

1853-022 SOUTHAMPTON COUNTY
CHANCERY PAPERS

CARR VS. CLAUD et ux et al
7/1853

other surnames: Edwards

Carr }
 vs }
 Claud } Decree

1852 Act Decree as filed.
 * 1853 June Report.
 " July Confm?

To the worshipful County Court of
Southampton County - In chancery sitting.

Humbly complaining sheweth unto
your worships, your orator, ^{Richard M. Carr} that John Carr departed
this life many years ago, intestate, leaving a widow,
to wit Sally Carr, and four children, to wit, Margaret
(who intermarried with Phillip J. Cland) Maria (who
intermarried with Larned Cland) Patience, (who has
since died intestate, leaving issue to wit one child
Mary Carr), and your orator, Richard M. Carr.

Your orator represents that the widow
of John Carr to wit, the said Sally Carr, had her dower
out of the real estate of her deceased husband, duly
assigned or allotted to her by a decree of this ~~Worshipful~~
Court, which she enjoyed up to the time of her
death which occurred some time heretofore during
the present year, to wit, A D 1852.

Your orator is advised that he ^{the said Richard M. Carr} together
with certain others, who are made, hereinafter, de-
fendants to this bill, is entitled to the said real
estate in fee simple, since the death of the said Sally
Carr, and which she held during her life as her dower.

It is further stated by your orator that in-
asmuch as the share of each is less than three hundred
dollars in value, that he is relivable only in this
worshipful Court and on the equity side thereof, where
such things are properly cognizable, there being no
remedy in a Court of law; he therefore humbly
prays that your worships would grant a decree
ordering a sale of the said real estate for the

purpose of a division; That Phillip I. Bland and his wife Margaret, Maria Bland and Mary Bland (the latter by L. R. Edwards her next friend and guardian ad litem), ^{be made} ~~be made~~ defendant to this bill, and compelled ~~them~~ as true and perfect answer^{to} make to the allegations herein contained as if they had been thereunto more specially interrogated; and as in duty bound, your orator will ever pray &c.

Jno I. Hendred
p. 9

Answer of the defendants,
Phillip I. Bland and his wife Margaret, Maria Bland and Mary Bland (the latter by L. R. Edwards, her guardian ad litem) to a bill filed against them by Richard M. Carr.

These defendants saving now and always, all advantages that may be taken of the defects, insufficiencies &c contained in the foregoing bill, for answer to so much thereof as they are advised it is material for them to answer, say that they admit the facts and allegations made in the complainant's bill, and that they have no objection whatever to the granting of the decrees prayed for, but on the contrary desire it, and having answered pray to be hence dismissed.

Hendred
p. 10

Carr
vs
Blands &c } Decree.

October term 1852

This day this cause came on to be heard on the bill and answer and was argued by counsel; On consideration whereof the Court doth order, adjudge and decree that Richard M. Carr be, and he is hereby appointed a special Commissioner for that purpose; that he sell at public auction on the premises, to the highest bidder, on a credit of nine months, (except so much as may be necessary to pay the expenses of obtaining and executing this decree which amount shall be ^{having advertised the sale for reasons before} ~~for cash~~) the tract of land lying in Southampton County, on which Sally Carr resided during her life-time and which she held as her dower out of the real estate of her deceased husband, to wit John Carr: That for the portion of the purchase money on which a credit is allowed, the said Commissioner take four bonds of equal amounts with good and approved security, that he assign one of the said bonds to Phillip I. Bland in right of his wife Margaret; one to Maria Bland (who was Carr) that he retain one as guardian at law for Mary Carr (heir of Patience Carr) and for her benefit; and that he retain and appropriate the other and remaining bond for and to his own use and benefit, in his own right.

But the said Commissioner is ordered not to proceed to the discharge of the duties mentioned in the above decree until he shall have given

in the clerk's office, of this county, a bond with good security, conditioned in the penalty of one thousand dollars for the faithful performance of the foregoing duties.

And she is further ordered to make a report to this Court in order to a final decree.

Can. &
& } Report

Chand &

1853 June Term

Barr

Co. Duru

Claud Jr

Southampton October Court 1852.

Richard M Carr

against

Philip J. Bland & wife & others

Pliff

Defls

} In Chancery

This day this cause came on to be heard on the bill and answer and was argued by Counsel On consideration whereof the Court doth order and decree that Richard M Carr be and he is hereby appointed a Special Commissioner for that purpose that he sell at public auction on the premises to the highest bidder, on a credit of nine months (except so much as may be necessary to pay the expenses of obtaining and executing this decree which amount shall be in cash) having advertised the sale for a reasonable time the tract of land lying in Southampton County on which Sally Carr resided during her lifetime and which she held as her dower out of the real estate of her deceased husband, to-wit. John Carr. That for the portion of the purchase money on which credit is allowed, the said Commissioner take four bonds of equal amounts with good security, that he assign one of the said bonds to Philip J. Bland in right of his wife Margaret, one to Elizabeth Bland (who was Carr) that he retain one as guardian at law for Mary Carr (heir of Patience Carr) and for her benefit, and that he retain and appropriate the other & remaining bond for and to his own use and benefit and his own right.

But the said Commissioner is ordered not to proceed to the discharge of the duties mentioned in the above decree until he shall have given in the Clerks Office, of this County, a bond with good security, conditioned in the penalty of one thousand dollars for the faithful performance of the foregoing duties. And he is further ordered to make a Report to the Court in order to a final decree—

Costs Costs of 3.00

Attest

per J. R. Carr

Teste.

J. R. Edwards

To The worshipful Court of
Southampton Vt.

In obedience with the annexed decree
obtained at Southampton Oct Court 1852
I proceeded to sell to the highest bidder on the
20th day of Novr 1852 on the premises the
Tract of Land held by Sally Carr in dower

And purchased by Maria A. Bland at \$490.00

By amt. pd Lawyer for obtaining decree \$10.00

" amt. pd Clerk for Decree \$3.00

" amt. pd Clerk at Sale 1.00

" amt. my Commissions 18.80

" amt. Bond pd Philip Bland 114.30

" amt. pd Maria A. Bland 114.30

" amt. held and kept by
myself as Guardian for
Mary Carr in right
of her Mother Patented Case 114.30

" amt. retained in right
of myself and for my
own use

114.30
\$490.00 \$490.00

Very Respectfully Submitted

Richard M. Carr
Clerk

KNOW ALL MEN BY THESE PRESENTS, That we *Richard M Carr*
Thomas D Knight & William B. Pope

are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of
One thousand Dollars, for the
payment of which, well and truly to be made, we bind ourselves, our and each of our
heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this *20* day of *October*, 1852

The Condition of the above Obligation is such, That whereas the above bound
Richard M Carr

has by a Decree of *the County Court of Southampton*
pronounced on the *18* day of *October* 1852, in
a cause therein pending wherein *Richard M Carr*
Plaintiff and *Philip G. Lewis & others* Defendant,
been appointed Commissioner to make sale of certain *Real* Estate in
the said cause described.—Now if the said *Richard M Carr*
shall faithfully discharge his duties as such
Commissioner under said decree, then this obligation to be void, else to remain in full
force and virtue.

Signed, Sealed, and delivered }
in presence of }

Richard M Carr L.S.
Thomas D Knight L.S.
William B Pope L.S.