

1885-06

Sanilac County - Chancery

Cornahan, Wallace
vs

Hart, Caroline
et al

"Land to be divided if
practicable, if not, to be
sold and proceeds properly
distributed"

Cornahan, Mary S.

Bryant, S. A +
Bryant, James S. Jr
et al

Hart, A. Lewis
Hart, James
Hart, John wife
Hart, Robert H.
Hart, Sally B

Plat inside

To the Hon. Geo. Blow, Judge of
the Circuit Court of Southampton
County. In Chancery.

Complaining, sheweth unto your
Honor, your Complainants, Wallace
Carmahaw and Mary S. wife,
as follows: That during the year
1883, John D. Hart departed this life
intestate, leaving the following heirs
at law: Your Complainant's wife, Mary
S. who was formerly Hart, Robt H
Hart, Jas. E. Hart, Annie, who has
intermarried with M. L. Daughtrey,
Susan E, who has intermarried
with James Dickens, and Sally
J. who has intermarried with St.
W. Nixden, and Margaret R. Jones.
That at the time of his death, the
said John D. Hart was seized and
possessed of considerable real estate
in Virginia and Mississippi. That
the lands in Mississippi have been
divided by proceedings instituted in
that State, and by decree entered in
that proceeding in the Chancery
Court of Madison County at the
January Term, 1897, it was decreed

that the Children of Margaret R. Jones, who has since died, are not entitled to any share or interest in the real estate of which the said John D. Hart, died seized and possessed, their ~~mothers~~ having received in her life-time advancements largely in excess of what the other heirs of said Hart could receive. all which will more fully appear by a certified copy of the record here with filed ^{as an exhibit} in this case. That at the time of the death of the said John D. Hart, he was seized of a tract of land in Southampton County, Virginia, containing about 1000 acres; That the said Robt. Hart, one of the heirs of the said John D. Hart has departed this life intestate leaving the following persons as his heirs at law and distributees; to wit: Cornelia C. Hart, his widow, and the following children: Fanny S. who has intermarried with S. A. Bryant, A. Lina, James, John, Robt. H. & Sally B. Hart, all infants except Fanny S. That Cornelia C. Hart has purchased the

interests of Sophia E. Hart who
was widow of said John W. Hart
of James E. Hart M. C. Daughtrey, and
Annie, his wife, James Winkens and
Susan E. his wife, and of H. W.
Virden and Sally J. his wife, in
the Virginia land, as will more fully
appear a copy of their deed herewith
filed in this cause. That your com-
plainants charge that, the said land
in Virginia is susceptible of parti-
tion in kind; and, if it is not, they
desire its sale and the proceeds divi-
ded. In Consideration whereof, and in
as much as your complainant are
without remedy in the premises
except in a Court of equity where
such matters are properly cogniza-
ble. To the end, therefore, that Jus-
tice may be done, your complain-
ants pray that, Cornelia E. Hart, both
in her own right and as vendee of
the interests aforesaid, S. H. Bryant and
Fanny J. his wife, A. Lina, James,
John, Robt. H., and Sally B. Hart
the last five infants, be made par-
ties defendants to this bill and com-
pelled to answer its allegations. That

Some fit and proper person be assigned guardian ad litem to defend the interest of the infant defendants, That the said land may be divided in kind if practicable, but if not then that the same be sold and the proceeds properly distributed; and that, your Honor will grant such other, further, general and special relief in the premises as to equity may seem meet in the nature of this cause demand.

And as in duty bound, your Complainants will ever pray &c.,
May it please the Court &c.,
J. B. Prince f.c.

The joint several answer of A. Linda, James, John, Robt. H. & Sally B. Hart infants by J. R. Tyler, their guardian ad litem, to a bill of Complaint exhibited in the Circuit Court of Southampton County by Wallace Learpahan wife against themselves & others.

These respondents reserving, &c., for answer to answer to said bill say: That they are infants and bring such nothing of the facts as stated in said bill; ~~they~~ therefore, submit their rights to the protection of this Court and having answered, pray hence to be dismissed &c.,
J. R. Tyler,
Guardian ad litem.

Executed by delivering Cornelia^B Stark. A Lina
 Stark, J A Bryant & Fannie his wife, Jas. Stark. John
 Stark, R St. Stark & Sallie B Stark. each a copy of
 this summons on the 1st day of February 1883. James
 C. Stark, M C Daughtrey & Annie his wife, James Buckner
 & Susan his wife, & H W Vaden & Sallie I his wife, are
 not residents of my County. Delq Carson Dq for
 W W Briggs Shff

Delivered by
 W W Briggs

to J Sims esq

Stark &

1883 March 10th

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *Cornelia C Hart in her own right and as vendor of Sophia E Hart. of James E Hart & M C Daughtry & etunia his wife, of James Dinkins & Susan E his wife, St. W. Warden & Pallie I his wife, et Lina Hart, S. A Bryant & Fannell I his wife, James Hart, John Hart, R. H. Hart, & Pallie B Hart all infants except Bryant heirs*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first

Monday in *March* next, to answer a bill in Chancery exhibited against *them* in our

said Court by *Wallace Cashman and Mary I his wife*

And this *they* shall in no wise omit; and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this *16th* day of *January*
188 *3* in the *10th* year of the Commonwealth.

L. R. Edwards

~~109~~
91

~~127~~ ~~128~~
Casimiah wife

ms $\frac{3}{4}$ Bill & Co.

Hart others

1883. March Rates

J. B. Prince, Jr.

Circuit Court of Southampton
County, to wit:

Cornaham N^o
Hart & Wife &
v { Sums. Chy

Hart

1882 October Rules.

Executed by deliver-
ing Cornelia C Hart
a Copy of this
Summons a Copy
of this Summons on
the 19th day of
September 1882

W W Briggs Shff

The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *Cornelia E Hart, in her own right & as vendee of Sophia E Hart, of James E Hart, & M. C. Daughtery & Annie his wife of Jas. Perkins & Susan E. his wife & of J. H. W. Virden & Gallie J. his wife*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *October* next, to answer a bill in Chancery exhibited against *her* in our said Court by *Wallace Carndahan & Mary Ann his wife*

And this

She shall in no wise omit; and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court this

12th day of

September

1882, in the

10th

year of the Commonwealth.

L. R. Edwards

1884.
9850-

May 1st, 1884.
" " " " 1884.
" " " " 1884.

1884.
1884.

1884.
1884.

130
Carroll & W. H. W.
2nd. 1884.
1884.

1884.
1884.

In Southampton Circuit Court

Wallace Cornsman & Mary J. his wife, Defts,
against

} In Chancery

Cornelia C. Hart, in her own right &
as Vendor of Sophia E. Hart, of
James E. Hart, & M. C. Daugherty
& Annie his wife, of James Sinkins
& Susan E. his wife, St. W. Varden
& Sallie J. his wife, A. Linn Hart,
J. A. Bryant & Fannie J. his wife,
James Hart, John Hart, R. H. Hart,
& Sallie B. Hart, all infants except
Bryant & wife. Sept

1883. January 16. Summons issued

March Rules Summons returned Executed on
Cornelia C. Hart, A. Linn Hart, J. A. Bryant
& wife James Hart, John Hart, R. H. Hart,
& Sallie B. Hart, Jas E. Hart, M. C. Daugherty,
& Annie his wife James Sinkins & Susan E.
his wife St. W. Varden & Sallie J. his wife
are not residents. Bill & filed, Deeds filed as.
Defts on whom process served.

1883 April Rules. Bill taken for Confess? as to Defts
on whom Summs Executed & the same set for hearing
as to them.

May Term Deeds.

To the Circuit Court of Southampton County

We the undersigned having been appointed Commissioners "to lay off and divide the real estate of which John D. Hart died seized and possessed in Southampton County, consisting of about one thousand (1000) acres, into six equal shares, having regard to quality and quantity, and assign four of said six parts to Cornelia C. Hart, one of said shares to Wallace Carnahan and his wife, one of said shares to the widow and children of R. H. Hart dec'd", did on November 2, 1883 meet at the residence of Mrs Cornelia C. Hart, who occupies said estate and proceed to lay off and allot to the said Wallace Carnahan and wife their part - assigning to them one hundred and sixty seven (167) acres, lying on the road leading from ~~Jenningsville~~ ^{Jenningsville} Va to ~~Murphysboro~~ ^{Murphysboro} K. C. and on the ~~Cypress~~ ^{Cypress} ~~road~~ ^{road}

and adjoining the land of Benjamin J.
Bryant - hereafter to be surveyed.
The Commissioners believing it the object
of the Court only to have layed off
the said Gamahan and wife's part
have not layed off the shares of
the others.

all of which is respectfully submitted.

B. J. Bryant	} Commissioners.
W. H. Daugherty	
R. T. Barnes	
R. L. Bryant	

The State of Mississippi } S.S.
Madison County.

In the Chancery Court of Madison County
At the January Term A. D. 1877 thereof.

Be it remembered that at a term of the
Chancery Court of the County of Madison State
aforesaid, begun and held at the Court House in
and for said County, on the Fourth Monday in
January A. D. 1877 among other orders and decrees
then and there made and recorded, was one in the
words and figures following to wit:-

Were Present

Hon E. G. Peyton Chancellor
of the 9th District of Mississippi
J. S. Priestley Esq Sheriff
of Madison County Mississippi
E. S. Jeffery. Clerk of said
Court.

Sally H. Vixen et al

vs.

Wallace Carnahan et al

160%.

This cause coming
on to be heard upon said Bill of Complaint, the
two confesso taken against defendants James E.
Hart, Mary S. Humphreys & W. W. Humphreys her
husband, William H. Jones, and Emma Jones upon
the answer of John S. Jones, James Jones, & Harry
Jones, by E. S. Jeffery their guardian ad litem
and upon the answer of Mary S. Carnahan and

1 her husband and upon the proofs taken at the
2 hearing of the cause, and the Court having
3 fully considered the same doth now order
4 adjudge and decree, that it is shown by the
5 proofs in the cause that the personal of John D.
6 Hart at the time of his death was equally divided
7 amongst his children & grand children share & share
8 alike, that said John D. Hart died seized & possessed
9 for the lands & tenements mentioned in Complainants
10 Bill as belonging to him at the time of his death
11 of which lands the following described have been
12 assigned to Mrs Sophia E. Hart, widow of said
13 deceased as her dower to wit; SW¹/₄ & W¹/₂ of SE¹/₄
14 of Section one & the NW¹/₄ & W¹/₂ of SE¹/₄ of Section
15 one, & the NW¹/₄ & W¹/₂ of SW¹/₄ of Section 12, Township
16 8 Range 2 East, also SW¹/₄ of Section 20 and a
17 parcel of eleven acres off of S¹/₂ of W¹/₂ of NW¹/₄
18 of Section 20 Township 9 R. 3 East lying
19 South of the Canton & Sharon road containing
20 650 acres more or less, that the said Margaret
21 R. Jones in her lifetime and the said James
22 E. Hart, Sue E. Dinkins in the lifetime of said
23 John D. Hart, & at the respective times stated
24 in said Bill received the several advancements
25 in real estate mentioned in said Bill & that
26 said Margaret R. Jones in her lifetime & that of
27 her said father received from her said father
28 by way of further advancement fourteen negro
29 slaves as stated in said, and that said
30 Robert E. Hart, in the lifetime of his said
31 father & from him & by way of advancement
32 the sum of four hundred dollars and that

said Sally H. Vinden received nothing from her said father by way of advancement to her that the value of said several advancements in land when received is as follows:-

James E. Hearts advancement	\$ 9,200. 00
Margaret R. Jones advancement	8,472. 00
Sue E. Dinkins advancement	6,333. 33
Annie E. Daughtrays advancement	4,706. 00
Mary S. Carnahans advancement	3,993. 33

that the said Margaret R. Jones was also advanced the sum of \$14,000 in negro slaves making the whole advanced to said Margaret \$22,472.00. that the value of the real estate of which the said John D. Heart died seized and possessed is \$10,500⁰⁰ exclusive of the lands set apart to said widow as her dower lands And the court doth further declare & decree that the said Margaret R. Jones in her lifetime the said James E. Heart & said Sue E. Dinkins have each received by the advancements to them respectively as aforesaid property exceeding in value a share of said deceased's estate with said advancements brought into hotchpot. and that said James E. Heart & Sue E. Dinkins and the children aforesaid of said Margaret R. Jones are not nor is either of them entitled to any share or interest in the real estate of which said John D. Heart died seized & possessed and which is described in said Bill of Complaint [exclusive of said dower lands and the said children of the said Margaret R. Jones & said Sue E. Dinkins and James E. Heart are now

1 decreed & declared to be forever barred of all
2 claim right or title to said lands [exclusive of
3 the dower lands aforesaid] and the Court doth
4 now declare & decree that the title to the
5 same is now in the said Sally H. Virden,
6 Robert H. Hart, Mary S. Carnahan & Annie C.
7 Daughtrey who shall have & hold the same
8 free & clear of all right or claim of the said
9 James D. Hart, Sue E. Dinkins and said heirs
10 of Margaret R. Jones deceased and that said
11 lands be partitioned between the said Sally
12 H. Virden, Robert H. Hart & Annie C. Daugh-
13 try and Mary S. Carnahan said partition
14 to be made so as to make the value of each
15 share of said parties as equal as possible when
16 brought into hotchpot, with the property
17 advanced to said Mary S. Carnahan &
18 Annie C. Daughtrey, & the money advanced
19 to said Robert H. Hart, and the Court here
20 proceeding now to declare & decree how said
21 lands shall be partitioned doth order adjudge
22 and decree the said Sally H. Virden & Hugh
23 W. Virden, Annie C. Daughtrey & M. C. Daughtrey
24 Robert H. Hart & Mary S. Carnahan & Wallace
25 Carnahan her husband, by their respective solic-
26 itors agreeing thereto that to the said Annie C. Dau-
27 ghtry be set apart & assigned the West half of
28 $\frac{1}{2}$ of Section 9 T. 8 R. 2 East valued at \$297⁰⁰
29 that to Mary S. Carnahan be set apart & assigned
30 the $\frac{1}{2}$ & $\frac{1}{4}$ of Section 9 and $\frac{1}{2}$ of $\frac{1}{4}$ of Section
31 10 in T. 8. R. 2 East valued at \$1004⁵⁰ and to Sally
32 H. Virden & Robert H. Hart the $\frac{1}{4}$ of Section 10

1 $\frac{E}{2}$ $\times$ $\frac{E}{4}$ of Section 9. T. 8 R. 2 E. and $\frac{N}{2}$ $\times$ $\frac{E}{2}$ $\times$ $\frac{E}{4}$
2 of Section one T. 8 Range 2 E. and $\frac{N}{2}$ of Section 6.
3 T. 8. R. 3 East $\frac{W}{2}$ of $\frac{SE}{4}$ of section 36. T. 9. R. 2 East
4 $\times$ $\frac{S}{2}$ of $\frac{E}{2}$ of $\frac{SW}{4}$ of Section 31. T. 9. R. 3 East valued
5 at \$9.595⁰⁰ and because in said partition the said
6 Robert H. Hart, & Sally H. Virden have set apart to
7 them in common the said lands just above described
8 and the said Robert H. Hart has been advanced four
9 hundred dollars in money as hereinbefore set forth. -
10 it is adjudged and decreed that said Robert H. Hart
11 pay to said Sally H. Virden the sum of four hundred
12 dollars in money with the payment of which the
13 moiety of said lands set apart to said Robert H. Hart
14 as aforesaid are hereby charged, and the Court doth
15 adjudge & decree that the persons to whom respectively
16 said lands are set apart & partitioned as aforesaid,
17 shall have & hold the same to themselves their
18 respective heirs & assigns forever, free clear & fully
19 discharged of the claims of the other parties to this
20 partition & free & clear & fully discharged of all
21 claim right or title of the coheirs of said John D.
22 Hart thereto and none of the said parties shall
23 have any claim or interest in the said lands beyond
24 the shares set apart to him, or her respectively as
25 aforesaid and the Court doth order adjudge and
26 decree that William L. Love J. J. Gilman & Wm H.
27 Cassell be each paid the sum of \$33³³ for their
28 services in viewing the lands to ascertain their
29 value, and the value of the said advancements
30 & for their attendance upon this Court to testify
31 in relation thereto which sums shall be taxed as
32 part of the costs herein, and the Court here doth

further decree that all the costs herein shall be paid
by said Sally H. Vinden, Robert H. Hart, Mary S. Car-
nahan & Annie C. Daughtey in equal parts each to pay
a fourth part thereof.

Ordered adjudged & decreed this 27th day of
January 1877.

E. G. Peyton. Chancellor.

The State of Mississippi }
Madison County } ss.

I W. O. Baldwin, Clerk
of the Chancery Court of the County of Madison
State aforesaid do hereby certify that the foregoing
six pages contain a true and perfect copy of the
original decree as the same remains on file in my
office.

In testimony whereof, I have hereunto set
my hand and seal of said Court at Canton
the eleventh day of March A. D. 1882.

W. O. Baldwin Clerk



Comaham wife
or 3 Cuts
Hark &



Carnahan wife
vs } State mt Csts.

1883.

Hort 4.

"

Summons 20. Copies .80 Noting return .35
att. 10 filing paper .25 2 rules 1.00. answer of
infants .25 Exhibits 12.5 filing same .10

Clerk

Deer & copy 72

1884.

Deer & copy .72 filing Com. Reports (2) .50

1885

Deer & copy .72 Csts & copy 40

Dismissal .25

7.61

Sheriff - Executing 8 Summons -

4.00

Atty fee

16.50

Surveyor fee.

30.00

Chain bearers -

6.00

Commissioners

4.00

Man to chop lines

2.00

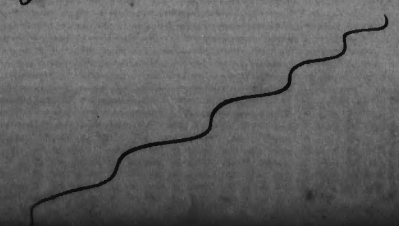
\$70.11

July 14. 1885.

Teste. J.B. Price C.B.

This Deed made this Twenty sixth day of July Anno Domini, Eighteen Hundred and Eighty, between Sophia Emeline Hart, James E. Hart, Mills E. Daughtrey and Annie his wife (formerly Hart) James Dickens and Susan E. his wife (formerly Hart) Huron W. Virden and Sallie J. his wife (formerly Hart) all of the State of Mississippi parties of the first part: and Cornelia Clinton Hart, wife of Robert H. Hart, of the County of Southampton State of Virginia party of the second part: Witnesseth as follows: Whereas Capt. Jno. D. Hart formerly a citizen of the said County of Southampton, State of Virginia and more recently of the said State of Mississippi has lately departed this life intestate and leaving as his distributees and only heirs at law, his widow the said (Sophia Emeline Hart) and seven children, to wit: the said James E. Annie E. Susan E. and Sallie J. parties of the first part together with Robert H. Hart and Margaret Rebecca Jones (formerly Hart) and Mary S. Carnahan (formerly Hart) the three last named not being parties to this Deed: And whereas the said, Jno. D. Hart, was at the time of his death, seized and possessed of two certain tracts ~~of~~ parcels of land

lying and situated in the said County of Southampton, State of Virginia, which said two parcels of land have descended to the said parties of the first part and to the said Robert H. Hart and Margaret Rebecca Jones and Mary S. Carnahan: which said two tracts or parcels of lands are situated in said County of Southampton, State of Virginia and are bounded as follows: The first supposed to contain about eighteen acres more or less, is bounded by the Mattoway River, by the lands belonging to James Monroe Cutler, Walter Darden and Leonard Cobbs heirs. The other tract, supposed to contain about Twelve hundred and ninety eight and one half acres, is bounded north and east by poplar swamp: on the south by J. S. Holland and the North Carolina line, and on the west by the lands of Mrs Chas. E. Bryant and Richard P. Barnes: We the said parties, of the first part, do hereby grant and convey with general warranty unto the said Cornelia Clinton Hart all of the right title and interest of every kind whatever, whether in law or equity, in possession or remainder, which they or either of them may have or may hereafter be



entitled to in and to the said two tracts or parcels of land; that is to say, the said Sophia Emeline Hart for and in consideration of the natural love and affection which she leaves for the said Cornelia Clinton Hart gives and grants to her all of right of dower, which the said Sophia Emeline Hart may have or be entitled to in the said tracts of land and the other four parties of the first part, for and in consideration of the sum of Two Hundred Dollars paid to each of them by the said Cornelia Clinton Hart, the receipt of which is hereby acknowledged by said parties of the first part, do and each of them doth hereby grant and convey unto the said Cornelia Clinton Hart all of their several and respective right, title, and interest of any kind whatsoever, which they or either of them may have in and to the two tracts or parcels of land, that is to say, one seventh each.

The said real estate is hereby granted and conveyed to the said Cornelia Clinton Hart as her own property, to be held and disposed of by her by last will and testament by Deed of Bargain and

Sale, by mortgage or otherwise at her own will and pleasure subject to the Laws of the State of Virginia.

Witness the following signatures and seals.

Sophia E. Hart Seal

Jas. E. Hart Seal

M. C. Daughtry Seal

A. C. Daughtry Seal

Jas. Dickins Seal

Sue. H. Dickins Seal

H. W. Virden Seal

Sallie H. Virden Seal

State of Mississippi }

Madison County } I, Will H.

Bailey Chancery Clerk and Notary Public for the County and State aforesaid, do certify that Sue. H. Dickins, Sallie H. Virden and A. C. Daughtry whose names are signed to the writing above bearing date on the 26th of July A. D. 1880, personally appeared before me in the County aforesaid and being examined by me privily and apart from their husbands and having the writing aforesaid fully explained to them they the said Sue. H. Dickins, Sallie H. Virden,

and A. C. Daughtry acknowledged the said writing to be their act and declared that they had willingly executed the same, and do not wish to retract it: and Sophia E. Hart, James E. Hart, M. C. Daughtry, James Dickens and H. W. Virden, whose names are signed to the writing above bearing date on the 26th day of July A. D. 1880, have acknowledged the same before me in the County aforesaid.



Witness my hand and
Official Seal at Office
in the City of Canton,
this the 31st day of July
A. D. 1880.

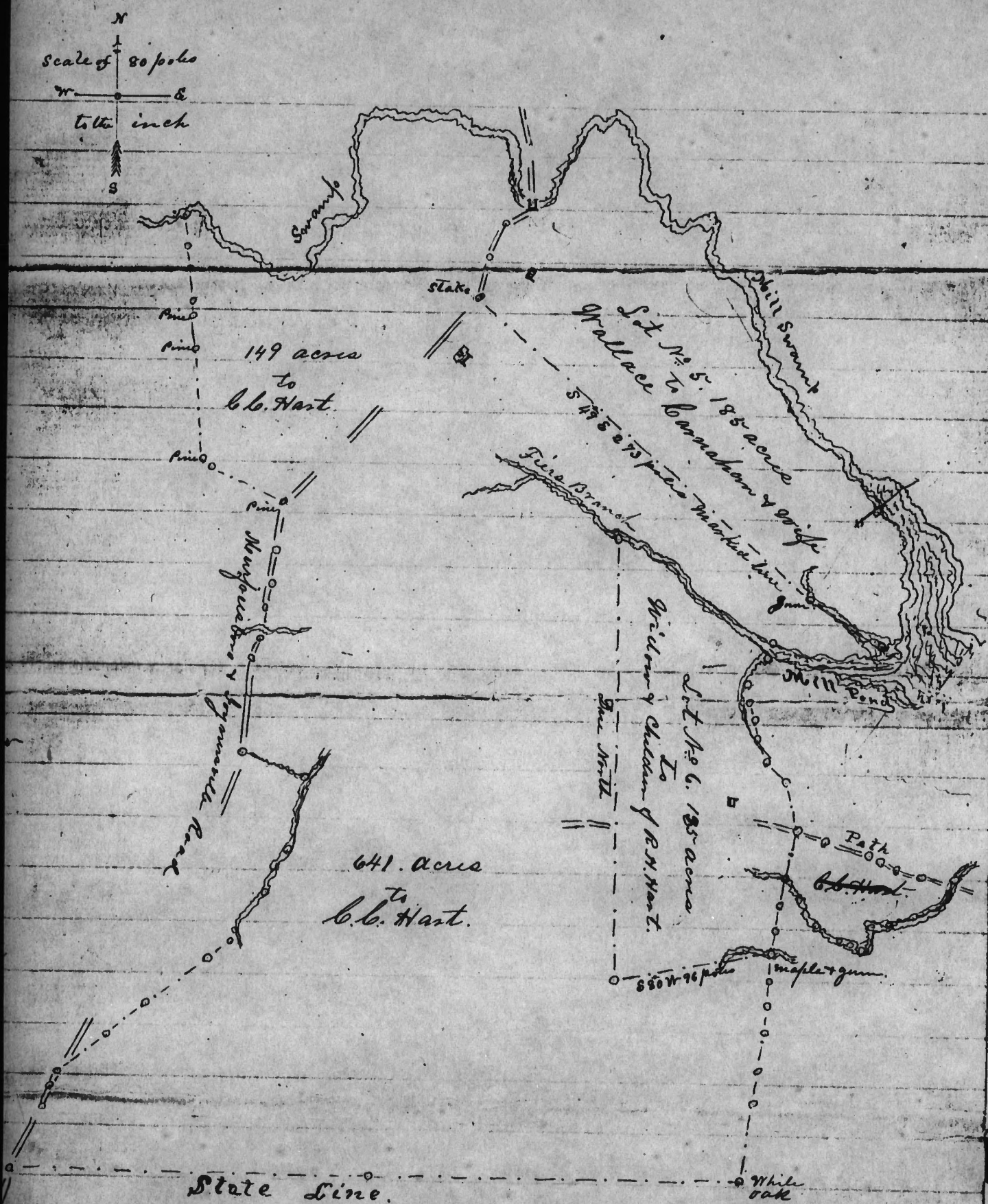
Will, H. Bailey,
Chancery Clerk and Notary Public

Southampton County: In the Clerk's
Office September 7th 1880. This Deed of Bar-
gain and Sale from James E. Hart and others
to Cornelia Clinton Hart was this day
received and with the certificate annexed ad-
mitted to record

Teste: L. R. Edwards, C. C.

A Copy

Teste: James N. Tyler, clk



The above plat represents a tract of land lying in Southampton
Co. Vt. of which John D. Hart died seized & possessed. Containing
1110 acres. Surveyed & divided by order of Court.
April 1885.

Richard T. Barnes, Supt.

To Hon: Geo. Blow, Judge of Circuit of
Southampton County, Virginia.

We the undersigned Commissioners appointed
by Circuit Court of Southampton, to lay off and divide
the Real Estate of which John D. Hart died seized
and possessed, beg leave to submit the following
report: that we have divided the said real
estate containing by Survey 1110 acres as
per, accompanying plat, regard being had
to quality as well as to quantity and that we
have assigned to Cornelia C. Hart four shares
as directed by the decree, containing 790 acres;
that we have assigned to Wallace Carnahan & wife
one share Lot N^o 5 containing 185 acres, and to the
widow and children of Robt. H. Hart one share
Lot N^o 6 containing 135 acres.

All of which is respectfully submitted

B. J. Bryant
Wm. H. Daugherty
R. T. Barnes
R. L. Bryant } Com.

Surveyors fee \$ 30.
Chain bearers 6.
Commissioners 4.
Man to Choplines 2.

Cornaham snipe.

or $\frac{3}{3}$ decrees.

Hart sother.

This day this Cause came on to be heard on the bill of Complainants, taken for confessed as to the adverse defendants, the answer of the infants by J. R. Tyler their Guardian ad litem, with general application thereto, the exhibits filed, and was argued by Counsel. On consideration whereof the Court doth order that B. J. Bryant, Wm. H. Dauphley, R. J. Barnes, R. L. Bryant & Edwin R. Freer, who are hereby appointed Commissioners for the purpose, any three of whom may act do proceed to lay off and divide the real estate of which Jno. D. Hart died seized & possessed in Southampton County - Consisting of about 1000 acres into six equal shares. Having regard to quality and quantity, and assign four of said six parts to Cornelia C. Hart. one of said shares, to Wallace Cornaham & his wife. and one of said shares to the widow & children of Robt H. Hart decd. But if said Commissioners should find it impossible or impracticable to divide said land among the aforesaid parties or should be of opinion that the interests of the said parties be more promoted by a sale

* The entire subject matter may be appraised to any party who will accept it and pay therefor to the other parties such sum of money as their interest therein may entitle them to.

Cannahan & Wife
vs 3 Deere
Hark & others

May Term
1883

To be entered.

Geo. Brown.

of said land, then they are required to report
the facts upon which their opinion is
based to the Court. and also what in
their opinion is the fee simple value
of the said land-

Carnahan & wife
vs: $\frac{1}{3}$ Decree.
Hark & others

Mar 2nd Term 1884.

Decree

To be entered—

Geo. T. Brown.

✓

✓

Bamahan wife,
vs: 3 Decree.
Hark & others.

This day this cause came on to be heard upon the papers formerly read, the report of Commissioners filed during the term, and was argued by counsel. On consideration whereof, the Court, without confirming the said report, doth adjudge, order and decree that this cause be ~~continued till the next term of the Court.~~ ~~With power to the Commissioners to employ a competent surveyor~~ referred back to the said Commissioners for report & they are hereby authorized to employ a competent surveyor - and make report to Court.

Carnahan & wife }
or. } Decree.
Hart & others.

This day this cause came on to be further heard upon the papers formerly read upon the report of B. J. Bryant, Wm. St. Daughtry, R. I. Barnes & R. L. Bryant, Commissioners appointed by a former decree herein, of the partition of the land in the proceedings mentioned, to which report there is no exception & was argued by Counsel. On consideration whereof it appearing to the Court that in the partition made by said Commissioners, Lots no. 1, 2, 3 & 4, inclusive, bounded & described as will appear in plat herewith filed, containing 641 acres, more or less, fell to the share of C. C. Hart; and lot no. 5. Containing 185 acres & bounded & described as will appear in said plat fell to the share of Wallace Carnahan & wife; and lot no. 6, containing 185 acres, more or less, and bounded & described as will appear in said plat fell to the widow & children of R. St. Hart, died; the Court doth adjudge, order & decree that the said report of said Commissioners be

Confirmed & that the partition in manner
& form aforesaid made be held firm
& stable. And it is ordered that the cost of
this suit be proportionally borne by the
parties thereto. And nothing further
remaining to be done in this cause, it
is ordered that the same be removed
from the docket.

Canahan wife

vs. B. Seave.

Hart

May term 1880

to be entered.

Test: B. Seave.

Entered 1880

Dismissed