

1870-001

NANSEMOND COUNTY
(SUFFOLK)

ADMX. OF HENRY MURPHY ETC. VS J. T. PRUDEN ETC.

1870

CHANCERY CAUSES

SURNAMES: DASHIELL, TYNES, BUTLER, ELEY, MUNFORD,

Costs-

Clerk . . .	~~\$~~ 15.00
Atto: Hay . . .	15.50
Shff: Haws . . .	3.50
" I of Wight . . .	2.00
	~~\$~~ 36.00

Costa

Jan 10th 1870 Rec^d of Mo. R. Kilby Comr. Five dollars
for selling Mo T. Prudenz Lands at Auction

Wm. H. McKune
for R. H. Brinkley Aucts

(~~4~~5.)

At a Circuit Court held for Nansemond County the
12th day of October 1869.

Matilda Murphy administratrix with the
will annexed of Henry W. Murphy deceased
and Nathan Mumford Complainants
against $\frac{1}{2}$ In Chancery.

J. I. Pruden, J. M. Dashiell, Nathaniel E. Pru-
den, Henry L. Izner, William A. Butler Aaron
Pruden, Sally Ann Eley administratrix of James
Eley deceased, Nannie J. Phillips administratrix
of Edwin E. Phillips deceased, Exum L. Eley Sheriff
of Isle of Wight County and Committee of E. C.
Pruden deceased, Sally F. Pruden, John I. B.
Pruden, Nathaniel J. Pruden, Mary M. Pruden
Cecilia O. Pruden, Sarah V. Pruden Alexander
N. Pruden, Pocahontas Pruden and James
Pruden, the last seven being infants Defendants

This Cause, in which the Bill, is taken for confessed as to
the Defendants J. M. Dashiell, Nathaniel E. Pruden, Henry
L. Izner, William A. Butler, Aaron Pruden Sally Ann Eley
administratrix of James Eley deceased, Nannie J. Phil-
lips, administratrix of E. E. Phillips, on whom process,
has been duly served, they still failing to appear, plead
answer or demur and on the answer of John I. Pruden
Exum L. Eley administrator of E. C. Pruden and of the
infants defendants John I. B. Pruden, Nathaniel
J. Pruden, Mary M. Pruden, Cecilia O. Pruden Sarah
V. Pruden, Alexander N. Pruden by P. B. Prentiss, this day
filed by consent of the Court, and of Pocahontas Pru-

den and James Pruden by said P. B. Prentiss then guardian ad litem and general replications thereto, and was argued by Counsel, on consideration whereof the Court doth adjudge order and decree that John R. Kilby — and C. B. Hayden, who are hereby appointed Special Commissioners for that purpose, proceed to sell at public auction at the Court House door of this County on some Court day after having given at least 20 days notice of the time and place of sale, by advertisement at the Court House door of said County on some Court day previous to the day of sale and at other public places in said County, on a credit of Six months, with interest from date except so much for cash as will pay the costs of said suit and sale. One parcel of land in the proceedings mentioned in Barrett's Neck on Nansemond river, containing fifteen acres more or less, known as the Wilkinson tract adjoining said river and the Ferry Point Farm and an other tract of fifteen acres more or less on Everett's Bridge Creek adjoining the lands of J. N. Lawrence, Thomas Page and said Creek taking for the Credit portion of said lands, Bonds, with sufficient security, payable Six months from date, with interest from date, to themselves as Commissioners and return the same to Court with a report of their proceedings under this decree. But the sale of said lands shall be suspended until the said Commissioners, shall execute in the Clerk's office of said Court, a Bond with a sufficient security in a penalty of Five hundred Dollars, payable to the Commonwealth of Virginia, conditioned for the performance of this, or any future decree here in.

Costs

clerk... \$15.00
 Att. Hay. 15.50
 Stff. Rous. 3.50
 J. A. Wright 2.00

\$36.00

A Copy:

J. E. St.

Peter B. Prentiss. D.C.

Matilda Murphy Adm^{2nd}: 1c
bal:

25 { Copy Dece

J. J. Pruden bal:

15 Wickham Land
To J. J. Pruden \$150

15 at Smith's } 75
Bridge }

75 2a + \$1.00

bal

114.00

To the Circuit Court of Nausumund County
 The Undersigned report to Court
 That pursuant to the decree of said Court
 made on the 12th day of October 1869 in the
 cause therein pending wherein Matilda
 Murphy &c are plaintiffs and Mrs. J. Pruden
 (and others) defendants, they proceeded to
 advertise the Lands therein named as
 directed, and did on Monday the 10th day
 of January, 1870, (being Court day) before
 the Court house door of said County, sell
 the said Lands at auction on the terms
 named when they were purchased as follows.
 The 15 acres more or less in Barnetts

Tract on Nausumund River known
 as the Wilkerson Tract was purchased

by John J. Pruden for \$150.00
 and the 15 acres more or less

on North Bridge Creek by same for 75.00
 \$225.00

of which there was Received in
 Cash & paid to those entitled, to wit:

5 per cent Com. on \$225 — \$11.25

Paid R. H. Brinkley, Crier for ret. 5.00

Paid P. B. Prentiss clerk ,, 15.00

Paid Mrs. R. Kelly atty. 15.50

Paid Sheriff Naus. 3.50

Paid Dr. Isc of 111 gts. 2.00

Reserved for Seed & 5.00 \$57.25

Balance \$167.75

am. h. on \$167.75
 For which the said J. J. Pruden
 executed his Bond for \$114.00
 & paid to Mr. R. Kelly
 in cash \$53.75
\$167.75

Respectfully submitted

John R. Kelly

E. B. Hayden

Cross

1870. Feb: 1st. Rec'd my fee in this case \$15.00

Peter B. Prudden, Clerk.

C. B. Hayden

Murphy Jr.
Comr.
n } Report of
Sale

Prudden Jr.

1870.

Feb: 11th: Filed C.B.H.

1870 July 8 Rec'd of Clerk of Circuit Court
of Nassau and Co. the Bond of J. J. Prudden
of \$114. filed herein, - delivered to me under
Decree of April Court 1870.

John R. Kelly Comr.

1870 Oct. 12th. Rec^d. of Mrs R. Kelly & C.B.
Hayden. Comrs. the sum of one hundred
and sixty five dollars, from the sales
of Wm. J. Pruden's Land under decree
of Hannum's Circuit Court of
Murphy's adm^r v. Pruden & others.

Richard Clements



At a Circuit Court held for Nausemond
County the 18th day of April 1870.
Matilda Murphy, Administratrix
with the will annexed of Henry M.
Murphy, deceased, and Nathan Mum-
ford Complainants

against ³ In Chancery
J. T. Pruden, T. M. Nashell, Nathaniel S.
Pruden, Henry L. Tynes, William A. Butler,
Aaron Pruden, Sally Ann Eley Admin-
istratrix of James Eley, deceased, Nannie
J. Phillips, Administratrix of Edwin C.
Phillips, deceased, Exum L. Eley, Sheriff
of Isle of Wight County and Committee
of E. C. Pruden, deceased, Sally T. Pru-
den, John T. B. Pruden, Nathaniel J.
Pruden, Mary M. Pruden, Clevis O. Pruden,
Sarah V. Pruden, Alexander V. Pruden,
Pochahontas Pruden and James Pruden,
the last seven being infants Defendants.
This Cause came on this day to be again heard
on the papers formerly read and on the report of
John R. Kilby and C. B. Hayden, Commission-
ers made pursuant to the decree of the 12th
of October, 1869, to which report there is no excep-
tion and was argued by counsel; On Considera-
tion whereof, the Court doth confirm the said re-
port and doth adjudge, order and decree that
the said Commissioners receive of the Clerk of this

Court (who will deliver the same to them) the bond of John T. Pruden of One Hundred and fourteen Dollars, and collect the same, and with the sum of Fifty-Three Dollars and Seventy-five cents in said Commissioner Kilby's hands as appears by said report, pay any costs that may remain unpaid, and then pay what sum may remain to the plaintiff Matilda Murphy, Administratrix of Henry W. Murphy, deceased, or her assigns, being the first lien on the same, and make a deed to said John T. Pruden for the lands purchased by him, under proceedings had in this cause with special warranty in the usual form, and make report to Court. And the Court doth decide that the tract of land referred to in the proceedings as containing One hundred and seven acres more or less is the land of the children of said John T. Pruden, to wit: John T. Pruden Jr, Nathaniel J. Pruden, Mary M. Pruden, Clevisus O. Pruden, Sarah V. Pruden and Alexander N. Pruden as set forth in the deed of the 22nd: of April, 1861, made to them by Edwin C. Pruden and Sarah F. his wife, a copy of which deed is filed with the Bill in this cause as Exhibit (C)

A. Copy
Fester,

Peter B. Pontis. Clerk.

Murphy &
W. Co. Recd
Pruden

Get Bond

Collect

make deed

To the Circuit Court of Nassau and
County.

The Undersigned report to Court,
that pursuant to the decree of the 18th day
of April 1870, made in the cause
therein pending wherein Matilda Mur-
phy &c. is plaintiff and J. J. Pruden
& others, Defendants, they have received of
the clerk of said ~~Box~~ Court the Bond
of J. J. Pruden of \$114. Have collected the
same, and all interest thereon to wit
the sum of \$53.75, in Commissioners
Keeley's lands & interest thereon, have paid
all further charges, and then paid the
Balance to Rich^d. Clements, assignee of said
Matilda Murphy ad^t, as his receipt
annexed will show., and have made
to John J. Pruden, a deed with special
warranty for the lands purchased by
him under proceedings had in the
said cause. The following statement

will show the same more in detail

By John J. Pruden's Bond \$114.00

" Int. from 10 Jan 1870

to 11 July 1870 6 mth } 3.42

By amo. of Geo. J. ^{Pruden} Kelly, as above \$53.75

" Int. for 6 months (1.61

amo. can^d. on — \$172.98

By am... bot. on
to further cuts &c.

\$172.78
7.78
\$165.00

Spaid Rich^d. Clements
apex. of Matilda a
Murphy and her rect

165:00

Respectfully submitted
John R. Kilby

E. B. Hayden

} Comd.

Murphy &
vs
Pruden tal

Report of
Payments &c.

1870
Oct. 12th: Filed
clerk

KNOW ALL MEN BY THESE PRESENTS, That we *C. B. Hayden,*
John R. Kelly and Peter B. Prentiss

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of
Five Hundred _____ dollars, to the payment
whereof well and truly to be made to the said Commonwealth, we bind ourselves, and each of us,
our, and each of our heirs, executors and administrators, jointly and severally, firmly by these
presents. Sealed with our seals, and dated this *13th* day of *December* in the
year one thousand eight hundred and *Sixty-nine*, and in the *94th* year
of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound
C. B. Hayden and John R. Kelly who were, by a Decree of the Circuit Court
of *Handerson County*, pronounced on the *12th* day of *October 1869*, in the Cause of
Mattilda Murphy, adm^r: of *Henry Murphy* deceased &c: against *J. T. Braden*
& others, appointed Commissioners to make sale of certain Real Estate in said
Cause described

under said Decree or any future decree in said Cause
shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else
to remain in full force and virtue.

Executed in presence)
of)

C. B. Hayden
John R. Kelly
Peter B. Prentiss



C. B. Hayden & al:
Comms^{rs}:

J. S. Bond

Commenced th.

1869
Decr: 13th. Executed & filed

Clark's Office, Isle of Wight County

Octo. 30th 1868.

Mrs. T. Prudden Esq.

Sir

Upon examination I find
that on the 11th of Octo. 1858, as guardian
of Mrs. T. Prudden, you received from Bro. St.
Whitfield commr. in the suit of Godwin
vs. W. Whitheart \$3. the sum of Three
Hundred and one dollar and eighty four
cents (\$301.⁸⁴) being his portion of the fund
arising from the sale of land under a
decree in that suit.

Respectfully

Yours

A. J. Young

Pm den

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *J. J. Pruden, J. M. Dashiell, Nathl. E. Pruden, Henry L. Tynes, Wm. A. Butler, Aaron Pruden, Sally Ann Eley, Administratrix of James Eley deceased, Nonnie J. Phillips, administratrix of Edwin E. Phillips deceased, Exum L. Eley, Sheriff of Isle of Wigh County and Committee of E. C. Pruden deceased, Sally F. Pruden, John T. B. Pruden, Nathaniel J. Pruden, Mary M. Pruden, Clevis O. Pruden, Sarah V. Pruden, Alexander W. Pruden, Pocahontas Pruden and James Pruden. The last seven being infants* _____
to appear at the Clerk's Office of our *Circuit* Court, for the County of Nansemond, on the first Monday in *August* _____ next, 1867, being rule day, to answer a bill in chancery, exhibited against *Them* _____ by *Matilda Murphy, Administratrix with the will annexed of Henry W. Murphy deceased, and Nathan Mumford* _____

and unless *They* _____ shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his Office, this *2nd* day of *July* _____ 1867, and in the *91st* year of the Commonwealth.

Peter B. Prentis Clerk.

RR The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Kelly. p. 9

Matilda Murphy, admx. &c

Sal:

20
J. J. Pruden & Co. Chy.

J. J. Pruden Sal:

To Aug: Ricks 1867

Executed July 26th 1867 & a true Copy hereof delivered
Jno. J. Pruden Nathl. E. Pruden Henry L. Syner
Wm. A. Butler Aaron Pruden Mannie J
Phillips & Jno. J. B. Pruden. J. M. Parkfield
Sally Ann Day Exam & Day & Sally J. Pruden
and nonresidents of my County
Wm Day Shff

Pro. b. No. 1. page 25-

Clari Co

The Commonwealth of Virginia,

Isla of Wight

To the Sheriff of ~~Nansemond~~ County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON *J. J. Pruden J. M. Washelle,*
Nathl. E. Pruden, Henry L. Sykes Wm. A. Buller, Aaron Pruden, Sally
Ann Eley, administratrix of James Eley deceased, Nannce J. Phillips
administratrix of Edwin E. Phillips deceased Exum L. Eley, Sheriff of
Isla of Wight County and Committee of E. C. Pruden deceased Sally J.
Pruden, John J. B. Pruden, Nathaniel J. Pruden, Mary M. Pruden de-
vises C. Pruden Sarah U. Pruden Alexander W. Pruden Pocahontas Pru-
den and James Pruden the last seven being infants in curam

to appear at the Clerk's Office of our *Circuit* Court for the County of Nansemond, on the
first Monday in *August* next, 1867, being rule day, to answer a bill in
chancery, exhibited against *them in in in in in in in in* by
Matilda Murphy administratrix with the will annexed of Henry
W. Murphy deceased, and Nathan Mumford in in in in

and unless *They in in in* shall answer the said bill by the next rule day
thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his
Office, this *2nd* day of *July* 1867, and in the *91. st* year of
the Commonwealth.

Peter B. Prentis. Clerk.

For The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Executed by delivering a true copy of the within
to Sally & Pandina who Mr. Caspiter & Sally, were
Eleg. on the 30th July 1867.

Ed. Eleg. Off.
M. E. Soule L^{ts}

Pro: B. No: 1. page 25.

Case.

Kilby. p. 9

Mattilda Murphy 11 May.
Ge. Tal:

25th { Sum. in City.

J. T. Pender Tal.

To Aug: Rules 1867.

House and Cir: Co

Sanborn's & see review of them. No copy of that I have received
Ed. Eleg. Off. of Robt of Norfolk County
Committee of E. E. Pandina & Co

At a County Court for the County of Islington, held at the Court
House on Monday the first day of July 1867.

On motion of Thomas W Dashiell, ordered that the Estate of
E. C. Pender dec'd be committed to the hands of E. A. Ely Sheriff of
this County, for administration

a copy Teste

H. H. Wamble D.C.

Co. order Committee E.C.
Pruden's Est: To H.H. & hands

(E)

This Deed, made this twenty ninth day of August, in
the year One thousand and Eight hundred and Sixty-five, between
John T. Pruden, of the County of Hanover, in the State of
Virginia, of the one part, and Nathaniel P. Phillips of said
County and State, of the other part; witnesseth, that the said
John T. Pruden, doth grant unto the said Nathaniel P. Phil-
lips, the following property, to wit: A tract of Land, containing
by estimation, fifteen acres, formerly belonging to the heirs of Thom-
as Wilkinson, lying on Hanover river, in the County aforesaid
adjacent to the Ferry Point Farm and the lands of the children,
of said John T. Pruden; conveyed to the said John T. Pruden, by
Henry & Tynes, as Commissioners, under a decretal sale, in the
cause of Wilkinson vs Wilkinson, in the County Court of Isle of
Wight County, by a deed duly recorded in the Clerk's office of the
County Court of Hanover County, to which reference, is hereby
made for a more full description of said land. One other Tract
of land, of Fifteen acres, more or less, bounded by the lands, of
Jane of Lawrence, Thos Page & by Everett's bridge Creek; and the follow-
ing personal property, to wit: One Sord mare, one yoke of Oxen, Two
Cows, Two Heifers, Two Sows, & twenty two pigs; twenty eight sheats,
& three carts & wheels. In Trust, to secure Nathaniel & Pruden, from
all loss and damage, by reason of the said Nathaniel & Pruden, hav-
ing become the surety of the said John T. Pruden, on his qualification
as guardian of his son, John T. B. Pruden, in the County Court of Isle of
Wight County; it being the intention of the said John T. Pruden, to in-
demnify and save harmless the said surety, from all loss, by reason of
said surety ship. And upon the further Trust, to secure to Henry & Tynes,
James Eley, ^{and Aaron Pruden} William A. Butler, the amounts, respectively due them
by bond of the said John T. Pruden, (which amounts, are not now con-

veniently ascertainable) and to indemnify and save harm-
less Edwin E. Phillips, as surety, for the said John T. Pruden, in
a bond payable to — the amount of
which, is not now conveniently ascertainable. And it is cov-
enanted and agreed between the said parties, that in case of
a sale, the same, shall be made after giving ^{at least} twenty days no-
tice of the time & place of sale; by advertisement thereof, at the
Court house door of the County of Nassau, on some Court
day & at other public places in said County (or such other coun-
ty, to which said personal property, ^{hereafter} may be removed) at such
place, as the said Trustee, may in his discretion select & that the
proceeds of such sale, after satisfying the costs of the executing this
trust, shall be applied first, to the indemnifying & saving harm-
less said Nathaniel E. Pruden, for all loss & liability on account
of said guardian suretyship; and then to the payment of the other
parties herein secured, &atably, should there be a deficiency of
assets, to satisfy them in full. The said John T. Pruden, cov-
enants to pay all taxes, assessments, dues & charges, upon
said land & property hereby conveyed, so long as he or his heirs,
or assigns, shall hold the same. Witness, the following
signatures & seals

J. T. Pruden 

In the Clerk's office of Nassau County Court, the 4th
Day of September 1865.

This Deed, of Trust, was acknowledged by John T. Pruden; and
thereupon, admitted to record; The Internal Revenue Tax, of \$1.50
having been paid.)

Teste, Peter B. Prentiss Clerk.

A. Copy: Teste.

Peter B. Prentiss. Clerk.



John T. Pruden ^{Xm^d}

To Copy Deed of Trust

Nathaniel P. Phillips,
Trustee for Nathaniel
E. Pruden & others.

(D.)

See if Mr. Pruden
has purchased
some additional

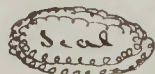
land
J. J. Pruden
(Land)

Mr. Pruden, E. C.
Pruden, land in
Mass. sold by him

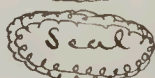
This Deed, made this, the 22nd. day of April 1861. between Ed-
win C. Pruden and his wife Sarah F. of the first part, and John.
T. B. Pruden, Nathaniel J. Pruden, Mary M. Pruden, Clevious O Pruden
Sarah V. Pruden and Alexander N. Pruden. of the other part, and
bottls of the County of Nassamond and State of Va. witnesseth:
that in consideration of the sum of Fifteen hundred dollars,
the said Edwin C. Pruden and wife Sarah F. doth grant unto the
said John T. B. Pruden Nathaniel J. Pruden Mary M. Pruden Clevious
O. Pruden Sarah V. Pruden and Alexander N. Pruden, all their
right, title & interest to a certain tract of land lying and being
in the County of Nassamond and containing one hundred and
seven acres, more or less, and bounded as follows, on the north, by
the lands of John H. B. Vesey, dec^d. and Peter H. Houseman, East, by Nan-
samond river. South, by Thos Wilkinson and the land of Theadore
P. Harrison. (Known as Ferry point) West, by the lands of Geo: H. B.
Vesey dec^d. the same being the land I purchased of Robt: Barthett.
com. on the 14th. day of November 1859 commissioners appointed to
sell the land of Capt Gillie dec^d. as will appear by deed from said
com to Edwin C. Pruden, bearing date the 14th. day of November,
1859. The said E. C. Pruden, and wife Sarah F. warrant generally
the lands hereby conveyed. Witness the following signatures and
seals, this the day and date, aboves written.

Signed sealed & delivered
in presence of.

Edwin C. Pruden.



Sarah F. Pruden.



In the Clerk's office of Nassamond County Court, the 23rd. day
of April 1861.

This Deed, was acknowledged by Edwin C. Pruden and the former
Court, having been examined by me, in the office aforesaid, jointly



and apart from her husband; and having the deed aforesaid fully explained to her, she acknowledged the same to be her act, declared that she had willingly executed the same, and that she did not wish to retract it, and was thereupon admitted to record.

Testo:

Abram T. Norfleet. D.C.

A. Copy:

Testo:

Peter B. Pentecost. Clerk.

Edwin C. Pruden

his wife

To Wm. H. H. H.

John T. B. Pruden del.

(C)

a Judgment obtained in the Clerk's office
of Hansemond County Court, and confirmed
at a Court held and closed for said County
on Monday the 10th day of June 1861.

Nathan Mumford Plaintiff.

against J. In Debt:

J. T. Pruden, E. C. Pruden and

E. E. Phillips Defendants.

The Judgment obtained at the rules against the defend-
ants, not having been set aside, and the plaintiff being
now entitled to a final judgment: it is therefore con-
sidered that the plaintiff recover against the defend-
ants Three Hundred and forty-six dollars and thirty-
five cents, parcel of the debt in the declaration men-
tioned with legal interest thereon from the 3rd day
of December 1860. till paid, and his costs by him about
his suit, in this behalf expended. and the said
defendants, in mercy &c

Costs \$8.48

a Copy:

Docketed 11th June 1861

Testes:

Peter B. Prentiss Clerk.

(Copy of the bond and endorsement, on which judgment was obtained)

\$350.

On demand we or either of us do Promise to pay unto —
Nathan Mumford the Just & full sum of Three Hun-
dred and fifty dollars good & Lawful money of Va.
It being for value Recd and for the true payment
thereof ~~thereof~~ we bind ourselves our heirs Excecu-
tors, admors: &c firmly by these Presents, as

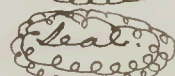
witness our hands & seals, this, the 19th. day of December,
1857.

Test

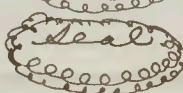
J. F. Pruden.



E. L. Pruden.



E. E. Phillips.



Endorsement — "1860. Decr: 31st Rec^d Sixty-six Doll and
& 72. cts, in part of this note.

Nathan ^{his} Mountford
mark

Tests.

Ransomand Co: Co: Clerk's Office
Jany: 10th: 1866

Peter B. Prentiss. Clerk

Nathan Mountford
X ind

or
Lodges party &c

J. F. Pruden, E. L. Pruden
and E. E. Phillips

(B)

a Judgment obtained in the Clerk's office
of Nansemond County Court and confirmed
at a Court held and closed for said
County on Monday the 11th day
of March 1861.

Henry W. Murphy Plaintiff
against J. In Debt.

J. T. Pruden, E. C. Pruden and
T. M. Dashiell Defendants.

The Judgment obtained at the Rules against the defendants
not having been set aside, and the plaintiff being now
entitled to a final judgment: it is therefore considered
that the plaintiff recover against the defendants, Four
Hundred and forty-seven dollars and sixty-six cents,
the debt in the declaration mentioned with legal inter-
est thereon from the 1st day of June 1859, till paid, and
his costs by him, about his suit in this behalf expended
and the said defendants in mercy &c

Costs: \$8.48

Fi: Fa: 12th March 1861.

Judgment Docketed

12th March 1861.

a Copy:

Teste:

Peter B. Prentiss Clerk.

(Copy of Sheriff's return on Fi: Fa:)

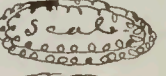
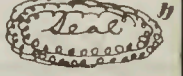
"Suspended - see order of the Plaintiff filed within
Wm. Eley. Shff."

(Copy of the bond on which judgment was obtained)

\$447.66. On demand we or either of us do promise to
pay to Henry W. Murphey the just and full sum of
Four Hundred and forty-seven dollars and sixty-
six cts: good and lawful money of Va: it being.



for value res'd. and for the true payment thereof. We
bind ourselves, our heirs executors, admors^{es} firmly by -
these presents. as witnesses our hands and seal this the
1st. day of June 1859.

J. T. Pruden. 
E. C. Pruden. 
T. M. Dashiell 

Teste:

Hampden Co. Co: Clerk's office }
Jany: 10th 1866.

Peter B. Prentiss. Clerk

and
Henry W. Murphy

vs J. Copies Judgt. V.

J. T. Pruden, E. C. Pruden
and ~~E. C. Pruden~~ J. M.
Dashiell

(A)

Murphy's adw sal.

W

Proden sal.

3 Exhibits filed
with the Bic

Murphy's art

4

Pruden tal..

This cause came on this day to be again heard on the papers formally read from the Report of John R. Kilby (and C. B. Hayden, commissioners made pursuant to the decree of the 18th day of April 1870 to which report there is no exception made agreed by Counsel; On consideration whereof the Court doth confirm the said report, & doth approve, order & decree that the proceedings had in this cause be confirmed & made binding between the parties & that the cause be removed from the docket.

Murphy's Adm'r

vs

Pardon for

1870

Auto. Court,

Final decree

to be entered

Geo. Bloss. Jr.

✓

Murphy Jr.

27

Pruden &c.

This cause came on this day to be again heard on the paper, formerly read for the report of John R. Kelly & C. B. Hayden, Comrs, made pursuant to the decree of the 12th of October 1869, to which report there is no exception, being agreed by Counsel. On consideration whereof the Court doth confirm the said Report and doth adjudge order and decree that the said Comrs. receive of the Clerk of this Court (who will deliver the same to them) The Bond of Mrs. J. Pruden of \$114. and collect the same, & with the sum of \$53.75 in said ^{Comr.} Kelly's hands as appears by said Report, pay any costs that may remain unpaid, and then pay what sum may remain to the plaintiff Matilda Murphy widow of Henry Murphy decd. or her assigns, being the first Lien on the same. And make a deed to said Mrs. J. Pruden for the Land purchased by him under proceedings had in this cause, with special warranty in the usual form; And make report to Court.

And the Court doth decide that the tract of Land referred to in the proceedings as containing 107 ays and more or less is the Land of the children of said John J. Pruden, to

Murphy, adms

9

Pruden tal

1870

April Court

decrees.

To be entered

Geo. S. Brown

Entered

ent. John J. Pruden Jr, Nathl J. Pruden,
May M. Pruden, Lewis C. Pruden, Sarah V.
Pruden & Alexander H. Pruden, as set forth
in the Decree of the 22^d. of April 1861. made to them
by Edwin C. Pruden & Sarah H. his wife, ~~which Decree~~
a copy of which Decree is filed with the Bill in this
cause as Exhibit (C) .-

Matilda Murphy adm^x
of Henry Murphy &
S. J. Pruden &c -

This came in which the
Bill is taken for confessed as to the Defendants -
J. M. Warfield, Nathaniel E Pruden, Henry L
Lins, W. A. Butler, Aaron Pruden Sally Ann Ely
Adm^x of James Ely deceased, Annie J. Phillips adm^x
of E. E. Phillips, on whom process has been duly
served they still failing to appear plead
averse a demurrer, & on the answers of John T. Pruden,
Eugene L. Ely Adm^x of E. C. Pruden, & of the infant
defendants John T. B. Pruden, Nathaniel J. Pruden, Mary
M. Pruden, Clarius A. Pruden, Sarah V. Pruden,
Alexander A. Pruden, by P. B. Prentiss this day filed
of consent of the court & of Pookontas Pruden & James
Pruden by said P. B. Prentiss their guardian ad litem
& general replication hereto was argued for
consent, on consideration whereof the court
doth adjudge and decree that Geo. R. Kelly &
C. B. Hyatt ^{who are} hereof appointed special commissioners
for that purpose proceed to sell at public
auction at the C. H. Court of this county on some
court day, after having given at least 20 days ^{notice} of

of the time & place of sale & advertisement at the
Ct of said County on some Court day
previous to the day of sale & at other public
places in said County on a credit of 6 mos
~~with interest from~~ date, except so much
for cash as will pay the costs of said suit &
sale, ~~the purchase~~ of land in these pro-
ceedings mentioned in Banell's Neck, on
Nanemond River, containing 15 Acres more
or less, ^{known as the Wilkins tract} adjoining said Union the Ferry Point
Farm, ~~known as the Wilkins tract~~ & another
Tract of 15 Acres more or less, the Everetts

Bridge Creek adjoining the lands of
J. N. Lammey, the Page said Creek, taken;
for the credit of said Land Bonds
with sufficient security, payable six months
from date, with interest from date to themselves
as Commissioners return the same to
Court with a report of their proceedings
Under this decree - But the sale of said
land shall be suspended until the said
Commissioners shall execute in the clerk's office
of said Court a Bond with a sufficient security
in a penalty of \$500.00, payable to the Commonwealth

of Virginia, conditioned for the performance of this in
any future decree Herein -

Memphis, adms -

Pendulal²¹ -

Rough Cleaner

Oct Term 1849

To be entered -

To be entered

E. F. D. M.

entered

Virginia:

At Rules held in the Clerk's Office of the
Circuit Court of Nansemond County, on
Monday the 5th day of August 1867.

Matilda Murphy administratrix with the will
annexed of Henry W. Murphy deceased and Nathan
Mumford & Complainants
against J. S. Chancery.

J. T. Pruden, J. M. Washell, Nathl. E. Pruden, Henry L.
Tyner, Wm. A. Butler, Aaron Pruden, Sally Ann Eley adm
inistratrix of James Eley deceased, Nannie S. Phillips
administratrix of Edwin E. Phillips deceased Execum
L. Eley Sheriff of Isle of Wight County and Committee of E.
C. Pruden deceased, Sally J. Pruden, John J. B. Pruden,
Nathaniel J. Pruden, Mary M. Pruden, Clevis O. Pru
den Sarah V. Pruden, Alexander W. Pruden Pocahon
tas Pruden and James Pruden, the last seven being
infants Defendants.

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

Teste.

Peter B. Prentiss. Clerk

1867. August 5th I acknowledge service of the foregoing order, and that
I have received a copy thereof.

Peter B. Prentiss.
guard ad litem

Matilda Murphy, admx
He of Henry W. Murphy
decd & al:

~~4~~
25 { order app'ly: gdn:
ad litem

J. J. Pruden & al:

To the Honorable E. P. Pitts — Judge of the
Circuit Court of Law & Chancery for the County
of Hansemond in Chancery sitting —

The Answer of John T. Pruden to the Bill of
Complaint in said Court exhibited by Matilda
Murphy Administratrix of Henry Murphy Nathan
Munford against him & others —

This Defendant saving and reserving all of
right of exception to the many errors and imper-
fections in said bill contained, for answer
thereto, answering says that he admits to be true
the allegations of said bill as to the rendering of
the judgments against him in favor of said com-
plainants; the amounts thereof, & the docketing of
the same on the dates mentioned in said bill & the
ownership by this Defendant on the date of said judg-
ments of the tract of land of Fifteen Acres, bounded
by the lands of Jane of Lawrence Thos Page & Everett's
Bridge Creek; but this Defendant denies that he
was on the date of said judgments the owner of the
Wilkinson tract, he having purchased the same under
the decree of the County Court of the 1st of August of
Term 186, on the day of 186, as will
appear from the official copy of said decree & the
Commissioner's reports under the same, showing the sale
of said land to this Defendant & the deed to him
therefor herewith filed & prayed to be taken as a part of this
Answer marked exhibits A & B — This Defendant
admits to be true the allegation of said bill of the execution

Exhibits
A & B

by this Defendant of a Deed of Trust on the said
tracts of land to Nathaniel P Philips as Trustee
for the benefit of the creditors named in said Bill.
This Defendant further admits to be true the
allegation of said bill of the conveyance by
deed of the 22nd of ~~April~~ April 1861 of the land in
said Deed mentioned by E C Pruden to the
children of this Defendant named in said
bill - but this Defendant utterly & entirely
denies the allegation of said bill that said
conveyance was made to prevent the lien
of said Complainant Mumfords judgment -
& declares said allegation to be wholly false
& untrue - that said conveyance was made
in execution of an agreement entered into
on the 12th day of Dec 1839 between this Defendant
& said E C Pruden for the exchange of said
tract for lands belonging to this Defendant in the
County of Isle of Wight, the said E C Pruden agrees
to pay this Defendant 2500.00 for the difference
in value of said tracts - said original

Exhibit
C - a agreement Marked B is herewith filed & prayed
to be taken as a part of this Answer - that on the 13th
of December 1839 this Defendant & his children in
part execution of said agreement entered on
took possession of said land - that the con-
veyance of said land was not made at the date
of said agreement in consequence of the minority
of the wife of said E C Pruden & as soon as this

obstacle was removed the conveyance of April
22/61 mentioned in said bill was made - The
conveyance was made to the children of this
defendant - in accordance with the original
intention of the parties although the names of
the children were not mentioned in said
agreement - & it was made to said children
because this defendant was as guardian of
John B Pruden indebted to him in the sum of
\$301.84 with interest (compound) from Oct-11/58
as appears from the annexed Certificate of the
Clerk of Isle of Wight County, marked & referred
to be taken as a part of this Answer & this defend-
ant regarded himself indebted to John B Pruden
& the other grantors in said deed of April 22/61
in the sum of \$1100.00 the value of a negro ^{man} ~~man~~
acquired in right of their mother - that at
the date of said deed besides debts due him,
to other personal property he owned \$11000.00
worth of negroes entire ~~unincumbered~~ ^{unincumbered} which
he owned at the date of said judgments & continued
to own until emancipated by the U S Government;
this personal property was more than sufficient
to satisfy both of said judgments - as well as
all the other debts of this defendant - who at that
time was entirely solvent - that said negroes, personal
property & choses in action (the latter consisting in part
of the difference in exchange of land due this defendant
from said E C Pruden) were ~~liable~~ ^{liable} for said judgments

Exhibit
to

I bound by the execution issued on the judgment
of the Complainant Murphy which execution
was after delivery to the Sheriff suspended by
said Murphy until after the date of its return -
That at the date of said judgment said E C
Pruden owned in City of Wright County besides
ample personal property to satisfy said judgment
a large valuable farm derived from this
defendant in said exchange liable for said
judgment - Your defendant is informed &
so charges that the suspension of execution
by said Murphy whereby the lien of the same
was lost - was as to the said E C Pruden the
surety a release from all liability for said
judgment - so that none of the land mentioned
as conveyed by E C Pruden
in said bill is liable therefor -

that since the filing of said bill the said
~~Thomas~~ this defendant have been adjudicated
~~Bankrupt~~ & that H L Riddick is the Assignee
in Bankruptcy of this ^{defendant} ~~former~~ & H L Riddick - of the
latter - as will appear from exhibits E & F herewith
filed as a part of this answer - that your defendant
is informed that the said H P Phillips

~~an necessary parties to said~~
~~bill~~ & this defendant: And this defendant claims
the same benefit as if he had pleaded said Bankruptcy &
the nonjoinder of said parties - And having answered this
defendant prays hence to be dismissed with his costs in this
behalf most unreasonably expended & he will ever pay so

Signed - E C Pruden

Sworn & Subscribed
to before me a justice of the
Peace for the County of
Nauvoo this 12th day of

Oct - 1869 -
Jacob Lawster

Murphy's Admpts.

as

J. J. Prudden & Co.

Answer
of
J. J. Prudden

filed Oct. 12th 1869
C.H.

The joint and separate answer of Nathaniel J. Mary M. Cleaves
O, Sarah V. Alexander R. Pocahontas and James Pruden infants
under the age of twenty-one years, by Peter B. Prentiss
their guardian ad litem, to a Bill in Chancery exhibited
against them and others, by Matilda Murphy, administratrix with
the will annexed of Henry W. Murphy deceased, and Nathan
Winiford, in the Circuit-Court of Hantsworth County:

These respondents, answering, say, that so far as they know or
believe, the statements set forth in said Bill, may or may not
be true: but, inasmuch as they are infants & ignorant of their
rights, they submit the same to the Court & pray that no order
or decree may be made, inconsistent therewith.

(Signed)

Peter B. Prentiss.

Solm: ad litem

Mauda Murphy, admx. to
of Henry W. Murphy dec'd Lali

to { answer of infants ~

J. J. Pruden Lali

To the Honorable E. P. Pills — Judge of the
Circuit Court of Land & Chancery for the County of
Warren in Chancery sitting;

The joint & several Answers of Eben L Eley
Sheriff of the County of Isle of Wight & as such
Adminr of E C Pruden decd & John J B Pruden,
Nathaniel J Pruden, Mary M Pruden Clerics &
Pruden, Sarah B Pruden, Alexander A Pruden
(the last six infants) by P B Prentiss — their
guardian ad litem to the Bill of Complaint in
said Court exhibited by Matilda Murphy Admtr
of Henry Murphy & Nathan Mumford against
them & others —

These Defendants, jointly & severally answering
say that they have no knowledge of the allegations
of indebtedness by E C Pruden to the Complainant by
judgment as set forth in said bill & call for
strict proof of the same — They are informed that
the allegations of said bill as to the fraudulent
conveyance by E C Pruden to some of said defendants
children of Jno J Pruden are false & untrue & these
defendants so charge them to be — You defendants —
are informed & so charge that the said
conveyance from E C Pruden of April 22, 1861
was not made to avoid the judgment of said
Complainant — Mumford, but was made in pursu-
ance of an agreement between said grantor & Jno
J Pruden entered into on the 12th of Decr 1839 long
prior to the institution of the suit of said Mumford

that by said agreement the said parties were to exchange lands, the said E C Pruden acquiring a much larger & more valuable tract of land than that conveyed by him by said deed, he paying to the said Mrs J Pruden \$2500.00 difference in exchange in said lands - that as the land thus acquired of him was "equally" with that granted by him liable for said judgments - the object could not have been to avoid said judgments - that said conveyance was made to your defendant aforesaid children of said Mrs J Pruden in consequence of the indebtedness of the latter ~~to~~ guardian of one of them Mrs J B Pruden to his said ward and because he considered that he was indebted to all of said children in the value of a negro acquired in right of their mother - that the said conveyance was bona fide ^{& was not made at the date of said} - that at the date of said judgments - ^{agreement in consequence of the minority of the wife of} the said E C Pruden & Mrs J Pruden were both ^{the said E C Pruden was defended until her majority -} possessed of personal estate of a large amount - that the said Mrs J Pruden owned in the County of Nanremond a large Negro property - besides other personally including choses in action - that among the latter was the debt due him from said E C Pruden for the difference in exchange of land - that execution was issued on said judgment of Murphy while the said Mrs J Pruden owned the property last aforesaid, which execution ~~was~~ suspended by said Murphy without the consent of said E. C. Pruden

until the date of its return - that said execution
though not levied was a lien on said personally
in the hands of said Mrs J Pruden - that its suspen-
sion of the said Murphy without the consent of the
said E C Pruden was a release of the latter as
surety for said judgment - that your defend-
ants are informed so charge that in conse-
quence of said release of said E C Pruden by
the said Murphy by ~~suspending~~ said execution
the land conveyed by said deed was released
from the lien of said Murphy's judgment - that
said land having been bona fide conveyed &
the deed recorded prior to the judgment of
said Munford, said judgment was no
lien thereon & that consequently the bill of the
complainants cannot be maintained -
And having answered your defendants pray
hence to be dismissed with their costs in this
behalf expended - & they will ever pray

Sworn & subscribed
to before me a Notary Public
for the County of Isle of Wight
C. B. Hayden

E & L Elyy adm of
E C Pruden

Peter B. Pruden, sworn & attested
for E. & L. Elyy adm of E C Pruden

Murphy & Adams

vs

J T Pruden & Co.

Answer

of

E C Pruden & Adams

Thos T B Pruden & others

Children of Thos T Pruden

filed Octo 12th 1869 CLK

To the Hon. Richard H. Baker, Judge of the
Circuit Court of Nansumond County —

Complaining shew into the Court, your
Complainants, Matilda Murphy administratrix with the will annexed of Henry W.
Murphy deceased; and Nathan Mumford.

Your Complainants respectfully represent to the Court and say that ~~was~~ on the 11th day of March 1861, a judgment was rendered in Nansumond County Court in favor of the said Henry ^W Murphy in his life time, against J. J. Pruden, E. C. Pruden and J. M. Washlee for \$447.66 with interest from the 1st day of June 1859 till paid & costs \$8.48; and that the said judgment was duly "doctored" in said County Court on the 12th day of March 1861, according to Law and that said judgment was founded on a writing obligatory of said debtors — a duly certified copy of said writing obligatory of said judgment and endorsements, is herewith filed as part of this Bill and is marked (A.).

That on the 10th day of June 1861 in said County Court a judgment was also rendered in favor of said Nathan Mumford against J. J. Pruden, E. C. Pruden and E. E. Phillips, for the sum

of Three hundred and forty six dollars & thirty five cents, with interest thereon from the 3^d day of December 1860 till paid cents (\$8.48) ; and that the said judgment was docketed in Tauxemond County Court on the 11th June 1861, according to Law, and that the said judgment was founded on a writing obligatory of said J. J. Pruden, E. C. Pruden and E. E. Phillips, — copies of said writing obligatory, judgment & endorsements are filed herewith marked (B.)

That on the 12th day of March 1861 the judgment in favor of said Henry ^W Murphy was docketed as aforesaid and became a lien on the Real estate of which the said J. J. Pruden, E. C. Pruden and J. M. Dashiell were the owners in the said County of Tauxemond, and then unencumbered,

That on the said 12th day of March 1861 the said J. J. Pruden was the fee simple owner of the following parcels of Land in said County to wit: one parcel containing fifteen acres, and which formerly belonged to the heirs of Thomas Wilkinson, on Tauxemond River, adjacent to the Ferry Point farm: also another parcel of fifteen acres more or less, bounded by the Land of Jane of Laurene, Thos. Page & Everett's Bridge Creek.

That the said E. C. Pruden on the said 12th day

of March 1861 was the owner in fee simple of the following real estate in Nausumund County, to wit: a tract of 107 acres, more or less and bounded on the north by the land of Dr. H. B. Vasey Decd, and Peter H. Housman, East by Nausumund River, and South by Mr. Wilkerson & the Ferry Point farm, and was purchased by said E. C. Pruden of Robert Bartlett Comr. on the 14th of Nov. 1859

That on the 11th day of June 1861, the date when the said Judgment in favor of your Complainant Mumford was docketed, the said J. I. Pruden was still the owner of the two parcels of land, each of 15 acre, as aforesaid, but in the mean time to wit: on the 22nd day of April 1861, the said E. C. Pruden made a deed of Bargain and sale to John J. B. Pruden, Nathaniel J. Pruden, Mary M. Pruden, Clevis A. Pruden, Sarah V. Pruden and Alexander A. Pruden, purporting to be in consideration of \$1500, conveying to them the said tract of 107 acres, ^{a copy of which is filed herewith marked 'C')} your Complainants say that all the granters in said last named deed, are Infants, and children of said J. I. Pruden, a brother of said E. C. Pruden - That your Complainants understand that it is alleged that the said E. C. Pruden was indebted in some fiduciary capacity, unknown to your Comptty. to one of said Infants, to wit: the said John J. B.

Pruden, the said sum of \$1500, and that the said deed was made in Consideration thereof - That if this be so yet your Complainant say that no deed should have been made to include the other Infants, or to give them a share of what alone belongs to said John J. B. Pruden, and that the said Conveyance was made to prevent the Lien of your Complainant Mumford's judgment, from attaching to said Land being made after the Commencement of his suit and a short time before the judgment was rendered and that said Conveyance should be said aside - That if the Court should not set aside the said deed & subject the said Land to pay your Complainant, Mumford's judgment, that ~~then~~ the same should be first sold to pay the judgment in favor of said Henry ^W Murphy, which has a complete Lien thereon, and leave the two parcels of 15 acres each, to satisfy your Complainant Mumford's Lien - That by this arrangement, the assets will be so marshalled and applied as to make both judgments effectual - all of which is according to Equity.

That on the 29th day of August 1861 (after the said judgments had been docketed), the said J. J. Pruden executed a deed of Trust to Nathaniel P. Phillips, conveying the two

parcels of Land of 15 acre, each, In trust to
secure Nathl. E. Pruden, Henry L. Zynes, James
Ely, Wm. A. Butler, Aaron Pruden, & Edwin E. Phillips
certain debts as therein named, and which deed
was recorded on the 4th day of September 1865,
— a duly certified copy of which is filed herewith
as part of this Bill & marked (D), and which
is null and void as to the judgments aforesaid.

That since the judgment aforesaid was
rendered in favor of said Henry^N Murphy he
has died, leaving a Last will & Testament
which has been duly recorded, and that your
Complainant, Matilda Murphy has duly
qualified as his administratrix with the
will annexed — That James Ely aforesaid
has died and his wife Sally Ann has become
his personal representative — That the said
Edwin E. Phillips has died & Nannie^J Phillips
has duly qualified as his administratrix —
That the said E. C. Pruden has also died & his
estate ^{was} ~~has been~~ only ^{committed to the hands of} ~~has been~~ ^{of} ~~represented~~ ^{James L. Ely Sheriff}

— of Isle of Wight County, ~~Court~~
on the 1st day of July 1867 as will be seen
by a copy of the order of Court filed herewith
& marked (E). That the said E. C. Pruden
died Intestate, leaving as his heirs at Law
a widow named Sally A. and two Infant
children, Pocahontas and James Pruden

Your Complainants pray that the several parcels of Land aforesaid may be sold and the proceeds applied to the payment of their demands, according to their respective rights.

In consideration whereof, and as this Court has power to grant all adequate relief: And your Complainants pray, that J. J. Pruden, J. M. Dashiell, Nathl. E. Pruden, Henry L. Fryer, Wm. A. Butler, Aaron Pruden, Sally Ann Ely adm^t. of James Ely dec^d, Nannie J. Phillips adm^t. of Edmund E. Phillips dec^d, Edmund L. Ely, Com^r. ~~adm^t~~ of E. C. Pruden dec^d, John J. B. Pruden, Nathaniel J. Pruden, Mary M. Pruden, Clevis A. Pruden, Sarah V. Pruden, and Alexander T. Pruden (the last six infants) and Sally J. Pruden & Pocahontas James Pruden (the last two being Infants) —————

may be made defendants hereto, and be required to answer the allegations herein, that the Land aforesaid may be sold, and the proceeds applied as prayed for, and that all further & proper relief may be granted, consistent with Equity &c

John R. Kilby p. &c.

Kilby p. 9
Murphy's adm't &c.

n 3 Rice
J. J. Pruden &c

Haus? Cir: ct

Murphy's admx: Sal:

77

Proctor Sal:

1867. July 2nd Sum: in Chy: issued

" Aug: 5th: Bill & exhibits filed - Conditional decree to adult defendants

" " " P. B. Prentiss appt'd gov: as libem to enforce depts: who filed their
answer to which there was a genl: appeal & cause set for hearing
as to them.

" Sept: 4th: Conditional Decree confirmed & cause set for hearing: on Mo: of
Hoff's Counsel

" Octo: 15th: Leave given to file answer in 90 days & cause continued

1868. April: 22nd: Continued

" Octo: 14th: Continued

1869. Apr: 21st: Continued (Octo: 12th) } answers of Mrs. & Prentiss taken: filed: etc
Decree for sale

" Dec: 13th: Commr: Bond & Associates filed

1870. Feb: 11th: Report of Sale filed

" Apr: 18th: Decree to collect, distribute L. L.

" Octo: 12th: Report of payment, filed & cause closed

Chy. Notes