

1868-010

Chancery Causes: Jesse Whitehead v s Nancy Carr + al

Dsh of Wight County

other SURNames: Butler,
Norfleet

Mr Young

I have enquired about the value of the Carr
Land, so as to see if there may not some error
in the same - You will find by Mr Butters
note, now enclosed, that he valued the rent
at \$20 per year when cultivated, But of
course he did not expect a yearly Cultivation
but every other year, Hence the annual
rent should be \$10. instead of \$20.

As Mr Butters will be at your office on
15: You can retake his affidavit & make
the correction.

Yrs to
John R. Kelly
12 Feb 1867

P.S.

I thought the Dep. in such's care was
to be adjourned till day after Court's

I can't be before you on 15th - Mr Hazen
will I suppose.

Mr Jno R Kilby,

Sir Mr Whithead
has been to see me in reference to
the valuation of carr track of land.
as yearly rent. I do not know at this
time what I told Mr Young in referen
to the rent, but I think \$20. for every
year when the land is to be tinned will
be ample rent and fences to be kept
repaired, my impression is that the
land was not to be tinned only every
other year, no houses on said
land, which will operate against
the rent of said land &c
Alby 11th 67 yours &c A R Butler

Mr Geo R. Pilby
Suffolk
Va

W Young—

Remodel your
acct. by apl. ct. next
I can't get the Secer today
I. R. K.,

8 Mar. 1867

W. D. Young Esq

J. of W. C. N.

Whitehead & v. Can Sal.

This cause came on this day to be again heard on the papers formerly read and on the Report of Edward Rauls, Com^r. made pursuant to the order of the day of April 1867 - to which report there is no exception (and was argued by Counsel). On consideration whereof the Court doth advise order and decree that the proceedings had in the cause be confirmed and made binding and final between the parties - and that the cause be removed from the docket.

Whitehead &

or

Carr &

Final Deeds

To be entered

Wm Carr

Entered

promote the interests of all parties, and
make report to Court with any matters
specially stated deemed pertinent
by himself or that any one of the
parties may require to be so stated.

Whitlock & Co

Q

Land's

Receiv

Take enclosed.

W. H. H. H.

Edwin S.

April Court 1867.

Joseph Whitehead & als.
against
Nancy Carr & als

In Chancery

Pltffs

Defts.

This Cause came on this day to be again heard. On the papers formerly read and on the Report of A. P. Young Commissioner made pursuant to the decree of the 1st day of October 1866, to which Report there is no exception, and was agreed by Council: In Consideration whereof, the Court doth Confirm the said Report, and doth adjudged, Order and decree that the real estate referred to in the proceedings, and described as a tract of land in Isle of Wight County, containing fifty acres, more or less, & adjoining the lands of William C. Barnes, Ro: Butler, & J. C. Vaughan, be allotted to Joseph Whitehead, at \$175.00. who is willing to accept the same, and that Edwin Parols, be and is hereby appointed Commissioner to execute to said Joseph Whitehead a Deed for the said Land in the usual form with Special Warranty, and receive of said Joseph Whitehead the said sum of \$175.00, and pay to Nancy Carr, in fee, in lieu of her life right in the same, \$73.50. and pay to Harvey Carr, Asstut & Parshaba his wife \$8.44, and to the Guardian of Martha Carr \$12.69 and to the legal Guardian of Walter P. Carr \$12.69. and to said Joseph Whitehead \$67.67 and receive of each party a ratable share of the Cost of this suit and pay to the parties entitled and report to Court.

a Copy Dated

A. P. Young Cllk.

Atts. fee, Tax & Stamp \$11.50

Cllk. fee 5.98

Comm. S. .. 6.25

Costs \$23.73

Spe Whitehead

v. $\frac{3}{4}$ body down

harrtol.

Ipeletutehead

M

Nancy Carr &c

This cause came on this day to be again heard on the papers formerly read and on the Report of A. P. Young Comr made pursuant to the decree of the 1st day of Oct. 1866, to which report there is no exception & was argued by counsel. On consideration whereof the Court doth Confirm the said Report & doth adjudge, order and decree that the real estate referred to in the proceedings, and described as a tract of Land in ~~the~~ ^{the} State of Wright County containing fifty acres, more or less and adjoining the Land of Wm E. Barner, Ro. Butler & John Vaughan, be allotted to Ipeletutehead at \$175. who is willing to accept the same, and that Edw. Rawls, be and is hereby appointed Comr. to execute to said Ipeletutehead a deed for the said Land in the usual form with special warranty, and receive of said Ipeletutehead the said sum of \$175. and ~~pay all costs & expenses of said~~ and ~~then~~ pay to Nancy Carr in fee in lieu of her life right in the same \$73.50; and pay to Handi Unblest & Bawkebah's wife \$8.44, & to the guardian of Manetta Carr \$12.69 & to the

legal guardian of Walter T. Carr.
#12.69. and to said Joseph Whitehead #67.69
~~and such Report to Court~~ and receive of
each party a ratable share of the cots of this
suit & pay to parties entitled Report to Court.

Whitehead &

v

Carr &

1867

apl. Ch. Secree

To be entered.

W. H. Carr

W. Young
sent me copy of
this sent J.P.R.

To the Worshipful Court of Isle of Wight County.

The Undersigned respectfully reports to the Court, that pursuant to the decree of said Court made on the day of April 1867, in the cause therein pending wherein Sepe Whitehead and others are plaintiffs and Nancy Carr and others Defendants, he has received of Sepe Whitehead the sum of \$175. the value of the land referred to in the proceedings, and has paid the same to those entitled, as the following statement will show -

By amount of Sepe Whitehead	\$175.00
To paid Cots of suit - To Geo. R. Kelly atty.	\$11.50
To A. P. Young, Clerk	5.98
" Same Com.	6.25
	<u>\$23.73</u>
Nett Balance	\$151.27

To paid Nancy Carr \$73.50, left her share of cots \$63.53

To paid Hardy Welfelt and Barshaba his wife \$8.44, left their share of cots \$7.30

To Hardy Welfelt guardian of Marcetta Carr \$12.69 left her share of cots \$10.97

To Hardy Welfelt guardian of Walter J. Carr \$12.69, left her share of cots \$10.97

To Sepe Whitehead \$67.67 left his share of cots \$58.50 \$151.27

The undersigned further reports that he has made to Sepe Whitehead a deed as Comr. with special warranty in the usual form.

Respectfully submitted
Edward Rarob } Comr.

1867 April 25 Rec^d of Edmund Rauls, Com^r
 the several sums due us as set opposite our
 names in the foregoing report - to wit:



	N. D. Young bal. fee	2.50
	N. D. Young loan.	6.25
	John R. Kelly	\$11.50
	Hardy ^{his} + Abblet wife	7.30
John R. Kelly as to Hardy Abblet	Hardy ^{his} ~~mark~~ + Abblet son of Maratta Can.	10.97
	Hardy ^{his} ~~mark~~ + Abblet son of Walter Can.	10.97

Whitehead &
n } Report of
payments &
Cash Sal..

Filed July 31. 1867

1867 June 1. Rec^d. of Edw^d. Rawls Com. Sixty
three dollars and fifty three cents, amount
coming to me from proceeds of sale of
Land under decree of ~~Worcester~~
Sale of Wright County Court of April Court
1867 in the case of Whitehead Sal^y. against
Carroll & others
Wm^h W. Whitehead
Jesse Whitehead
#63:53.
Wm^h W. Whitehead
mark

Recd of Edward Rices Comptroller - for Sale of
Land known as Can place the sum of
One Hundred and Seventy five dollars
which amount I am to pay the
less entitled as per order of said
less

May 15th 1867

James Whitehead
J. W.

A.

"An account of the quantity and fee simple and annual value of the land referred to in the proceedings."

Quantity of land. fifty acres.

Fee simple value thereof \$ 175 00

Annual value thereof \$ 10 00

B.

An account of the present fee simple value of the life estate of Mrs. Nancy Carr in said land.

Mrs. Carr's age 70 years.

Annual value of the land \$ 10 00

Mrs. Carr's expectation of life 10 years.

Present value of \$10. for ten years \$ 73 50

C.

An account of the present fee simple value of the Court right of Mrs. Bershaba Norflut therein, and of each of the infant defendants.

Fee simple value of land above \$ 175 00

Deduct Mrs. Nancy Carr's interest 73 50

Leaving \$ 101.50

James S. Carr's widow & children int. $\frac{1}{3}$ \$ 33 83

annual value of \$33.83 is \$2.03

Bershaba Norflut dower in \$2.03 is 68%

and she being 42 years of age, her fee simple interest therein is worth

8 44

Marietta Carr int. interest

12 69

Walter S. Carr " "

12 69 \$ 33 83

Common Pleas Office, Isle of Wight Co. Va.
Decr. 15th 1866.

To the County Court of Isle of Wight County.

Your commissioners reports to the Court that in
pursuance of a decree of said Court rendered on
the 1st. day of Octo. 1866 in the suit therein pending,
between Jeph Whitehead plaintiff and Nancy Carr,
Hardy Norfleet & wife Barbara Lot Carr, and Maritta
Walter T. Carr defendants, he has made up
the foregoing accounts (the formal notices to the
parties being waived by the Court).

A. Account A. shows the No. of acres of land in
the proceedings mentioned, to be fifty.

The fee simple value thereof \$175.00
and the annual value \$10.00.

B. Account B. shows the present fee simple
value of Nancy Carr's ~~share~~ right therein
to be \$73.50.

C. Account C. shows the present value of
Barbara Norfleet's interest (dower) therein \$8.44
and the interest of each of the infants
Maritta & Walter T. Carr therein ~~\$12.69 1/2~~ \$12.69 1/2.

Your commissioners reports that Jeph
Whitehead one of the parties interested, is
willing to take the whole of the land at
its valuation and pay to the other parties the
amount to which they may be entitled.

GIVEN under my hand the day and year
first aforesaid, as one of the Commissioners in
Chancery of said Court.

A. D. Young Comr.

Comm. fee \$6.25
Chgd. to ptffs.

Sepe Whitehead

v. { Cont. Rept.

Nancy Carr tal.

Dec. 27th 1866.
filio.

The undersigned do certify under oath that
we are acquainted with the Lean Land, for
the sale of which a suit is pending in the
County Court of Isle of Wight County, and we
value the Land at the sum of One
hundred and seventy five dollars - we
further state that we are entirely disinterested
in the matter. Given under our hands,
this day of 1866

Subscribed and sworn
to before me this
day of 1866

Edmund Davis
Robert ^{his} Butler
mark

Edmund Davis

A R Butler

J.P.

annuall value \$20.

Nancy Gore age 70 years

Basketo No. 427

Life settlement in colling
to take the land at 1/2 value

Whitehead & v. Carr & others

This day Edgar Rawls personally came before me & being sworn says that he is well acquainted with the "Carr Land" referred to in the proceedings - that there is no house on the premises, and very little wood Land - and that he considers that the Land is worth from \$150. to \$175. and not more, and that in his opinion ~~that~~ no damage can accrue to other parties by any allotment of the entire subject to ^{Edgar} ~~Edgar~~ Whitehead, who owns the largest share.

Edgar Rawls

Sworn to & Subscribed before me this 18th day of Dec. 1866 in my office.

N. P. Grayson.

Whithead

p. 3 affort.

Canter

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight—Greeting:

We command you to summon ^{Nancy Hardy mother of Barbara} ~~Bartholomew~~ Carr, and ^{his wife}
Mazetta and Walter Carr (the last two infants)

to appear on the first Monday in July
next, being Beale day, at the Clerk's office, of the County Court for
the county of Isle of Wight, directed to be holden at the Courthouse thereof,
to answer the Bill in Chancery of Jose Whitehead

and have then there this writ.

Witness Nathaniel P. Young, Clerk of our said Court, this 22^d
day of May 1866, and in the 90th
year of the Commonwealth.

[A copy to be delivered to each defendant.]

N. P. Young Clerk.

2 copy. N. P. Young es.

Whitehead

n. { Stan. L. in
Chy.

Can tag.

~~Sept 10~~

~~Mr. J. B. B. B. B. B.~~

To July 1866

Sec. of
St. L. J. B. B.

some of the process of
June 6 1866.
Wash
Catharine J. B. B.

Wash
J. B. B.

Jose Whitehead

} Sum. in
} Ky.

v.

Mary
Barshaw Carr to G.

To July 1866
Co. Est.

Kelby Jy.

Wm. Day.

1866 May 25. Jacksonville remiss
of this process. (Mary H. H. H. H.)
cutting. (Mary H. H. H. H.)
mark

The Joint ~~and~~ separate answer of Marilla
and Walter T. Lear, infants, by A. P. Young
their guardian ad litem, to a Bill in
Chancery filed in the County Court of
Lee of Wight County by Jesse Whitehead
against ~~Rex~~^{Nancy} Lear others.

These Respondents say that
so far as they know or believe the facts set forth
in said Bill are true, but being Infants, and
therefore incapable of properly defending
themselves, they submit their interests to the
Court, and pray that no order or decree
may be made in the premises, inconsistent
with their just rights.

signed

A. P. Young guardian
ad litem.

Whitehead

77

Can

Answer of
Infant: Septs.

The answer of Nancy Lear, to a Bill
in Chancery filed in the County Court of
Isle of Wight County against her father, by
Leffe Whitehead

This Respondent, says that
she is entitled to the Land referred to
in the Complainants' Bill, for Life, but
as it has no house on it, she is willing
to surrender the right she has, so that the
Land may be sold, and is willing to
accept in fee simple such sum of
money in lieu of her life right to the
same, as to the Court may seem proper.

Witness

Edwards Rauls,

Signed

Nancy^{her} Lear
mark

John R. Riley
Suffolk Co.

answer
of Nancy Carr.

To the worshipful Court of Isle of Wight County
— in Chancery sitting —

Complaining shew unto the Court
your Complainant Jesse Whitehead —

Your Complainant respectfully represents
to the Court and says, That the said Jesse White-
head, ^{together with} James D. Carr & Benjⁿ. D. Carr purchased
of James Butler about 12 or 14 years ago, a
tract of Land in the County of Isle of Wight
containing fifty acres, more or less adjoining
the Lands of Wm E. Barnes, Ro. Butler &
John Vaughan — That the said Jesse
Whitehead, purchased from the said
Benjⁿ. D. Carr on the day of
(three or four years after the above named
original purchase), all his interest in the
said Land, and thus became the owner of
Two thirds of the same. That Nancy Carr the
widow of Nathan Carr is entitled to said Land for life.

That James D. Carr died on the
day of Intestate, and left a widow
named Barshaba about years old &
the following children, to wit: Marietta, about
fifteen years old & Walter D. Carr aged about
Nineteen years — That said Barshaba has since married
and is now the wife of Hardy Norment.
That the buildings on the said Land
were burnt by the United States troops during
the late war, and that now the premises
are unproductive, and no one feels sufficient
interest, as it stands to improve it — That

The said ~~Nancy~~ ^{Hears} may surrender her right for life to said Land & ^{that}
your Complainant prays that, the said Land
may be divided among the parties according
to their respective rights, if best for them,
if not, and it should appear as your
Complainant charges is the case, that a sale
of the premises would best promote the
Interests of all parties, that, then, your Com-
plainant prays that a sale of the
said Land may be made & the proceeds
divided according to the rights of the parties.

In consideration whereof, and as this
Court has jurisdiction - do the two therefore
your Complainant ^{Nancy Lear & Hardy Mablet & his wife} prays that, ~~Barshaba~~ ^{Barshaba} ~~Dare~~
and Marietta & Walter D. Lear, the last
two Defendants, may be made Defendants
hereto & be required to answer the charges
& statements herein, that Dover may
be assigned to said Barshaba or that a
fair money equivalent may be paid her
provided she should relinquish her Dover
therein, that partition or sale of the said
premises may be made as may appear
best for the Interests of all parties & that
all further relief may be granted, con-
sistent with Equity &c.

John R. Kilby
J. V.

Atto. Stamp story 11.50
Clk. for 5.98
Cont. " 6.25
costs \$ 28.73

Sepe Whitehead

Bill in
" } chg.

Nancy
~~Ranch~~ can tal

1866.

July rules - Bill P. filed.
N. P. Grand app. yd. at letter
to info. his act. filed also
out. of Nony Carr trip. &
then missi n. Mustel wife

Augt. rules - Bill to them
for confessed m. Mustel
& wife & set for hearing.

Acts. 1. 1866 - Deere for
acts.

Apr. 1. 1867 Deere

J. of W. Co. et