W. Ames Jr. being money borrowed by him of the testator                                                                                                    |           |           | 13 80     |
|           |    | To paid John W. Ames Jr. bill for potato sprouts and 2 hot-bed sash                                                                                                        | per recd. | 5         |           |
|           |    | By Cash of George Stewes Constable, collected of a negro for apples sold to him                                                                                            |           |           | 150       |
|           |    | To amount retained for payment of fees due Clerk of Court and tax on qualification, copies of will and for recording inventory and appraisement and so forth               |           | 10        |           |
|           |    | Carried on                                                                                                                                                                 |           | \$ 951 46 | \$ 849 13 |

|              |                                                                        |           |           |
|--------------|------------------------------------------------------------------------|-----------|-----------|
| 1882 April 6 | Brought on                                                             | \$951 46  | \$849 13  |
|              | To 5 per cent commissions on \$849. <sup>13</sup>                      | 42 46     |           |
|              | " fee for Commr of accounts for audit of<br>ex parte account retained. | 5-        |           |
|              | " fee for Clerk of Court for recording<br>ex parte accounts retained.  | 3 50      |           |
| 7            | By balance due the Executrix this day                                  |           | 153 29    |
|              |                                                                        | \$1002 42 | \$1002 42 |

|              |                                                                                                                                                                    |          |          |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| 1882 April 7 | To balance due the Executrix this day                                                                                                                              | 153 29   |          |
|              | " one colt appraised as the property of<br>the testator & charged to the Executrix in<br>above account, but since legally recover-<br>ed of her by D. Frank Jones. | 35-      |          |
| July 10      | " paid costs of the suit with reference to<br>the said colt.                                                                                                       | 14 40    |          |
|              | " said Milburn Wilby Atty. for defending<br>the said suit.                                                                                                         | 15-      |          |
| 1883 Jan'y 8 | " paid Milburn Wilby Atty. on account of<br>services rendered the Executrix in the<br>chancery suit of J. L. Jones & others v.<br>Jones Ex <sup>r</sup> & others.  | 35-      |          |
| April 7      | " interest on the above balance of \$153. <sup>29</sup><br>for one year                                                                                            | 9 20     |          |
|              | " By balance due Executrix this day.                                                                                                                               |          | 261 89   |
| 1883 April 7 | To balance due Executrix per contra<br>of which sum \$252. <sup>69</sup> is principal.                                                                             | \$261 89 | \$261 89 |

The value of the respective legacies and devises under the will of David J. Jones deceased.

1. The residuum of the estate as well as the general legacy of personal property to the widow Anna Jones have both been consumed in the payments of the testator's debts.
2. The following specific legacies and devises ought to contribute ratably to pay the outstanding indebtedness of the testator's estate:

Mrs Anna Jones.

Value of  $\frac{1}{2}$  interest in a Sloop, stuff and lighter bequeathed to her. 195

Value of life estate in "Home place"

Annual value 200.

Less annuities due Mathie E. Jones 60

Annual value to Anna Jones. \$140.

Mrs. Jones is 34 years old. The present value of \$1. according to the Statute (Acts 1877-78 p. 246) is

\$12.675 = Multiply \$12.675 by \$140. - and

we have the present value of Mrs. Jones' life estate = 1774.50

Total present value \$1969.50

Mathie E. Jones:

Value of remainder in the "Home Place"

$\frac{2}{3}$  interest subject to life estate of Anna Jones - i.e. the Home Place is worth \$2500. -

Mrs. Jones life estate " " 1774.50

Balance 725.50

One third of this balance is = 241.83

Value of annuity of \$30. - to be paid to Mathie E. Jones during Anna Jones' life

Multiply \$30. - by \$12.675, the present value according to the Statute (See

Acts 1877-78 p. 246) =

380.25

Total present value

622.08

Amount carried forward

2591.58

Amount brought forward

2591.58

David Frank Jones.

Value of remainder in the "Home Place",  $\frac{1}{3}$   
subject to the life estate of Anna Jones -  
i. e. the Home Place is worth 2500.-

Mrs. Jones life estate " 1774.50

Balance " 725.50

One third of this balance " = 241.83

Value of annuity of \$30 to be paid to David  
Frank Jones during the life of Anna Jones

Multiply \$30. by  $\frac{1}{12}$  6.75 the present value  
of \$1, according to the statute (See Acts of  
1877-78 p. 246) =

380.25

Value of silver watch bequeathed to D. F. Jones 15

Total present value -

637.08

Nancy D. Jones:

Value of remainder in the "Home Place"  
 $\frac{1}{3}$ , subject to the life estate of Anna Jones -  
i. e. the Home Place is worth 2500.-

Mrs. Jones life estate " 1774.50

Balance " 725.50

One third of this balance " 241.83

Total present value

241.83

Muellyen L. Jones.

Value of  $\frac{1}{3}$  interest in the Groves Tree  
School land say  $\frac{1}{3}$  of \$1050. -

350

Mary F. Rawls:

Value of  $\frac{1}{3}$  interest in same land -

350

Laura F. Bond:

Value of  $\frac{1}{3}$  interest in same land -

350

Grand total value legacies & devises. =

\$4520.49

At the request of the counsel of Anna Jones the Executrix, the Commissioner makes the following statement showing the percentage of the outstanding indebtedness which each legatee and devisee ought to bear:

|                       |                           |                  |
|-----------------------|---------------------------|------------------|
| Anna Jones should pay | $43\frac{5}{12}$ per cent | $43\frac{5}{12}$ |
| Mattie E. Jones       | $13\frac{1}{12}$ "        | $13\frac{1}{12}$ |
| Daria Frank Jones     | $14\frac{1}{12}$ "        | $14\frac{1}{12}$ |
| Nancy D. Jones        | $5\frac{1}{3}$ "          | $05\frac{1}{3}$  |
| Thelwyn L. Jones      | $7\frac{3}{4}$ "          | $07\frac{3}{4}$  |
| Mary J. Howls         | $7\frac{3}{4}$ "          | $07\frac{3}{4}$  |
| Laura J. Bond         | $7\frac{3}{4}$ "          | $07\frac{3}{4}$  |
| Totals                | 100 ofc                   | 100              |

Commissioner's Office  
Suffolk Va. 27<sup>th</sup> March 1883.

To the Circuit Court of  
Hansemond County:

Pursuant to a decree of the Circuit Court of Hansemond County pronounced in the chancery cause of Thelwyn Jones others against David B. Jones Executrix others, on the 13. day of October 1882 (a copy of which is hereto annexed) the undersigned one of the Commissioners of the said Court proceeded to make the enquiries and take the accounts required by the said Decree.

On the 27. day of February 1883 your Commissioner issued the notice required by law, fixing upon this day as the time and his office in Suffolk as the place for proceeding to execute the said Decree. - Legal and sufficient service of the said notice was duly acknowledged by the counsel for the plaintiffs and defendants in the cause. - The said notice and acknowledgments in writing are herewith returned.

In order to arrive at the proper conclusions your Commissioner at the instance of Anna Jones Executrix &c, examined the following witnesses, viz. Anna Jones, James C. Biagood, Frank M.

Arthur and John H. Ames. Their depositions are herewith returned as part of this report.

On the preceding pages will be found the results of your Commissioners inquiries.

Account I. shows the transactions of Anna Jones Executrix of David D. Jones decd., and that there is a balance of \$261.89 as of 7. April 1883 due the Executrix. Of this sum \$252.<sup>69</sup> is principal.

Account II. shows the present value of the specific legacies and devises, which ought to contribute pro rata to the payment of the outstanding indebtedness of the estate. The will of David D. Jones devises the "Home Farm" to his widow during life or until she marries again. Your Commissioner has taken no notice of the latter contingency, but has made the calculation as though Anna Jones owned an absolute life estate in the said land. He has entirely ignored the possibility that she may marry again, which event would terminate her estate in the "Home Farm".

Account III. shows the percentage which each legatee and devisee ought to contribute towards the payment of the outstanding debts and unpaid costs of this suit.

Respectfully submitted,

Robt. C. Prentiss Commissioner

Fee \$20.<sup>x</sup>

Thos. M. Jones Jr.

Commiss.  
Reports

dated 27. Mar. 1883.

D. D. Jones Ex. & V.

F. L. Jones & al.

vs. } In. Chy.

Jones' Executrix & al.

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Loomis' Report

27 March 1883

1883 March 27th Filed  
C.R.

CHANCERY SUMMONS.

**The Commonwealth of Virginia,**

TO THE SHERIFF OF NANSEMOND COUNTY GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Amy Jones widow and*  
*Executing of David B. Jones late of this County deceased*  
*Thomas Bond and Laura H. his wife, and Florence O.*  
*Jones are infant.*

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 *Aluelum Jones, George L. Rawls*  
*and Mary H. his wife, Nell Jones, Mattie E. David*  
*H. and Nancy D. Jones, the last three infants,*  
*who sue by George L. Rawls their guardian*  
*and next friend*

and have then and there this Summons. Witness, PETER B. PRENTIS, Clerk of our said  
Court, at his office, this *31st* day of *January* 1882, in the *106th*  
year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.

Executed and a Copy hereof delivered to Anna Jones  
Widow and Executrix of David B Jones late of this County,  
deceased and Thomas Bond and Laura & his wife, each

F H Raulb Dy for  
J L Sulpham Shiff

R. H. Raulb to H. Causer, Jr.

Steuellia Jones Adm:

to { Steuella Jones

Anna Jones, widow of D. B.  
of David B. Jones, dec'd &  
ad.

to Steuella Jones, 1881

Pro: B. No: 1. large  
Cuj: Co:

# The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY--Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *F. M. Arthur, W. J. Arthur and J. H. Ames*

*at the office of Wilbur J. Kilby in the Town of Suffolk, Va,*  
to appear ~~before the Judge of the~~ *Court of Nansmond County*, at the  
~~Court House of said County~~, on the *2nd* day of *October* next, to  
testify and the truth to say on behalf of *Anna Jones &c*

in a certain matter of controversy in our said Court, depending and undetermined between

*Phyllis Jones et al*

Plaintiffs,

and *said Anna Jones &c*

Defendants.

And this the witness ~~we~~ shall in no wise omit, under the penalty of \$100 each. And have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *28th* day  
of *September*, 1883, in the 108th year of the Commonwealth.

*Peter B. Prentis*

CLERK.

Ann James dau

ads { sta:

Threllyn James dau

To 2nd day of October  
1883 at Walbur J. Kelly  
Officer, in Suffolk Va.

Virginia:

At Rules in The Clerk's Office of the Circuit  
Court of Nauseland County, on Monday,  
the 6th day of February, 1882.

Thewellyn Jones, George J. Rawls and Mary  
J. his wife, nee Jones; Mattie E. David J.  
and Nancy D. Jones: The last three infants,  
who sue by George J. Rawls, their guardian and  
next friend. . . . . Complainants

against { In Chancery

Anna Jones, widow and Executrix of David  
B. Jones, late of this County, deceased; Minnie  
Bond and Laura J. his wife, and Florence  
O. Jones, an infant. . . . . Defendants.

On the motion of the Complainants, by Counsel, Peter B.  
Prentiss is appointed guardian ad litem, to defend the  
infant Defendant, in this suit; and it is ordered, that the  
said guardian be notified of his appointment, by serving  
upon him, a copy of this order.

Teste

Peter B. Prentiss, Clerk.

1882 Feb. 6th: I hereby acknowledge service of the foregoing  
order, and that I have received a copy thereof.

Peter B. Prentiss,  
Gdn: ad litem

Jones Hal

~~4~~  
25

David B. Jones, widow  
L. E. Hal

Order apptg q. d. i. a. s.  
t. e. m.  
~~~~~

5-6

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1891

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