1882-07 Southampton County - Chancery Carr, Mary J. vs Carr, Sarah J. et al

"A sale cast in"
"Salizzy Judgments"

Sands, Smallwood & Spillman Carr, Jno R

67

Carr

vs Bill & Exhibits

Carr &c

1871 February Rules

Prince p.q.

To the Honorable Joseph W. Arrington, Judge of the County Court of Southampton. In Chancery.

Humbly complaining sheweth unto your Honor, your oratrix Mary J. Carr, that at the Term of the Circuit Court of Southampton County 1870, she obtained a judgment against Sarah J. & Jno R. Carr for the sum of $ [illegible], as will more fully appear from a copy of said judgment herewith filed, marked (A) and prayed to be taken as part of this bill. That she has issued an execution of fieri facias upon said judgment, and it has been returned by the Sheriff with the endorsement of "no effects". That the said Sarah J. Carr is possessed of a life estate in the lands of her late husband and Jno R. Carr is seized of a portion of the real estate of his father, and is also entitled, at the death of Sarah J. Carr, to a portion of the land, she now owns, as her dower. That in the opinion of your oratrix, the rents & profits of the said real estate will not satisfy her demand in five years. In tender Consideration of all which, and inasmuch as your oratrix is without remedy in the premises, save in a Court of Chancery where matters of this kind are peculiarly cognizable; to the end therefore that justice may be done, she prays that Sarah J. Carr & Jno R. Carr, may be made parties defendant to this bill & compelled to answer the allegations thereof. That an order may be entered directing

a Commissioner of this Court to take the
following accounts viz:-
1st an account of all the outstanding
unsettled judgments against Sarah J. Carr
& Jno R. Carr, distinguishing them according
to their priority.
2nd An account of the absolute and annual
value of the real Estate of which the said
Sarah J. Carr & the said Jno R. Carr are
seized & possessed; And that your Honor
will grant such other, further & general
relief as the nature of her Case may
require & to Equity may seem meet.
And as in duty bound your orator
will ever pray &c— May it please the
Court &c—

L. B. Davies Sq—

" "

Southampton Circuit Court November Term 1870.

Mary J Carr — Pff. — In Debt.
against
Sarah J Carr & Jno R Carr — Defts

The judgment obtained at the Rules 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 five hundred & Seventeen dollars & nine cents, the debt in the declaration mentioned, with legal interest thereon from the 1st day of February 1867, till paid, and her costs by her in this behalf expended. This judgment is to be Credited for one years interest, $31.03.

Pffs' costs $8.56.

A Copy.

Docketed Dec 15. 1870. Test, O. White Cc

The Commonwealth of Virginia

To the Sheriff of Southampton County. Greeting

We command you that of the goods and chattels of Sarah J. Carr & Jno R Carr Cstd in your bailiwick you cause to be made five hundred & Seventeen dollars and nine cents with legal interest thereon from the 1st day of January 1867 till paid which Mary J Carr lately in our Circuit Court of Southampton County has recovered against them as well for a certain debt as for interest thereon, also the sum of Eight dollars and 56 Cents which to the said Mary J Carr in the same Court were adjudged for her costs by her in that suit expended, whereof the said Sarah J & Jno R. Carr are convict as appears to us of record, and how you shall have executed this Writ make known at the Clerks Office of our said Court at the Rules to be holden for the said on the first Monday in February next and have then there this Writ. Witness Orrin White clerk of our said Court, at the Courthouse this 25th day of November 1870, in the 95 year of the Commonwealth

O White Cc

Sheriffs Endorsement — " Came to hand Nov 29 1870 at 10. Oclock AM
W W Briggs Shff

Return – "No Property out of which this Fi fa: can be made or any part of it.

W. W. Briggs Shff

Barr
Exhibt: with the bill
vs
Barr &c.

Clerk

v } Copy petition

Barr

Executed by delivering
Alex Knight & Penelope
Hogg each a copy of this
Decree on the 1st day of
May 1881.

Deleg Larom DC for
W.H.H. Driggs Shff
W.H. Pillman DC for
W.H. Driggs Shff

with Geo A Hogg that said defendants institut
may be made parties to petitioners cause in said Court Nov 8. 1880
3
To Judge Clerk
Order Consolidating this cause
with No 3
Filed May 16 1881
John R Blair
by Francis & Winchester his attorneys

Carr
v
Carr

Petition of Jno R Carr

In this cause your petitioner respectfully represent as follows. That soon after the purchase by Geo N Pogg of the dower interest of Mrs Sarah Carr, the mother of petitioner Geo N Pogg contracted to sell the same to this petitioner for the sum he was to pay for it, to wit the sum of $310. That in pursuance of said contract this petitioner paid to the said Pogg at divers times divers sums of money, amounting in all to about $275. That the said Pogg has died and by his will he gave all his property to his wife for life. and that since his death his widow has sold the said dower interest to one Alexdr Knight and made him a deed for the same. That the commissioner in this suit who sold the dower interest of Mrs Sarah J Carr, has now executed a deed to the said Geo N Pogg for the same and that the said Alexdr Knight. at the time he bought the same of the widow of Geo N Pogg was fully aware of the contract of sale between the said Pogg & this petitioner, and that he bought the same with full notice of petitioners claim, wherefore petitioner prays that the comr of sale may be ordered not to execute a deed for the said dower interest to Geo N Pogg divisees. until the complaint herein made is enquired into that a copy of this petition may be served upon Alexdr Knight and the widow of Geo N Pogg decd. and if it should be proved to the Court that the facts alleged in this petition are true, that the deed from the widow of said Pogg to Alexdr Knight may be set aside, and the comr of sale directed, when your petitioner shall fully comply with his contract

Carr
vs Petition of Jno R. Carr.
Carr et.

In this cause Your petitioner respectfully represents as follows:- That soon after the purchase by Geo H. Fogg of the dower interest of Mrs Sarah Carr, the Mother of petitioner, Geo H. Fogg contracted to sell the same to this petitioner for the same he was to pay for it- towit the sum of $310-. That in pursuance of said contract this petitioner paid to the said Fogg at divers times, divers sums of money, amounting in all to about $275-. That the said Fogg has died, and by his will he gave all his property to his wife, for life- and that since his death his widow has sold the said dower interest to one Alexd. Knight and made him a deed for the same- That the Commissioner in this suit who sold the dower interest of Mrs Sarah J. Carr, has never executed a deed to the said Geo. H. Fogg for the same and that the said Alexd. Knight, at the time he bought the same of the widow of Geo H. Fogg was fully aware of the contract of sale between the said Fogg & this petitioner, and that he bought the same with full notice of petitioners claim. Wherefore petitioner prays that the Comrs of Sale may be ordered not to execute a

deed for the said dower interest to Geo H. Fogg's devisees, until the complaint herein made is enquired into. that a copy of this petition may be served upon Alexd. Knight and the widow of Geo H. Fogg dec'd. ~~and as in duty bound your petitioner will ever pray &c.~~ and if it shall be proven to the Court that the facts alleged in this petition are true, that the deed from the widow of said Fogg to Alexd. Knight may be set aside, and the Conv. of Sale revoked, when your petitioner shall fully comply with his contract with Geo H. Fogg - that the deed for said dower interest may be made to petitioner. and as in duty bound &c.

Nov 8. 1880

Jno R. Carr
by Parker & Kimball - his
attys.

To Judge Circ. Ct.
Southampton

Carr
vs
Carr &c.

Petition - Dower.
Carr -

Nov. 8. 1880

Sands. Smallwood & Spillman

v

Abs. Judgt.

Carr

35 d.

South ampton Circuit Court November Term 1867.

Sands, Smallwood & Spillman Pffs. } In Debt.

against

J R Carr Deft.

Judgment against the Defendant for Ninety nine dollars Sixty nine cents with Interest thereon from the 5 day of August 1867 till paid & Costs

Pffs Costs $6.85.

Abstract from Record

Docketed Dec. 23. 1867. Teste O. White cc

Sands, Smallwood & Spilman
"

Jno. R. Carr

Petition
filed Jany 4. 1872

Co. et. South. Co

To the Hon. J. W. Urquhart, Judge of the County Court of Southampton County.

Respectfully shew unto the Court, your Petitioners Sands, Smallwood and Spilman. That at the Nov. term of the Circuit Court of Southampton County 1867, they obtained a Judgment against Jno. R. Carr for $99.61. with Interest from the 5th Aug 1867 & $6.85 cts - which Judgment was docketed in the Clerks Office of Southampton County Court on the 23d. Oct 1867, and became a Lien on the real estate then owned by said Jno. R. Carr or since acquired - a copy of which Judgment is filed herewith - That said John R. Carr is insolvent as far as his personal estate is concerned -

That a Chancery suit has been brought in said Court by Mary J. Carr, against one Sarah J. Carr & said Jno R. Carr, and under proceedings had therein the Lands of said Jno. R. Carr, which are subject to your Petitioners' Lien have been sold;

That the Judgment under which said Land has been sold is junior to your Petitioners, and hence not entitled to participate in the distribution

of the proceeds of said Land or until your Petitioner's claim is satisfied.

Your Petitioner prays to be allowed to become a party to said Chancery suit, and prays that his judgment Lien may be satisfied out of the sale made as aforesaid.

And your Petitioner will ever pray &c

Sands, Smallwood & Sullivan

by John R. Kilby Atty.

An Account of all the outstanding Judgments uncollected against Sarah O. and John R. Cals both in the Circuit and County Courts of this County distinguishing their priorities —

	To Sands, Smallwood & Spilman Judgt for	99	61		
	Int from 5 Augt 1867 to 1 July 1871	23	34		
	Costs	6	85		
				129	80
Preston p.g	"Docketed Dec. 23rd 1869"				
	To Mary J. Carr. Judgt. for	517	09		
	" Int from 1st Feby 1869 to 1 July 1871.	74	97		
	Costs.	592	06		
	Cr By one years interest paid	31	03		
Prince p.g		561	03		
	Costs	8	56		
				569	59
	"Docketed Dec 15. 1870" Total			$ 699	39

Respectfully Submitted
James R. Tyler
" Comr"

An account of the Annual and fee simple value of the interest which John R. Carr owns in the lands that formerly belong to his father.

	Annual Value	Fee Simple Value
113½ Acres Land adjoining Mills P. Fox Est. ⅓ belonging to said J.R. Carr	$20 00	$75. 56

An Account of the annual Value of the dower interest of Sarah O. Carr in the lands of her husband and what said dower is worth, if sold, &c

		Annual Value	Fee Simple Value
113½ Acres Land	$454.00		
⅓ of which belongs to Mrs Carr as dower		$25 00	151.33

The Commissioner respectfully states that Sarah O Carrs interest in the said above land "as dower" would sell, for a very small price. "say about $150.00

All of which is Respectfully submitted

James R Tyler
Com.

Commrs fee. for allowing Notes & making the above 75

Commissioners Office
June 22nd 1871

To the County Court of Southampton County

Pursuant to a decree of the County Court of Southampton County rendered at the March Term 1871 in a suit in Chancery depending in the said court between Mary J. Carr and Sarah J Carr & John R. Carr the undersigned one of the Commissioners of the said Court to whom was referred for settlement by said decree the following accounts to wit

First An account of all outstanding Judgments uncollected against Sarah O. and John R Carr both in the Circuit and County Courts of this County distinguishing their priorities

Second. An account of the annual and fee simple value of the interest which John R Carr owns in the lands that formerly belonged to his father.

3rd. An account of the annual value of the dower interest of Sarah O. Carr in the lands of her husband and what said dower is worth if sold. all of which accounts the Commissioner is directed to report

reports to the court that on the 23rd of May last he issued notices against the several parties aforesaid requiring them to attend the settlement of the said account before him at his said office on the 7th day of June which notices returned by him Commissioner duly executed. That the parties aforesaid appeared before the Commissioner in obedience to said notice and he there upon examining, stated & settled the foregoing accounts up to the 1st of July 1871 and on that day finds the Judgments uncollected including interest & Costs to be $699.39 cents. and also made up account of John R. Carr interest in the lands of his father and Mrs Sarah O. Carrs dower interest. The Commissioner respectfully states specially that in his opinion the dower interest of Sarah O. Carr in the land of her husband would sell at public auction for a very small sum as persons are unwilling to buy land in that situation. The Commissioner further reports to the court that after the completion of the said accts he retained the same in his office ten days for the examination of the parties which with the dower & notices aforesaid are herewith returned

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

James R Tyler Com

Carr
v
Carr

Comm. Notice

1871 June 24th

COMMISSIONER'S OFFICE,

Jerusalem May 23rd 187/

TO Mary I. Carr Pltff

against

Sarah J Carr and John R Carr

Defts

You are hereby notified that I have fixed upon the 7th day of June next, if fair, if not, on the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit: 1st An account of all the outstanding Judgments uncollected against Sarah C. and John R. Carr. both in the Circuit and County Courts of this county distinguishing their priorities

2nd An Account of the annual and fee simple value of the interest which John R Carr owns in the lands that formerly belonged to his father

3rd An account of the annual value of the dower interest of Sarah C Carr in the lands of her husband and what said dower is worth. if sold. all of which accounts the commissioner is directed to take & report &c

required to be taken by a decree of Southampton ~~Circuit~~ County Court, rendered on the March Term ~~day~~ of ———— 187~~4~~, in a suit in Chancery, depending in said Court, in which you are parties, plaintiffs and defendants; at which time and place you are required to attend.

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

To the Sheriff of Southampton County to execute. James R Tyler *Commissioner.*

Can' 3 Dieux
v.
Canz

3 Articles
7 Juin

Southampton County Court, March Term 1871.

Mary J. Cain Pltff.

against

Sarah J. Cain and John R. Cain Defts. In Chancery

This day this Cause came on to be heard on the Plaintiffs Bill which has been taken for Confessed as to both of the Defendants; Exhibits filed, general replication and was argued by Counsel; On Consideration whereof the Court doth adjudge, Order and decree, that a Commissioner of this Court take the following accounts; Viz; 1st An account of all the outstanding Judgments Recovered against Sarah C. and John R. Cain, both in the Circuit and County Courts of this County, distinguishing their priorities—

2nd An account of annual and fee Simple Value of the interest which John R. Cain, owns in the Lands that formerly belonged to his father—

3rd An account of the annual Value of the dower interest of Sarah C. Cain, in the Lands of her husband and what said dower is worth if Sold— all of which Accounts the Commissioner is directed to take and report, together with any other Matter Specially Stated, deemed pertinent by himself, or which may be required to be so Stated by any of the parties interested.

A Copy Test

James R. Sykes D.C

Carr
vs
Carrs

Report

1872 · Apr 15

In Obedience to a Decree of the County Court of Southampton in the Chancery Suit of Carr against Carr's. I sold in the Town of Jerusalem on the 3rd day of December 1871 to the highest bidder according to the directions of said Decree. Dr R. Carr's Interest in the Land belonging to the Estate of his Father Richard H Carr dec'd, and at the Sale so made Knight became the Purchaser by bidding therefor the Sum of Eighty five dollars, and the said Knight Paid the said Purchase Money in Cash and I Executed to him a Deed for said Interest, with Special Warranty, And out of the Eighty five Dollars so received, I paid his Portion of Costs of Suit Amounting to $23.20 and the balance $61.80 I paid to Dr R Kelly Attorney for Sands & Smallwood, who had a Judgment Lein against said Dr R Carr; which receipt is herewith filed as a part of this Report

W W Briggs Com

Pursuant to the annexed Order of the County Court of Southampton County bearing date January Term 1872 We. William R Worrell, Jesse J. Porter and John E Applewhite three of the Commissioners therein named did on the third day of February 1872 lay off and assign to Mrs Sarah J Carr One hundred and thirteen acres of land lying on the South side of Barrons Road. with the privilege of getting wood and timber on the remainder of the land. as and for her dower in the land of her late husband Richard M Carr deceased in this County.

Which is respectfully submitted to the Court.

Wm R Worrell
Jesse J Porter
J. E. Applewhite

Rec^d April 15^th 1892 of the Briggs
Comp^a in Suit of Carriage and Car
three Bonds Executed to said Briggs
Comp^a for $30 each. Geo A Fraggard
Sam^l R Wilbraham

B of Brigs
for C.H. Carr

Plffs Costs

Clks Costs	18.95		
Shff "	2.30		
Com Tyler	6.00		
Law	25.00	42.45	pd D.B.P
Legal Fee	15.00		" D.B.P

42.45
15.00
15.91
73.36

Defts Costs

Clk	10.91		
Law	15.00	15.91	pais W. B. Shands atty

42.45
15.00
57 45

Can 2 Drew
Can 2
Can 2

Writing 3 10
D.P. Paper 85

85
61 80
33.20

Southampton County Court, August Term 1871.

Mary E. Carr — Plaintiff
against
Sarah J. and John R. Carr — Defendants
In Chancery

This day this Cause came on to be again heard on the papers formerly read, the Report of Commissioner Tyler, Made in pursuance of an Order entered at the March Term 1871, of this Court and was argued by Counsel — And it Appearing to the Court that the rents and profits of the real Estate in the proceedings Mentioned will not pay the complainants demand in five years, and the Court Considering that the Defendants claim to Homestead is Unconstitutional and Inoperative Void, doth adjudge, Order and decree, that W. W. Briggs Sheriff of Southampton County, be and he is hereby Appointed, a Special Commissioner for the purpose, that he sell at public auction the dower interest of Sarah J. Carr in the real Estate of which her Husband R. M. Carr died Seized and possessed, and also the interest of John R Carr in the said real Estate, after giving thirty days public Notice of the time, place and terms of Sale, Upon the following terms, Viz; Enough in Cash to defray expenses of this Suit and Sale including an Attorneys fee of Seventy five dollars to J. B. Trimm, the balance on a Credit of One, Two and three years, equal annual installments, with interest at the rate of Six per Cent per annum, from day of Sale, and the title to the Land to be retained until the further Order of this Court. And the said Commissioner will return any Bonds he may take, together with his Report, Under this Order to Court.

A Copy,
Test, Thomas R Tyler

May Barr's

Receipt

" "

Received April 15. 1872 of W. W. Briggs, Commrs in Chancery suit of Carr vs Carr &c. Thirty 39/100 dollars, in full of balance in my hands from cash payment of Leo H. Fogg, as will be seen by reference to Report filed in said suit, January 15. 1872.

Benj. F. Bright
for H. Carr

1872 Jan 15th Rec'd of W. W. Briggs
Comr. sixty one dollars & Eighty cents
for Sands, Smallwood & Spielman, under
Decree of Jany Ct. 1872, made in
the cause of Comr. against Carter

$61.80 John R. Kilby atty
Exp 5.00 for Sands, Smallwood &
$55.80 Spielman

Cam
Cam
Cam
Anson G.
Sarah J. Cam

1871 June 19

The answer of Sarah J Carr to a bill in chancery in the county Court of Southampton by Mary J Carr against her and John R Carr

This defendant for answer to the said bill or so much thereof as she is advised it is material for her to answer, answering says she admits the allegations of the plaintiffs bill, but says that by virtue of the constitution of Virginia and the act of the legislature to carry out more effectually the provisions thereof she did by deed of the 31st of October 1870 and duly recorded set aside her dower as yet not allotted by metes and bounds in 100 acres of land valued at $300 and some little personal property as a homestead all of which will more fully appear by a certified copy of the said deed herewith filed marked A and prays to be taken as a part of this answer and she now claims to hold the said property which is all she owns save and except all her debts and having fully answered prays to be hence dismissed with her costs in

Sharon for Deft

Carr

v } Summ. Chy

Carr

1871 February Rules

Executed.

Jno. L. Barham D.Q.

Lovell Briggs Sh'ff

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon Sarah J Carr & John R Carr

if they be found within your bailiwick, to appear at the Clerk's Office of our County Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in February next to answer Mary J Carr a bill in Chancery exhibited against them in our said Court by Mary J Carr

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the Courthouse, this 26 day of January A. D., 1871, in the 95 year of the Commonwealth.

O White Clk

Carr
vs
Carr et al

Report of
Commissr Briggs

1872 Jany 16th

Carr
vs
Carr et al

Report of Commissioner of Sale.

In this cause your Commissioner submits the following report. Pursuant to a decree entered at the August Term 1891, he has sold the Real Estate in the proceedings mentioned. The following parties became the purchasers. For the dower interest of Mrs Carr, Geo. H. Hoff. and for the undivided interest of Jno. R. Carr, ~~A. D. Pope~~ Alexander Knight.

By amt of Mrs Carr interest.	$310.
" " " Jno R. Carr "	85.
	$395.

Expenses.

To Commissioners Commiss'n.	$19.45	
" Plaintiffs Costs taxed.	57.45	
" Defendants. " "	15.91	$92.81

Your Commissioner further states that he has been informed that the interest of Jno R. Carr is not liable for the debt of the plaintiff in this suit on account of a prior judgment having been rendered against him. He thinks therefore that the costs should be apportioned between the respective amounts, the plaintiff

to pay 3/4, and the amount realized from the sale of Jno. R. Carr to pay 1/4.. The following will show how the matter stands.

By amt. of Mrs Carri interest $310.-.
3/4 of Costs. 69.61
Amt subject to pltffs debt. $240.39

By amt. of J. R. Carri interest $85.-
1/4 of Costs. 23.20
Amt subject to prior judgt.. $61.80.

The whole amt of purchase money is $395.

Costs.	$92.81	
Bal. of Mrs Carri	240.39	
" " J. R. Carr	61.80	$395.00

Geo. A. Hoss. paid in Cash the sum of One hundred dollars, and ~~A. [illegible]~~ Alex^r. Knight paid Eighty five dollars.. making One hundred ~~dollars~~ and eighty five dollars..

Amt of Cash from Hoss. $100.00
3/4 Costs. 69.61
Bal in hand of Comp^r.. $30.39
subject to pltffs debt.-
Amt of Cash from ~~[illegible]~~ Knight. $85.00
1/4 Costs. 23.20
Bal in hands of Comp^r $61.80
subject to prior judgment against J. R. Carr.

Your Commissioner further states that ~~Alex^r. Knight~~ ~~A. [illegible]~~ is entitled to a deed for his purchase. Receipt of Submitted

~~[illegible]~~

Your Commissioner further states that he has taken three bonds from Geo. H. Hogg, due in one two & three years, with D. H. Williams as surety, each for $170.- which are herewith returned. All of which is respectfully submitted.

W. W. Briggs Shff

To the Hon
Judge of the Co. Ct.
of Southampton Co.

Rec'd April 15th 1872 of the Clerk of the County Court three Bonds for $170.00 each executed by George H. Hogg & James H. Williams to W. W. Briggs Cond'r in Chancery Suit of Carr v. Carr

W. W. Briggs

Depositions of Wm Penny D Fogg widow
of George W. Fogg dec'd Benjamin F Knight
and others Taken before me a commissioner
of the circuit Court of Southampton in
chancery Taken on the 22nd of September
1881 at Jerusalem pursuant to notice
duly given to be read as evidence in
the case of Mary J Carr &c Sarah J Carr
and John R Carr

Penny B. Fogg having been first duly
sworn depose and says as follows
Question by counsel for Alex - Knight

Did John R Carr or your husband George Fogg
$275 - in money for the dower interest
of Mrs Sarah J Carr which your
husband George W. Fogg bought

Answer No He has never paid me
any money for the said land nor did
he owe it for as I know or believe pay
to my husband George W Fogg in his
life time any money for the said
dower interest

Question by the same
Do you know that your husband
husband Mr Sarah J Carr sold
received at Mouth Bingo sale
Answer

Yes sir

Question by the same
Did your husband by will give you
a life estate in his property
Answer
She dis
Question by the same dis you make
a deed of Mrs Sarah J Cain's dower
to Mr Alexander Knight
Answer
I dis make him a deed
And further this deponent say not
Signed
Penny B Fogg

Benjamin F Knight having been first duly sworn deposes and says as follows

That down interest of Mrs Sarah I Carr was sold under a decree of the court by Shmitt Brigg and Jorge D. Fogg her brother became the purchaser for the sum of $310 which he pais Mr. Fogg told me in his lifetime that he had purchased this property for his sister and subsequently Mrs Sarah I Carr conveyed this down by deed of trust to me as trustee for the benefit of Alexander Knight to secure a debt of $500 and Mrs Carr failing to pay the said debt of $500 when it fell due the said down was sold and I made a deed to Alexander Knight the beneficiary in the deed

And further this deponent saith not.

Signed

B F. Knight

Alexander Knight having been first duly sworn deposes and says as follows

The tract of land belonging to Richard M Carr situate containing 7.82 acres was sold by commissioner Briggs under a decree of court and I bought the whole tract subject to Mrs Sarah J Carr dower for $330 and paid for the same subsequently Mrs Sarah J Carr dower was sold by commissioner Briggs under a mortgage sale and George E Foss became the purchaser for $310 and George E Foss told me he purchased it for his sister Mrs L. J Carr whose daughter I had married Mrs Sidney Bradbury on a prior claim was also endowed on this dower land I bought her interest and then sold my interest in the dower and also in the reversion in the said dower to Janice Carr for $500 Mrs Sarah J Carr was security on the bond for the land and she and her son Janice Carr conveyed all their interest in the said dower land to Benjn F Knight Under to secure the said bond, default being made Benjn Knight sold it and I purchased the land and took a deed. Then finding that Mrs Carr had given a deed from

Alexander Knight having been first duly sworn deposes and says as follows

The tract of land belonging to Richard M Carr estate containing 7.82 acres was sold by commissioner Briggs under a decree of court and I bought the whole tract subject to Mrs Sarah J Carr dower for $1330 and gave for the same subsequently Mrs Sarah J Carr dower was sold by commissioner Briggs under a mechanics bill and George E Foss because the mechanic for $310 and George E Foss told me he purchased it for his sister Mrs S. J Carr as her daughter I had married Mrs Nancy Bradbury on a prior claim was also endowed on this dower land I bought her interest and then sold my interest in the dower and also in the reversion in the said dower to Darius Carr for $300 Mrs Sarah J Carr was security on the bond for the land and she and her son Darius Carr conveyed all their interest in the said dower land to Benjamin F Knight Under to secure the said bond, default being made Benjamin Knight sold it and I purchased the land and took a deed, Then finding that Mrs Carr had been making a deed from-

George W Foss his brother she never
hearing, Joins for it as far as I
know to infect my title I bought
the land from Mrs George W. Foss
and receive a deed from her
any further this deponent saith not.

signed

A. Knight

State of Virginia }
South ampton County, To wit,

I James R Tyler one of
the Commissioners in Chancery of the Circuit Court
of said County, do hereby Certify that the
foregoing Depositions were duly Sworn to and
Subscribed before me, at the time and place
Mentioned therein, Given Under my hand this
22nd day of September 1881.

James R Tyler,
Commissioner.

Comr's fee $5.00
Sept to Plaintiff

In Southampton County Court

Mary J Carr — Plff

against

Sarah J Carr & Jno. R Carr — Dfts

1871 Jany 26 Summ. issued

" Febry Rules " Rt. Ex. Bill filed. & D. Nisi v Dfts.

" March " Bill taken for Confessed & cause set for hearing &c

" " T. Decree for account &c.

" June " Ans. of Dft. Sarah J Carr by leave of Court. Rep. &c

" Aug. T. Decree for Sale

1872 Jany Decree to collect &c

" Apl 15. Rept.

1880 Nov. Petition of Jno R Carr. Decree &c.

1882 Nov Dismissed. each party paying their own costs.

~~75~~ ~~76~~ 77 ~~79~~ ~~176~~

Carr

Stat. Rules

Carr

Received by Clerk Circuit
Court Aug: 13th 1873.

Carr

vs 3 Decree

Carr

March Term 1871

To be Entered.

D. D. Pidgeon

Carr

vs Interlocutory Decree.

Carr &c.

This day this cause came on to be heard on the plaintiff's bill, which has been taken for confessed as to both of the defendants, Exhibits filed, general replication, and was argued by Counsel. On consideration whereof the Court doth adjudge, order, & decree that a Commissioner of this Court take the following accounts, viz 1st. An account of all outstanding unsatisfied judgments against Sarah O. & Jno R. Carr, both in the Circuit & County Courts of this County, distinguishing their priorities.

2nd An account of the annual & fee simple value of the interest which Jno. R. Carr owns in the lands that formerly belonged to his father. An account of the annual value of the dower interest of Sarah O. Carr in the lands of her husband, and what said dower is worth, if sold. All of which accounts the Commissr is directed to take & report, together with any other matters specially stated, deemed pertinent by himself, or which may be required to be so stated by any of the parties interested.

Carr
Tr } Deed (Coby)
Carte

1880 Nov. Term
Cir. Ct

Southampton Circuit Court November Term 1880

Mary J. Carr Plaintiff
against
Sarah J. Carr & Jno. R. Carr Defendants

In Chancery

This day this cause came on to be further heard, on the papers formerly read, the petition of Jno. R. Carr filed Nov: 8: 1880. and was argued by Counsel On consideration whereof, The Court doth adjudge, order and decree that W.W. Briggs Shff. & Comm. do not execute to Lyd: H. Fogg's ~~Heirs~~ devisees any Deed for the Dower interest of Sarah J. ~~Carr~~ Carr right of said Lyd. H. Fogg, until further order of this Court, and that a copy of the petition of said Jno. R. Carr be served upon Alexdr. Knight and the widow of Lyd. H. Fogg, and that a Comm. of this Court enquire into and report the evidence upon which the Facts as set forth in the said petition are based.

A Copy
Teste: D. Ashby Blythe D.C.

J. R. Carr's Cost
Bill $2.25

Com
vs. Sp
Com

1881. Sept. 22nd

Executed.
Peter Carow Jr
for U Witnesses

The Commonwealth of Virginia,

To the Sheriff of Southampton Co.—Greeting:

We command you to Summon Alexander Knight, Benja E. Knight, James J. Darden, and Alex. Peacey Jr'g,

James R Tyler a Commissioner in Chancery of the Circuit

to appear before the Judge of our Court of Southampton County, at the Courthouse

on the 22nd day of September 188 / to testify and the truth to say on behalf of

Mary J. Carr

and this shall in no wise omit under the penalty of the law, and have then there this writ.

Witness James R Tyler Commissioner in Chancery

BITTLETON B. EDWARDS, Clerk of our said Court at the Courthouse this 1st

day of September 1881 in the 106th year of the Commonwealth.

James R Tyler
Comm in Ch'y

Carr &
v
Carr &
1872
Jany Ct. Decree
To be recorded.
J. W. Wrightsart Judge

Carr &
vs
Carr &.

This cause day Sandy, Smallwood & Spilman filed their petition by leave of Court, and claiming payment of a docketed Judgment of their Lien on the real estate of the defendant, John R. Carr — and this cause came on this day to be again heard on the papers formerly read, and on the report of W. W. Briggs. Commissioner made pursuant to the decree of the august term of this Court (1871) — to which report there is no exception, and was argued by Counsel; On consideration whereof, the Court doth confirm the said Report, & doth adjudge, order and decree that the said Com'r W. Briggs Com'r. as aforesaid receive of the Clerk of this Court, who will deliver the same to him on his leaving a Receipt therefor, the Bonds of Geo. H. Hogg of $70. each filed herein & collect the same & make said Geo. H. Hogg, a deed with special warranty in the usual form for the land sold herein, and the said Geo. H. Hogg is hereby authorized to pay

the said several sums of money before due & in which event no interest is to be charged him for the unexpired credit thereon — and the said L. W. Briggs, Comr. as aforesaid out of the proceeds of said Bonds, pay to Mary J. Carr the cash in said comr's hands from Alexander Knight's purchase money the sum of $240.39 & to said Sands, Smallwood & Shilman $61.80, amount of Mrs. R. Carr's interest therein which is subject to the judgment Lien of said Sands, Smallwood & Shilman, and make ~~and~~ & deliver said Alexander Knight a deed with the usual warranty, in the usual form for the real estate purchased by him herein, & make report to Court.

Carr

vs ⅔ Decree

Carr

August Term 1871.

To be entered.

J. W. Wyckhart Judge

Carr
vs
Carr

Decree.

This day this cause came on to be again heard on the papers formerly read, the report of Commissioner Tyler, made in pursuance of an order entered at the March Term 1871 of this Court, and was argued by Counsel. And it appearing to the Court that the rents & profits of the real estate in the proceedings mentioned will not pay the complainants demand in five years, and the Court, considering that the defendants claim to "Homestead" is unconstitutional and therefore void, doth adjudge, order & decree that W. W. Briggs of Southampton Co. be & he is hereby appointed a special commissioner for the purpose; that he sell at public auction the dower interest of Sarah J. Carr in the real estate of which her husband R. M. Carr died seized and possessed, and also the interest of Jno R. Carr in the said real estate, after giving thirty days public notice of the time place & terms of sale, upon the following terms, viz- Enough in cash to defray Expenses of this suit & sale- including an attorneys fee of

twenty five dollars to D.B. Purcell, the balance on a credit of one, two, and three years, Equal annual instalments, with interest at the rate of 6 per cent per annum from day of sale; and the title to the land to be retained until the further order of this Court. And the said Commissioner will return any bonds he may take together with his report under this order to Court.

Carr
vs 33 Decree
Carr &c

Nov Term 1880

To be Entered.

Geo Bliss

Carr

vs Decree

Carr &c

This day this cause came on to be further heard on the papers formerly read, the petition of Jno R. Carr, filed Nov 8. 1880. and was agreed by Counsel. On consideration whereof, the Court doth adjudge order & decree that Lowe Buggs, Shff & Comr do not execute to Geo H. Hogg deraign, any deed for the dower interest of Sarah J. Carr, bought by said Geo H. Hogg, until the further order of this Court.; and that a copy of the petition of said Jno R. Carr be served upon Alexd. Knight and the widow of Geo. H. Hogg.; and that a Comr of this Court inquire into & report the evidence upon which the facts as set forth in the said petition are based.

Can-
ary 3/3 Decree
Can

Recorded this
decree

Wm B Shaw
for defendant

To be entered
November term 1882

Geo. V Bloss

Carr

vs 3 Deeds

Carr

By consent of parties this cause is dismissed each party paying his own costs