

1858-131 SOUTHAMPTON COUNTY
CHANCERY PAPERS

JONES

VS. JONES, by N C HAN

9/1858

Jones
as 3
Jones gn

Bill, known to Jones

1858 Sept. Jones as filed 1st

To the Worlshipful County Court of Southampton
in chancery sitting

Humbly complaining your orator
Nathaniel A Jones sheweth unto your worships that
sometime in the year 1841 Nancy Jones his mother
of Southampton County departed this life having
first duly made her last will and testament which
was admitted to probate in the county court of ^{Southampton} and
a copy of which is herewith filed marked A and
prayed to be taken as a part of this bill,

Your worships will perceive that by the 8th clause
of the will the testatrix directs that when your orator
reached the age of twenty one that her plantation
or farm should have its value fairly appraised
and that your orator should enjoy or have the
whole of it upon his paying to his sister Elvira
& Jones who is still an infant the one half of its
appraised value, and if he failed to take it upon such
appraisal, then her executor was directed to sell it
and the proceeds of the sale equally divided between
him and his sister Elvira & Jones, Your Orator
states that he has reached the age of twenty one
years and has elected to take the land named
in the will at a fair and reasonable appraisement
and that three gentlemen of the neighborhood to
wit John A Pusey, Nathaniel Francis and John S
Francis having been called on to say what was
a fair valuation have made a report which is
herewith filed marked B and asked to be taken as
a part of this bill, in which they state that there
are four hundred and twenty nine (429) acres of
land in the plantation and worth three dollars
and seventy five cents (\$3.75,00) per acre amounting
to the sum of \$1408.75 etc and that he is to pay

to Elvira E Jones the sum of \$804.37 on the 25th
of December 1858, In further consideration whereof
and inasmuch as your orator is only entitled to relief
in equity he therefore prays that Elvira E Jones an
infant by some fit and proper person her guardian
ad litem appointed for that purpose may be made
a party defendant to this bill and compel her as
full and perfect answer make to the allegations
herein contained as if she had been present
more fully and specially interrogated, and that the
court could direct upon your orator's praying to
the lawful guardian of Elvira E Jones the sum of
\$804.37 etc that a deed should be made to him for
her half of the said tract of land and that the
court would grant such other and general relief
the premises considered as equity may dictate and
the nature of his case may require and as in
duty bound your orator will ever pray &c

Charles P. G.

The answer of Elvira E Jones by C. R. Edwards
her guardian ad litem to a bill in chancery by
Nathan A Jones or her

This defendant for answer to the said bill or
as much thereof as he is advised it is material for him
to answer, answering says that he submits the
interests of his ward to this court whose peculiar
duty it is to protect the rights of infants and having
fully answered prays leave to be dismissed with his costs

Shandas for
def

Jones
vs 3 Decm
Jones by vs

By consent of parties this day this
cause came on to be heard on the plaintiffs bill exhibits
therewith filed, defendants answer general replication
thereto and was argued by counsel, On consideration
whereof the court adopting the report of Sars A Person
and others as a fair apportionment and valuation of the
Tract of land devised by Nancy Jones to Nathan A
Jones and Elvira E Jones, doth adjudge order and
decree that Nathan A Jones pay on the 25th of
December 1858 to the lawful guardian of Elvira
E Jones the sum of \$804.37 etc and upon the
payment of the same Nathan A Jones who is
hereby appointed a special commissioner for that
purpose shall make a deed to the said Nathan A
Jones conveying Elvira E Jones' interest in the said
land to said Nathan A Jones, and the court doth
further adjudge, order, and decree that Nathan A Jones
and Elvira E Jones pay each one half the costs
of this suit

To The County
Court of
Southampton Va

TB

Robert H. Thomas
for the Plaintiff

Southampton County, Virginia
August 6th 1858

We the undersigned, being called on to act as assessors of the tract of land belonging to the heirs of Nancy Jones Dec^d. have agreeable to her will, examined the lands and agreed that it is worth ~~Forty~~ Three Dollars and Seventy five cent per acre, which makes it amt to Sixteen Hundred and eight Dollars and Seventy five cents there being Four Hundred and Twenty nine Acres.

The will of Nancy Jones directs the land to be valued and Nath^l. H. Jones to pay over to Elvira C. Jones one half of the whole amt if he (the said N. H. Jones) chooses to take it at valuation, which Nath^l. H. Jones has consented to do, and consequently must pay over to Elvira C. Jones the Sum of Eight Hundred and four Dollars and $\frac{37\frac{1}{2}}{100}$ on the 25th day of Dec^r. 1858, the lands being reted out for the present year, which report we beg leave to submit to the consideration of the court.

John A. Perrow
Nath^l. J. Francis
J^m. S. Francis

Nancy Jones
Mell

at 60 p



- In the name of God, Amen: I Nancy Jones of Southampton County and State of Virginia being weak in health and body but of sound mind and memory, thanks be to God for the same and knowing that we all must die do make and ordain this as and for my last Will and testament - First. I commit my soul to God who gave it and my body to the Earth -
- Item 1st It is my will wish and desire that all my debts and funeral expenses be first paid -
- Item 2nd I give to my daughter Mary A Jones one Feather bed and furniture to her and her heirs forever -
- Item 3rd I give to my daughter Virginia O Jones one bed and furniture to her and her heirs forever -
- Item 4th I give to my son Nathaniel A Jones one Filly called Bates, two cows and calves to him and his heirs forever -
- Item 5th I give to my daughter Elvira E Jones the value of a bed and furniture in money to her and her heirs forever -
- Item 6th It is my Will, Wish and desire if either of my children should die before they arrived to the age of twenty one or without lawful issue that what I give them may go to my surviving children and should they all die without lawful issue it is my wish and desire that it turn back to my next nearest relatives -
- Item 7th It is my Will, Wish and desire that my plantation whereon I now live be rented out untill my son Nathaniel A Jones arrives to the age of twenty one years for the benefit of him the s^r Nathaniel A. and Elvira E Jones for the purpose of educating them -
- Item 8th It is my will wish and desire that when my son Nathaniel A Jones arrives to the age of twenty one that my plantation be ascert and equally divided between him the s^r Nathaniel A Jones and my daughter Elvira E Jones in such way that my son Nathaniel A Jones may be in possession of the whole tract or parcel of land by paying my daughter Elvira E Jones for one half of it, and should he the said Nathaniel A Jones not feel disposed to pay her for one half. it is my wish and desire that the same be sold at public sale by my Executor hereinafter mentioned and equally divided between him the said Nathaniel A. & Elvira E Jones -
- Item 9th It is my will, wish and desire that all the remainder part of my estate which I have not disposed off be equally divided between my three daughters Mary A. Virginia O & Elvira E Jones and their heirs forever -
- Item 10th My wish and desire is that should either Nathaniel A Jones or Elvira E Jones or both die without lawful issue for my land to be divided between my surviving children -

Lastly. I constitute and appoint my friend Nathaniel Thomas Executor for this my last Will and Testament, requesting that he the same perform, revoke and annulling all former Wills heretofore by me made - In Witness whereof I have hereunto set my hand and affixed my seal this day of April one thousand eight hundred and forty nine.

Signed, Sealed, published and declared
as and for the last Will and Testament of
Nancy Jones in the presence of
Benjamin C. Waller
James X Fisher
mark.

Nancy Jones (Seal)

At a Court held for the County of Southampton on the 21st day of April 1851.

This last Will and testament of Nancy Jones de was proved by the oath of Benjamin Waller and James Fisher the subscribing witnesses thereto and ordered to be recorded. And on the motion of Nathan N Thomas the Executor therein named, who made oath and gave bond and security according to law certificate is granted him for obtaining a probate of the said Will in due form

Teste

L R Edwards Clk

Attest

Teste

L R Edwards Clk