

1913-001

Nonsemond Co (Suffolk)

Chancery Causes: J.B. Jones vs Julia (Parker) Allen et al

Edwards, Holland, Willis, Smith, Ricks, Wooden, Artis, Gray, Tucker, Wilson, Hurt, Tynes,
Godwin, Parker, Bolden, Moore, Bunting

23, 84

49, 166

52, 233

1

71. 332

18 April 1912

Jos. B. Jones to W. H. Jones Jr. Trustee
\$157. note even date, payable 60 days
after date, to S. E. Everett, at Farmers Bk. &
homestead waived.

3253^a,

In receipt by short

|||||
|||||

$$\begin{array}{r} 2 \overline{) 36} \\ 6 \end{array}$$

$$\begin{array}{r} 18 \\ 12 \frac{1}{2} \\ \hline 36 \\ 18 \\ \hline 54 \end{array}$$

$$\begin{array}{r} 12 \overline{) 15} \\ 24 \\ \hline 32 \\ \hline 34 \end{array}$$

CIRCUIT COURT

Second Monday in January, March, May
July and October

HON. JAMES L. McLEMORE, Judge
GEO. E. BUNTING, Clerk
J. U. BURGESS, Commonwealth's Attorney
ALEX. H. BAKER, Sheriff
C. R. FULGHAM, County Treasurer
LEE BRITT, Commissioner of Accounts

Nansemond County Clerk's Office

SUFFOLK, VA..

J. B. Jones
vs

Deft.

Julia (Parker) Allen & als.

Defts

1912

Sept. 12, Sum. issued - returnable to Sept. Rules, Third Monday
" 16 Sum. returned & executed. Bill filed.
and decree nisi

Oct. 7, Bill taken for confessed
Set for hearing,
(Docket of new cause)

Rules Notes

1. The first rule is that the student must be prepared to receive the teacher's instruction. The second rule is that the student must be prepared to receive the teacher's instruction. The third rule is that the student must be prepared to receive the teacher's instruction.

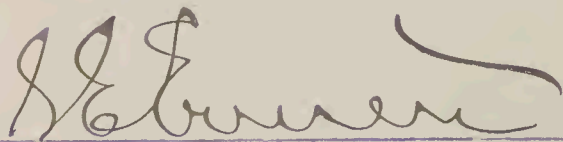
TO GEORGE E. BUNTING, CLERK OF THE CIRCUIT COURT OF
THE COUNTY OF NANSEMOND, VIRGINIA.

J. B. Jones.....Complainant.

vs. In Chancery.

Julia (Parker) Allen, Isham Allen, Ella
Edwards, Charlie Holland, Wertelia Hol-
land, Mollie Holland, Annie Willis, Eliza-
beth Smith, Marsarah Ricks, Virginia Wooden,
Charles Artis, Lloyd P. Artis, Josephine Gray,
Emily Wilson, Nat Lee Artis, Harvey Artis,
Elliott Artis and Louise Artis, the last
three named being infants under the age of
twenty-one years.....Defendants.

Issue summons to Second (Third Monday) Rules in Sep-
tember, 1912.



Counsel.

Memorandum

CHANCERY SUMMONS

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Julia (Parker) Allen, Isham Allen, Ella
Edwards, Charlie Holland, Wertelia Holland, Mollie Holland, Annie Willis,
Elizabeth Smith, Marssarah Ricks, Virginia Wooden, Charles Artis, Lloyd P.
Artis, Josephine Gray, Emily Wilson, Nat Lee Artis, Harvey Artis, Elliott
Artis and Louise Artis, the last three named being infants under the age of
twenty-one years

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 Third Monday in September, 1912, to answer a
Bill in Chancery, exhibited against them
in the said Court by J. B. Jones

and have then and there this summons.

WITNESS, G. E. BUNTING, Clerk of our said Court, at his office, this 12th day of
September, 1912, in the 137th year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

G. E. Bunting

CLERK.

BY

S. J. Parker

D. C.

Executed this the 13th day of Sept 1912, by delivering a true copy of the within process, to Julia (Parker) Allen, Isham Allen, Ella Edwards, Elizabeth Smith, Marssarah Licks, Charles Arlis, Josephine Gray, Emily Wilson in person. Floyd P. Arlis, Harry Arlis and Louise Arlis, being infants, I delivered a true copy of the within process, for each to their father Charles Arlis a male member of his family, and Elliott Arlis not being found at his usual place of abode, I delivered a true copy of the within process for him, to his father Charles Arlis a male member of his family, explaining their purport to him. Charles Holland, Vertelia Holland, Mallie Holland, Annie Wells not being found at their usual place of abode, I delivered a true copy of the within process to Ella Edwards a female member of his family whom I found thus over the age of 16 years and to whom I explained the purport of same. Virginia Warden not being found at her usual place of abode, I delivered a true copy of the within process to J. P. Lawrence a male member of the family and explained the purport of same to him. Nat Lee Arlis not being found at his usual place of abode, and finding no one there upon whom to execute service, I tacked a true copy of the within process on the front door of his dwelling house.

Attest
 A. B. Baker Sheriff
 By J. D. Berry D.C.

Original

S. E. Everett p. q.

J. P. Jones

vs. } In Chancery

Julia (Parker) Allen & als.

1912

September Rules,

Third Monday.

NANSEMOND CIRCUIT COURT.

Process Book No. 3

Page 108

[Signature]

We hereby accept
 legal and
 sufficient service
 of the within
 summons.

Vertelia Holland
 by Charles Holland
 her husband
 Charles Holland
 her husband

Witness:
 John W. Hudson

To J. E. Jones.....Complainant.

and

Julia (Parker) Allen, Isham Allen, Ella - *Shirley Ann*
Edwards, Charlie Holland, Wertelia Holland,
Mollie Holland, Annie Willis, Elizabeth Smith,
Marsarah Ricks, Virginia Wooden, Charles Artis,
Sr., Charles Artis, Lloyd P. Artis, Josephine
Gray, Emily Wilson, (Nat Lee Artis), Elliott
Artis, Louise Artis, , and Harvey Artis, } the last
named being an infant under 21 years of age, and
J. R. Saunders, Guardian ad Litem of said Harvey
Artis.....Defendants.

You are hereby notified that on the 25th. day of November, 1912,
at my office in Suffolk, Va. (at which time and place you are required
to attend), I shall take, state and settle the following accounts which
are to be taken, stated and settled and reported to court in pursuance
of the decree of the Circuit Court of Nansemond County, Va., rendered
on the 27th day of *Oct* November, 1912, in the suit in chancery pending in
said court to which you are parties plaintiff and defendant, to-wit:

(1) Whether it would be to the interest of all parties concerned
to have the property sold and the proceeds of the sale invested for the
benefit of the parties interested in said land.

(2) Or whether it would be to the interest of all parties con-
cerned to have the property sold, and the curtesy of your complainant
commuted, and the remainder of the proceeds of said sale distributed
among the heirs or parties entitled thereto in accordance with the law
in such cases made and provided.

(3) Who are the persons interested in said land.

(4) Whether there are any delinquent taxes due on said land and any
liens thereon.

(5) Any other matter deemed pertinent in this cause.

Given under my hand as Commissioner in Chancery of said Court this
8th. day of November, 1912.

Bradford Kilby

Original

Executed this the 13th day of September, 1912, by delivering a true copy of the within process to Julia (Parker) Allen, Isham Allen, Ella Edwards, Elizabeth Smith, Marsarah Ficks, Charles Artis, Josephine Gray, Emily Wilson in person, Lloyd P. Artis, Harvey Artis Louise Artis, being infants, I delivered a true copy of the within to for each to their father, Charles Artis, a male member of the family, and Eliott not being found at his usual place of abode, I delivered a true copy of the within process to his father Charles Artis, a male member of the family explaining the purport to him. Charles Holland, Wertelia Holland, Mollie Holland, Annie Willis not being found at their usual place of abode, I delivered a true copy of the within process to Ella Edwards a female member of the family whom I found there over the age of sixteen years and to whom I explained the purport Of the same.

Virginia Wooden not being found at her usual place of abode, I delivered a truecopy of the within process to J. P. Lawrence, a male member of the family and explained the purport of the same.

Nat Lee Artis no t being found at his usual place of abode, and finding no one there upon whom to execute service, I tacked a true copy of the within process upon the front door of the dwelling house

J. B. Jones.....Complainant.

vs.

Julia (Parker) Allen, et als.''.Defendants.

By mutual consent of the complainant and the defendants,
it is ordered that the chancery suit now pending in ~~the~~ Circuit
Court of Nansemond County, wherein J. B. Jones is complainant and
Julia (Parker) Allen and others are defendants, shall be made a
vacation cause and the same shall be submitted to the Judge of said
court for such orders and decrees therein in vacation as might be
made in term.

Everett Hutton

Attorney for the

plaintiff

J. B. Jones

Consent for va-
cation cause.

Julia (Parker) Allen, et als.

Executed this 21st day of Nov 1912, by delivering a true
copy of the within process, to Julia (Parker) Allen, whom Allen
Ella Edwards, Charlie Holland, Annie Willis, Elizabeth Smith
Marshall Hicks, Josephine Gray, Emily Wilson in person,
that the said not being found at his usual place of abode and
finding no one there upon whom to execute service, I backed
a true copy of the within process on the front door of his
dwelling house.
Elliott Arlin, Louis Arlin, Harvey Arlin, Floyd O Arlin,
Chas Arlin Sr, Chas Arlin not being found at their usual
place of abode, I delivered a true copy of the within process
to Evelyn Arlin, wife of Chas Arlin Sr, and mother of said children,
a female member of the family whom I found there over the age
of 16 years and to whom I explained the purpose of same
Virginia Woodruff, Bertie Holland not found in my County,
not being found at his usual
place of abode I delivered a true
copy of the within process to
John Woodruff a male member
of the family and explained
the purpose of the same
to him.

A. A. Baker Sheriff
B. J. Berry D.S.

J. B. Jones.....Complainant.

vs. In Chancery.

Julia (Parker) Allen, Isham Allen, Ella
Edwards, Charlie Holland, Wertelia Hol-
land, Mollie Holland, Annie Willis, Eliza-
beth Smith, Marsarah Ricks, Virginia Wooden,
Charles Artis, Sr., Charles Artis, Lloyd P.
Artis, Josephine Gray, Emily Wilson, Nat Lee
Artis, Elliott Artis, Louise Artis and Harvey
Artis, the last named being an infant under
the age of twenty-one years.....Defendants.

This cause, in which process has been duly served on all
the defendants, came on to be heard on the bill taken for con-
fessed as to the defendants, Julia (Parker) Allen, Isham Allen,
Ella Edwards, Charlie Holland, Wertelia Holland, Mollie Holland,
Annie Willis, Elizebeth Smith, Marsarah Ricks, Virginia Wooden,
Charles Artis, Lloyd P. Artis, Josephine Gray, Emily Wilson, Nat
Lee Artis, and on the answers of Charles Artis, Sr., Elliott Artis,
and Louise Artis, and the answer of the said infant defendant,
Harvey Artis, by his guardian ad litem, J. R. Saunders, duly
assigned at rules to defend the interest of said infant, and the
answer of the said J. R. Saunders, Guardian ad litem to the said
infant defendant, Harvey Artis, and the answer of the said infant,
Harvey Artis, under oath, he being over fourteen years of age, with
general replications thereto, and was argued by counsel:

On consideration whereof, the court doth adjudge, order and
decree that the papers in the cause be referred to one of the
Commissioners of this court, who is required to inquire into and

report to the court:

1.

Who are the persons interested in said land, or would be heirs of the infants if they were dead?

2.

Whether it would be to the interest of all parties concerned to have the property sold and the proceeds of the sale invested for the benefit of the parties interested in said land;

3.

Or whether it would be to the interest of all parties concerned to have the property sold, the curtesy right of your complainant ascertained, and the remainder of the proceeds of said sale distributed among the heirs or parties entitled thereto in accordance with the law in such cases made and provided.

4.

Whether there are delinquent taxes due on said land and any liens thereon; which several inquiries the said Commissioner shall make and to the court report, together with any matter deemed pertinent in this cause

J. B. Jones

vs.

Julia (Barker) Allen, et al.

Enter October 29th, 1912.

James L. Moore.

Entered in Chancery
Order Book No. 4.
Page 5-32.

Entered in Chancery Order

Book No. _____ Page _____.

To J. B. Jones

Complainant.

and

Julia(Parker) Allen, Isham Allen, Ella Edwards, Charlie Holland, Wertelia Holland, Mollie Holland, Annie Willis, Elizabeth Smith, Marsarah Ricks, Virginia Wooden, Charles Artis, Sr., Charles Artis, Lloyd P. Artis, Josephine Gray, Emily Wilson, Nat Lee Artis, Elliott Artis, Louise Artis, and Harvey Artis, the last named being an infant under 21 years of age, and J. R. Saunders, Guardian ad Litem of said Harvey Artis.

Defendants.

You are hereby notified that on the 25 day of November 1912 at my office in Suffolk, Va. (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered on the 29 day of November 1912, in the suit in chancery pending in said court to which you are parties palintiff and defendant, to-wit:

(1) Whether it would be to the interest of all parties concerned to have the property sold and the proceeds of the sale invested for the benefit of the parties interested in said land.

(2) Or whether it would be to the interest of all parties concerned to have the property sold, the curtesy of your complainant commuted, and the remainder of the proceeds of said sale distributed among the heirs or parties entitled thereto in accordance with the law in such cases made and provided.

(3) Who are the persons interested in said land.

(4) Whether there are any delinquent taxes due on said land and any liens thereon, ~~which~~

(5) Any other matter deemed pertinent in this cause.

Given under my hand as Commissioner in Chancery of said court this 8th. day of November 1912.

Bradford Kilby
Commissioner in Chancery.

A Copy
Wetelia Halland

4/21/12 Not found
in my country
C. Baker Ship
By J. J. Baker

I hereby accept
legal service of
this wahwa notice
Wetelia Halland

his
Witness: Charlie Halland
work

Witness: John H. Kullen

J. E. Jones.....Complainant

vs. In Chancery.

Julia (Parker) Allen, et als.....Defendants.

On motion of the complainant in the above styled suit, Hervey
Artis being an infant under the age of twenty one years, J. R.
Saunders, a discreet and competent attorney at law, is assigned
as guardian ad litem to the said infant to defend him in this suit.

Given under my hand this 11th. day of
September, 1912.

G. E. Saunders
Clerk.

Appointment of
Guardian ad Litem.

To J. B. Jones

Complainant.

and

Julia (Parker) Allen, Isham Allen, Ella Edwards, Charlie Holland, Bertelia Holland, Hollie Holland, Annie Willis, Elizabeth Smith, Marsarah Hicks, Virginia Wooden, Charles Artis, Sr., Charles Artis, Lloyd P. Artis, Josephine Gray, Emily Wilson, Nat Lee Artis, Elliott Artis, Louise Artis, and Harvey Artis, the last named being an infant under 21 years of age, and J. R. Saunders, Guardian ad Litem of said Harvey Artis.

Defendants.

You are hereby notified that on the 25 day of November 1912 at my office in Suffolk, Va. (at which time and place you are required to attend), I shall take, state and settle the following accounts which are to be taken, stated and settled and reported to court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered on the 29 day of ~~March~~ April 1912, in the suit in chancery pending in said court to which you are parties plaintiff and defendant, to-wit:

(1) Whether it would be to the interest of all parties concerned to have the property sold and the proceeds of the sale invested for the benefit of the parties interested in said land.

(2) Or whether it would be to the interest of all parties concerned to have the property sold, the curtesy of your complainant commuted, and the remainder of the proceeds of said sale distributed among the heirs or parties entitled thereto in accordance with the law in such cases made and provided.

(3) Who are the persons interested in said land, or would be heirs of ~~the infants, if they were dead.~~

(4) Whether there are any delinquent taxes due on said land and any liens thereon, ~~which~~

(5) Any other matter deemed pertinent in this cause.

Given under my hand as Commissioner in Chancery of said court this 8th. day of November 1912.

Bradford Kilby
Commissioner in Chancery.

Legal and Sufficient service is hereby
accepted this 9th day of Dec. 1912.

Witness:
H. E. Green

Julia (Parker) ^{her} Allen

Isaac ^{his} Allen

Ella Edwards

John Holland

John Holland

Mollie Holland

Anna Billie

Elizabeth ^{her} Smith

Margaret ^{her} King

Virginia ^{her} Lawrence

Charles Artie Dr

Charles Artie

Flora Porter

Josephine Gray

Quincy ^{her} Wilson

Nat Lee Artie (Eley)

Elliott Artie

James Artie

Harvey Artie

Witness:

John H. Sutton

Maggie ^{her} Hurk

work

WE hereby accept legal and
sufficient service of the within notice

Charlie ^{his} Halland

Witness: John H. Sutton

by Charlie ^{work} Halland

Virginia,

Circuit Court for the County of Nansemond, to-wit:

J.B. Jones

Complainant.

v.

In Chancery.

Julia Parker Allen et als.)

Defendants.

Commissioner's Office, Suffolk, Va.

November 25, 1912.

To Honorable James L. McLemore, Judge of the Circuit Court for the County of Nansemond:-

In pursuance of the decree of the Circuit Court for the County of Nansemond pronounced on the 29th. day of October 1912 in the suit in chancery pending in said court between J. B. Jones, Complainant and Julia Parker Allen et als, Defendants, the undersigned Bradford Kilby, one of the Commissioners in Chancery of said Court, respectfully reports as follows:

That on the 8th. day of November 1912, your commissioner gave notice to the parties to the said suit that he would proceed on the 25th. day of November 1912, at his office in Suffolk, Virginia, to make the several inquiries required by said decree to be made by one of the Commissioners in Chancery of said Court.

That sufficient and legal service of the said notice was duly accepted by the parties to said suit, and by Maggie Hurt who became a party by petition duly filed, as will appear by the endorsements on the notice herewith returned.

That your commissioner ^{in the presence of J. R. Saunders, Guardian ad Litem of Harry Artis,} took the depositions of Minnie Bolden, Maggie Hurt, W.C. Moore and George E. Bunting, Charles Artis and J. B. Jones, touching said inquiries, which depositions are herewith returned. ^{That the taking of said account and depositions was adjourned from day to day from Nov. 25, 1912 to Jan. 2, 1913 by your commissioner.}

That from the testimony of said witnesses and from information otherwise obtained, your commissioner reports as follows:

(1)

The persons interested in said land are Joseph B. Jones, the husband of Josephine Hurt Jones, deceased, who is entitled to curtesy, and Maggie Hurt, the illegitimate child of said Josephine

Hurt Jones, who is the sole heir of said Josephine Hurt Jones.

(2)

It would not be to the interest of said parties to have proceeds of sale of said property invested for them, because they are both adults.

(3)

It would be to the interest of the said parties to have the property sold, and the curtesy right of Joseph B. Jones, commuted, and the remainder of the proceeds of sale paid to said Maggie Hurt, because Joseph B. Jones has left the property and returned to his old home in North Carolina, and Maggie Hurt lives in Baltimore, Md. Thus, neither of the parties interested, live on the property which is for this reason, rapidly decreasing in value. It produces little or no rent and it would be to the advantage of the said parties to have their interest in said property converted into cash.

(4)

There is a deed of trust, as a lien on the interest of Joseph B. Jones in said land. Said deed was executed on April 18, 1912 by said Joseph B. Jones to W. H. Jones Jr., Trustee for S.E. Everett to secure the payment of the sum of \$157. evidenced by a note of even date, payable 60 days after date at the Farmers Bank of Nansemond, and is recorded in Deed-book No. 71, page 332, in Nansemond County Clerk's office, Va.

The taxes on the said land for the year 1912 have not been paid. They amount to the sum of \$7.54.

There is no other matter deemed pertinent by your commissioner or required to be so stated by any party in interest, except that the said Josephine Hurt Jones died seised and possessed of the said land as set forth in the bill filed in this cause.

Respectfully submitted this 2nd. day of January 1913.

Bradford Kilby

Commissioner in Chancery.

Comr's fee: \$15.

J. B. Jones.....Complainant.

vs.

Julia (Parker) Allen, et als.....Defendants.

Present, Everett & Hutton ,

Counsel for complainant.

Charles Artis, Sr., being duly sworn deposeth as follows:

Q. J. B. Jones has brought a suit to have sold his wife's property near Chuckatuck. Do you know what property she owned at her death?

A. She owned a house and lot near the public school at Chuckatuck. The lot contains about two acres and is worth, I think, about two hundred or three hundred dollars. She also owned about twenty acres of land adjoining the estate of S. Job Holland. I think this tract is worth five hundred or six hundred dollars.

Q. Has this property any annual value?

A. The farm land ought to rent for about twenty dollars. There are about eight acres of cleared land. The house and lot would rent for about twenty-five dollars a year. The repairs of buildings, fences, etc., and the taxes would cut this about half so that the whole amount would be about twenty or twenty-five dollars.

Q. Do you know the parties interested in this suit? If so, state who they are.

A. J. B. Jones is the husband of Josephine Hurt Jones and I have been told that he has a life right in the property because he had a child by her and the child soon after died. Josephine died leaving the following heirs: Julia (Parker) Allen, and Isham Allen, her husband; Ella Edwards, Charlie Holland, Wertelia Holland, Mollie Holland, and Annie Wallia, being the children of Grelia Holland, deceased, who was an aunt of Josephine Hurt Jones; Elizabeth Smith, Marsarah Ricks and Virginia Wooden, being the children of Mary Tucker, deceased, who was an aunt of the said Josephine Hurt Jones; Charles Artis, Lloyd P. Artis,

Josephine Gray, Emily Wilson, Nat Lee Artis, Elliott Artis, Louise Artis and Harvey Artis, the children of Ristendy Artis, deceased, who was an aunt of the said Josephine Hurt Jones .

Q. Would it or not be to the interest of all parties concerned to have the property sold and the proceeds of the sale invested for the parties interested or not at this time?

A. It is uncertain about the death of J. B Jones and he has it, I understand until her death and he has about given it up and moved away. He has not realized any rent and the place continues to go down . All the parties are twenty-one years of age or over except one. All of them think it best for it to be sold now and allow Jones his part and have the other sold. As it is, no one is getting anything and it is worth less every year. Now is a good time to sell it for Inunders and that the white public school is anxious for the house and lot. They are anxious to sell it and if it was not for one boy under the age of twenty one we would not come into court for everybody wants to sell it, but we have been advised because one of the parties is under age we could not give a clear deed.

Charles Artis

J. B. Jones, being duly sworn, deposeth as follows:

Q. You are the plaintiff in this suit, are you not?

A. Yes.

Q. Please state what you know about this matter.

A. I have made oath to the bill in this suit which is about all I know about it. I have been told that I have a life right because I had a child born by Josephine Hurt Jones, my wife, and the child died two years later. I think this is a good time to sell the property as the public school wants the house and lot. I moved to my old home in Woodsworth, North Carolina and could not look after the place and I have suggested to the heirs to have it sold and they have all agreed. I can't get any rent

to amount to anything and the fences, buildings etc will go down and we have all decided it would be better to have it sold and divided according to law among us all. The parties named in the bill are the only heirs she had and they are all anxious to have it sold and get what they can out of it. The heirs of my wife never knew about having any interest until I was advised and told them. They are anxious to have what is their part at once. There is only one heir under age now. This is all I can say.

Q. What is your age?

A. Thirty-eight.

J. B. Jones

STATE OF VIRGINIA,

County of Nansemond, to-wit:

I, Bradford Kilby, a Commissioner in Chancery for the Circuit Court of the County of Nansemond in the State of Virginia, do hereby certify that the foregoing depositions were duly taken, reduced to writing, and signed by the witnesses, respectively, before me, at the place and the time therein mentioned, pursuant to the annexed notice. In witness whereof I have hereunto set my hand and affixed my seal at the office of Everett & Hutton, Suffolk, in the County and State aforesaid, this 13th day of November, 1912.

Commissioner in Chancery.

J. B. Jones.....Complainant.

vs.

Julia (Parker) Allen, et als.....Defendants.

Present- Everett & Hutton,
Counsel for Complainant.

Minnie Bolden, being duly sworn, deposeth as follows:

Q. Please state your name, age and occupation.

A. My name is Minnie Bolden. I wash and iron. I am forty years old.

Q. Where do you live?

A. In Baltimore.

Q. Did you know Josephine Hurt Jones?

A. Yes. I knew her before she was a Jones.

Q. Did she have a child or not?

A. Yes. She had a child.

Q. Tell your connection with this child.

A. I was living in Rocky Mount, N. C. The child was born in my house. I was god mother. Josephine Hurt came to my house and asked if I would care for the child when it came. She had some money and I gathered from what she said that a white man in the neighborhood of Chuckatuck had sent her there. She staid a week before the child was born and a month afterwards. She said if I would move up near Chuckatuck, she would help care for the child. She said she did not want to carry the child back as it would hurt the feelings of her mother. The child was born in October, 1891. I do not remember the day now. When the child was about four years old I moved near Chuckatuck taking the child with me. Josephine visited the child often and gave her clothes, shoes, etc., and helped considerably in taking care of her.

Q. How long did you live with the child in the neighborhood of

Chuckatuck?

A. About twelve years.

Q. Did you leave the neighborhood before Josephine Hurt died?

A. Yes.

Q. Where did you go?

A. Baltimore.

Q. Have you been living there with the child ever since?

A. Yes.

Q. How old is the child now?

A. Twenty-two years old October coming.

Q. Do you know of any other child Josephine Hurt had?

A. I understood that she one child by J. B. Jones that died in infancy.

Q. Did you ever live in Virginia before you moved to Chuckatuck?

A. No.

Q. How far did you live from Chuckatuck?

A. About four miles.

Q. Did Josephine Hurt marry J. B. Jones while you were living there?

A. They married just before I moved to Baltimore.

Q. Has the child lived with you all her life up to this time?

A. Yes.

Q. What is the child's name?

A. Maggie Hurt

Q. Have you reason to believe that J. B. Jones never knew of the existence of this child.

A. I do not think he knew it. Q. Does the child resemble Josephine Hurt?

A. The very image of her.

Q. Did you know before coming here with this girl in answer to a letter from friends near Chuckatuck that Josephine Hurt owned any land?

A. No.

And further this deponent saith not.

Witness:

J. B. Hutton

Minnie ^{her} X Bolden
mark

Maggie Hurt, being duly sworn, deposeth as follows:

Q. Please state your name, age and occupation.

A. My name is Maggie Hurt. I am 22 years of age. I cook.

Q. Tell of your connection with Minnie Bolden.

A. I have lived with Minnie Bolden all my life as far back as I can remember. She has always seemed like my mother. We lived near Chuckatuck until I was about 16 or 17 years old and then we moved to Baltimore where we have lived ever since.

Have you been told that Josephine Hurt was your mother?

A. Yes. Minnie Bolden has always told me that and then Josephine Hurt often came to see me while we lived near Chuckatuck and would give me clothes, shoes, hats etc. She once brought me to Suffolk and gave me some clothes and other things. She asked me once if any body had asked me whether I was her child and I told her that several had asked me.

Q. Did she ever acknowledge you as ^{her} ~~your~~ child?

A. Yes, in the presence of some of the best people in and around Chuckatuck. She acknowledged me as her child in the presence of Mr. W. C. Moore.

Q. Have you regarded Josephine Hurt Jones as your mother ever since you can remember?

A. I have.

Q. Are you th only child living so far as you know?

A. Josephine Hurt told me I was the only child she had. I have understood she had a child by J. B. Jones which died soon after.

And further this deponent says not.

^{her}
Maggie ~~Hurt~~
Hurt

Witness: John H. Stinson

W. C. Moore, being duly sworn, deposeth as follows:

Q. Please state your name, age and occupation.

A. My name is W. C. Moore. I am a merchant and am Forty-four years of age.

Q. Where do you live?

A. I live at Chuckatuck.

Q. Do you know Josephine Hart, and if so, how long have you known her?

A. I have known her ever since I was a boy. She died about two years ago.

Q. What do you know about her children as to whether she has any?

A. She married J. B. Jones several years ago and had one child during her married life which died while still an infant. Before she was married there was a child that they call Maggie Hurt who lived with Minnie Bolden near Chuckatuck. They are as near alike as mother and child can be. Josephine told me once in the store at Chuckatuck that this girl was her child and on that occasion Josephine bought stockings and other clothes and gave to the child. It was understood among lots of people at Chuckatuck that this was her child.

And further this deponent says not.

W. C. Moore

George E. Bunting, being duly sworn, deposeth as follows:

Q. Please state your name, age and occupation.

A. My name is George E. Bunting. I am 40 years of age. I am a farmer and am clerk of the Circuit Court of Nans emond County.

Q. Where do you live?

A. On the Chuckatuck road about three miles from Suffolk.

Q. Did you know Josephine Hurt?

A. I have known her ever since I can remember.

Q. Does the girl who came with Minnie Bolden from Baltimore, who is present at the taking of these depositions, and who gives her name as Maggie Hurt favor Josephine Hurt?

A. She looks exactly like Josephine Hurt. It seems to me she favors her as much as a mother can favor her child.

Q. Did Josephine have a child while married to J. B. Hones?

A. She did. It died while an infant.

Q. Do you know anything further concerning Maggie Hurt?

A. Nothing of my own knowledge. Of course, I have ^{heard} it said for years that there was a child besides the one that died. Louis Bolden works on my place and he told me about the girl Maggie Hurt and said she lived with Minnie Bolden in Baltimore. Louis then wrote to her to find if she was there and to tell her about the suit in question. I received a letter from Minnie Bolden and replied explaining that the child was wanted here.

And further this defouent says not.

G. E. Bunting,

Joseph B. Jones

v. } In Chancery.

Julia Parker Allen et als

Report of Bradford Kilby

Commissioner in Chancery

under decree of Oct. 29,

1912.

Filed Jan. 3, 1913.

G. E. Rembert,
Clerk

Bradford Kilby

ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

2925

IN THE CIRCUIT COURT OF NANSEMOND COUNTY VIRGINIA.

J. B. Jones.....Complainant.

VS.

Julia (Parker) Allen, et als,.....Defendants.

The petition and answer of Charles Artis, Sr., to a bill of complaint exhibiting against Julia Allan and others, the said Charles Artis, Sr., says that he was not made a party to this suit and hereby prays that he be made a party to this suit and herewith answers and says that he was an original party. The said Charles Artis, Sr., says that he is the husband of Ristendy Artis who has been dead several years and that the said Charles Artis, Sr., has been advised that he has an interest in said suit by being the husband of said Ristendy Artis and the father of her said children Harvey Artis and others.

And the said respondent Charles Artis, Sr., further says that he is fully satisfied in his mind that it would be to the advantage of all parties concerned to have the property sold as mentioned in the bill and prays that the prayer on the bill may be granted, the property is now vacated no one looking after it J. B. Jones does not live on it thereby it is decreasing in value and sooner sold the better it will be. And now having fully answered this defendant prays to be hence dismissed without cost.

Charles Artis

STATE OF VIRGINIA,

County fo Nansemond, to-wit;-

Sworn to before me in my County aforesaid by Charles Artis, Sr., this the 15th day of October 1912.

McGowan N.P.

Answer of
Choi. Artin

TO THE HONORABLE JAMES L. MOLEMORE, JUDGE OF THE CIRCUIT COURT
OF THE COUNTY OF HANSEMOND, VIRGINIA.

J. B. Jones.....Complainant.

vs. In Chancery.

Julia (Parker) Allen et als.....Defendants.

Your petitioner, Maggie Hurt, prays to be made a party to
this suit and files her petition showing the following case;
The bill filed in this case states that Josephine Hurt married
J. B. Jones on the 16th day of September, 1901, and that Josephine
Hurt Jones died about two years ago leaving certain parties as
her only heirs at law, all which parties are set out in said bill.
Your petitioner states that she believes that J. B. Jones stated
in his bill what he honestly thought to be true.

Your petitioner states that she is the child of Josephine
Hurt; that she was born in Rocky Mount, North Carolina, on the
13th day of October, 1891, at the house of Minnie Smith now Minnie
Bolden. After your petitioner was five years old, Minnie Bolden
moved from Rocky Mount to Suffolk, Virginia, bringing your peti-
tioner with her, and she, together with your petitioner, fi-
nally moved near Chuckatuck where Josephine Hurt, the mother of
your petitioner, lived. Your petitioner's mother told your peti-
tioner repeatedly all about how this happened and recognized your
petitioner as her daughter and the said Josephine Hurt often
gave your petitioner clothes and kept you/petitioner with her. The
said Josephine Hurt has stated to many others that your petitioner
is her child. Your petitioner is now living in Baltimore, Maryland,
with Minnie Bolden, who took care of your petitioner from her
birth and who has come from Baltimore with your petitioner and is
ready to testify as to the birth of your petitioner.

The said Josephine Hurt married J. B. Jones in September, 1901, and your petitioner is satisfied that she never made known to the said J. B. Jones that your petitioner was her child. In fact, the said Josephine Hurt, your petitioner's mother told your petitioner never to tell it to her (Josephine Hurt's) mother. Your petitioner further states that she knew nothing of any movement for the sale of this property until some friend in the neighborhood of Chuckatuck wrote to her at Baltimore making it known to her.

This peculiar case arose from the fact that a white person in the neighborhood was the father of your petitioner and sent Josephine Hurt, your petitioner's mother, to Focky Mount, North Carolina, to give birth to the child. This was kept quiet in the neighborhood. Your petitioner further says if there were no further evidence, her similarity in features to Josephine Hurt would be sufficient. Your petitioner is satisfied that the best people around Chuckatuck would say that your petitioner is the daughter of Josephine Hurt.

These facts being true, Maggie Hurt, your petitioner, files this petition and prays to be made a party to this suit and that the land be sold as prayed for in the bill and that the curtesy right of J. B. Jones be commuted and paid to him and the remainder be paid to your petitioner, who is her only living child and sole heir at law. Your petitioner further states she has been advised, that J. B. Jones and your petitioner being over the age of twenty-one years, the said land could be sold without the intervention of the court. But your petitioner has been advised by counsel that since this peculiar case has arisen, it would be advantageous to have the land sold by order of court as it would relieve prospective purchasers of all doubt as to the title of the property in question.

Now having fully answered, your petitioner prays that your

honor may afford her such relief as the case may require or
to equity shall seem meet. And your petitioner will ever pray,
etc. *Counsel*

Everett Hutton:

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, TO-WIT:

her
Maggie + Hurt
mark
Witness: *J. Hutton*

This day personally appeared before me, the undersigned,
a Notary Public for the County aforesaid, the above named Maggie
Hurt, petitioner in the foregoing petition, and made oath that
she believes the statements therein contained are true.

Given under my hand this 15th day of Jan, 1913.

J. Hutton N.P.

Petition of
Maggie Hunt

J. B. Jones
vs. Chauncy
Julia Parker Allen
et al -

Filed Jan. 1, 1913
L. E. Pemberton
EVERETT & HUTTON
ATTORNEYS AT LAW
SUFFOLK, VA.

J. B. Jones.....Complainant.
vs. In Chancery.

Julia(Parker)Allen, et als. (Maggie Hurt).....Defendants.

This cause came on this day to be again heard on the papers formerly read, and the petition of Maggie Hurt, filed in the Clerk's Office of the Circuit Court of Nansemond County on the 1st. day of January, 1913:

On consideration whereof it appearing to the court from the report of Commissioner Bradford Kilby, with depositions attached, filed on the 3rd. day of January, 1913, that the parties interested in said proceedings are over the age of twenty-one years, and from the statement of counsel, have reached a satisfactory settlement, the court doth adjudge, order and decree that this cause be stricken from the docket.

J. B. Jones

vs.

Julia(Parker)Allen, et als.

Enter 15 day of January, 1913.

Amos L. McLemore,

Entered in Chancery Order Book,

No 4, page 550.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

J. B. Jones.....Complainant.

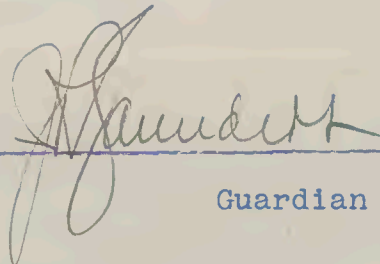
vs.

Julia(Parker)Allen et als.....Defendants.

The answer of Harvey Artis, an infant under the age of twenty one years, by J. R. Saunders, a discreet and competent attorney-at-law, his guardian-ad-litem assigned to defend him in this suit, and the answer of J. R. Saunders, guardian ad litem of the said infant defendant, to a bill of complaint exhibited against the said infant defendant and others by J. B. Jones in the Circuit Court of the County of Nansemond.

For answer to the said bill the said infant defendant by his guardian ad litem answers and says that being of tender years he does not know what his true interest is in relation to the subject matter of the above bill, nor does he know whether the statements therein contained are true or not. He confides the protection of his interest therein to the care of the court. And the said guardian ad litem of the said infant defendant for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendant. And now having fully answered, this defendant prays to be hence dismissed, with his costs, etc.

By



Guardian ad litem.

STATE OF VIRGINIA,

County of Nansemond, to-wit:

Sworn to before me in my county aforesaid by J. R. Saunders, Guardian-ad-litem, this 29th. day of October, 1912.



H. P.

Answer of
J. R. Saunders
Guardian and
Literary & Home
Artist -

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND.

J. B. Jones.....Complainant.

Vs. Answer of infant defendant over fourteen.

Julia (Parker) Allen, et als.....Defendants.

The answer, under oath, of Harvey Artis, infant under the age of twenty-one, but over the age of fourteen, to a bill of complaint exhibited against him and others by J. B. Jones, in the Circuit Court of the County of Nansemond.

For answer to the said bill this defendant says that he is sixteen, years of age; that he by reason of his tender years, knows but little of the allegations of the said bill; so far as he does know he believes the same to be true, and he sees no reason why the prayer of the bill should not be granted, and accordingly he concurs therein, but he relies upon the Court to protect his interest. And now, having fully answered, he prays to be hence dismissed, with his cost. And he will ever pray, etc.

Harvey Artis

STATE OF VIRGINIA

County of Nansemond, to-wit;-

Sworn to before me in my county aforesaid by Harvey Artis, this the 1st day of October 1912.

He [Signature] N.P.

IN THE CIRCUIT COURT OF THE COUNTY OF NANSEMOND VIRGINIA.

J. B. Jones.....Complainant.

Vs.

Julia (Parker) Allen, et als.....Defendants

The answer of Elliot Artis and Louise Artis to a bill of complaint exhibited against them and others by J. B. Jones, in the Circuit Court of Nansemond County, Virginia, the said defendants state that they are twenty-one years old and that they are familiar with the prayer of the bill and are interested in the said land mentioned in the bill by being the children of Ristendy Artis, and your respondents pray that the prayer of the bill may be granted and the land sold and their shares paid to them in money.

Louise Artis
Elliot Artis

STATE OF VIRGINIA,

County of Nansemond to-wit;-

Sworn to before me by Elliot Artis and Louise Artis
on this the 1st day of October 1912.

J. E. Denny N.P.

Answer of
Elliott and
Louis Artois

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE
CIRCUIT COURT OF THE COUNTY OF NANSEMOND, VIRGINIA.

J. B. Jones.....Complainant.

vs. In Chancery. Second September Rules.

Julia (Parker) Allen, et als.....Defendants.

Complaining, sheweth unto the Court, your complainant,
J. B. Jones, the following case: That on the 16th. day of
September, 1901, your complainant married Josephine Hurt
and about two years after said marriage your complainant had
one child born by his wife, Josephine, which said child died
about two years thereafter. In the year, 1906, your complain-
ant's wife, Josephine, died leaving the following heirs:
Julia (Parker) Allen, and Isham Allen, her husband; Ella Ed-
wards, Charlie Holland, Wertelia Holland, Mollie Holland, and
Annie Willis, being the children of Grelia Holland, deceased,
who was an aunt of Josephine Hurt Jones; Elizabeth Smith, Mar-
sarah Ricks and Virginia Wooden, being the children of Mary
Tucker, deceased, who was an aunt of the said Josephine Hurt
Jones; Charles Artis, Lloyd P. Artis, Josephine Gray, Emily Wil-
son, Est Lee Artis, *Harvey Artis, Elliott Artis, and Louisa Artis,*
(the last three named being infants under
the age of twenty-one years), being children of Ristendy Artis,
deceased, who was an aunt of the said Josephine Hurt Jones.

The said Josephine Hurt Jones died seized and possessed
of the following real estate, to-wit: all those two certain
tracts or parcels of land near Chuckatuck, Nansemond County,
Virginia, and described as follows:

FIRST, all that certain lot of land, containing two acres, more or less, situated near Chuckatuck, on the public road leading from Suffolk to the said village and bounded by the lands of M. W. Crumpler and the public school lot and being the same land conveyed to Josephine Hurt, wife of Joseph B. Jones by deed duly executed by Robert H. Tynes, Jr., executor of Robert H. Tynes, Sr., dated the 18th. day of August, 1892 and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book 26, page 60.

Second, all that certain tract of land, situated near Chuckatuck and containing twenty acres, more or less, and adjoining the lands of Samuel J. Holland and the estate of E. C. Rhamsey near the Chuckatuck Mill Pond and being the same land conveyed to Josephine Hurt by deed duly executed by C. B. Godwin and wife and dated the 11th. day of October, 1892, and recorded in the Clerk's Office of the Circuit Court of Nansemond County, in Deed Book 26, page 62.

Your complainant has a curtesy right in the above-described tracts of land and believes it would be to the interest of all parties concerned that said land^{be} sold and the proceeds of said sale re-invested for the use and benefit of your complainant subject to the rights of the heirs at law of the said Josephine Hurt Jones or the remaindermen.

And it is further stated that the circumstances are such that your complainant can not profitably live on the said land, that the said land can not at this time be advantageously rented and there are reasons indicating that this is an opportune time for such sale. Your complainant has been advised that the school board is anxious to buy a lot near Chuckatuck to enlarge its school grounds and, this being true, the present time is opportune for said sale.

Your complainant further states that he has been advised that the heirs at law are anxious to have a full settlement of the estate as soon as the land is sold; that is, to have your complainant's interest commuted and the remainder distributed in accordance with the law in such cases made and provided.

In tender consideration whereof, your complainant prays that the said Julia (Parker) Allen, Isham Allen, Ella Edwards, Charlie Holland, Wertelia Holland, Mollie Holland, Annie Willis, Elizabeth Smith, Marsarah Ricks, Virginia Wooden, Charles Artis, Lloyd P. Artis, Josephine Gray, Emily Wilson, Nat Lee Artis, Harvey Artis, Elliott Artis and Louise Artis, the last three named being infants under the age of twenty-one years, may be made parties defendant to this bill; That the said adult defendants be required to answer the same; that a guardian ad litem be assigned the infant defendants, Harvey Artis, Elliott Artis and Louise Artis, to defend their interests in this suit, and that the said guardian ad litem answer said bill; that proper process issue; that said land be sold under decree of this court and proceeds re-invested for the use and benefit of your complainant and the heirs at law or remaindermen of said Josephine Hurt Jones or that your complainant's interest be commuted and the remainder distributed in accordance with the law in such cases made and provided; that all proper orders may be made, and all proper inquiries be directed, and that all such other, farther and general relief may be afforded your complainant as the nature of his case may require or to equity shall seem meet. And your complainant will ever pray, etc.

Joseph B Jones
Complainant.

Counsel:

H. E. Everman

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, TO-WIT:

This day J. B. Jones personally appeared, before, ^{Wm.}_^ S. E. Everett, a Notary Public in and for the county and state aforesaid, and made oath that the statements made in the foregoing bill are true.

Given under my hand this 14th day of September, 1912.

W. E. Everett

N.P.

S. E. Everett

J. B. Jones
or Bill

Julia (Parker) Allen

Filed Sept. 14, 1912.

S. E. Everett
Clerk.

EVERETT & HUTTON

ATTORNEYS AT LAW

SUFFOLK, VA.

Brit Tax	150
Clark	683
Shariff	1800
Atty.	1500
Commis.	1500
	\$5583

Everett & Hutton

J. B. Jones

BS In Chemistry

Julia (Parker) Allen, 1840

Final decree entered
January 15-1912.

Received