

1878-015 Chancery Causes: Joseph H. Duke vs William H. Stephenson & ux, Solomon Carr & J

Isle of Wight County

Other SURNAMES: Vaughan, Hatfield

In the Circuit Court of the State of Michigan County of
Joseph H. Duck Plaintiff

v

Wm. H. Stephenson Martha his wife
James W. Vaughan, Solomon Lear
Milson Lear, Martha A Lear and
many Esther Lear, the last three infants
under the age of twenty one years.
By J. D. Young their guardian
ad litem appointed to defend their
interests in this suit. Defendants

This cause came on this
day to be again heard on the papers
formerly read, and a copy thereof
of W. H. Vaughan, James A Lear
and James E. Sawyer, three of the
commissioners, appointed by the decree
herein of October term 1877 of the
partition of the land in these proce-
dings mentioned among the several
parties entitled thereto, a copy of
the terms of the said decree, and
was argued by counsel, on considera-
tion whereof, it appearing to the Court
that in the partition made by the said
commissioners lot No 1 containing
at a Post oak on Black Water River
and running down said River south
to a Cypress, thence a line of marked

tree east to the Ballard line of land
to a red oak a corner, thence down
said line north to the starting point.
Full to the share of Wm. A. Ballard.
Lot No 2. Commencing at a red oak
a corner line on the same running
south to a pine a corner, thence a line
of marked trees west to Blackwater
River cornering at a white oak, thence
up said river north to a Beech,
thence a line of marked trees East
cornering at a maple on the ditch
side, thence running up said ditch
north to a gum the corner of the
first line, thence a line of marked
trees east to the starting point, this
piece embracing that portion of the
land assigned to the widow as above
together with a piece of more land
supposed to contain about twenty five
acres, full to the share of Joseph H. Duval.
Lot No 3 Commencing at a cypress
running down Blackwater River
south to a Gum a corner of same
line, thence running up said ditch
north to a pine corner of same, thence
a line of marked trees west to the
Blackwater River the starting point.

Sell to the share of Mary Esther Barr,
Lot No 4. Commencing at a white
oak corner on the same, running down
the Black water River south to a Beech
a corner, thence a line of marked trees
east to a pine a corner on the Ballard
line, thence a line of marked trees
north to a pine, a corner on the same
thence a line of marked trees west to a
starting point at Black water River,
Sell to the share of Solomon Barr,

Lot No 5. Commencing at a Beech on
the same at the River, thence a line
of marked trees east to a pine
Cornering on the Ballard, thence a
line of marked trees south to a white
oak in the Branch a corner on the
Holland & Ballard land, thence down
said Branch to Black water River,
thence west up said River to a Beech
corner of the starting point, Sell to
the share of William Barr;

It is adjudged correct and decided
that the price report of the said Commis-
sioners be confirmed & that the said terms
in manner and form aforesaid
be held firm and stable

Duke 7

In letters

Dependence et al

Poughkeepsie
April Term 1878

Do be entered

Geo: J. Shaw

(Entered 6)

and it is ordered that the costs of this
suit be proportionably borne by the
parties thereto.

and nothing further remaining to
be done herein, it is ordered that this
suit be dismissed from the docket.

Isle of Wight Circuit Court - Oct. term 1877.

Joseph H. Duck
Against Buckley.

Petff.

N. H. Stephenson & Martha his wife, James M. Vaughan, Solomon Carr, Minnie Carr, Martha A. Carr, and Mary Esther Carr the last three infants under the age of twenty one years, by N. P. Young their guardian ad litem, Appointed to defend their interest in this suit.

Deft.

This cause came on this day when heard on the papers formerly read, and was argued by counsel, and it appearing to the Court that Commrs. of partition appointed by the decree herein of October term 1876. have failed and still continue to fail to execute said decree, the Court with advice order and decree, that N. H. Vaughan, James A. Carr, Jesse Rawls, Thomas Carr and Jas. Joyner who are hereby appointed Commrs. for that purpose (any three of whom may act, as lay off and divide the real estate of which John Carr died seized and possessed in the County of Isle of Wight adjoining the lands of Joseph S. Holland decd. Adrian Cornell decd. N. H. Vaughan et als.

into five equal parts having regard to quantity and quality, and assign ~~each~~ ^{each} one of ^{each} said five parts, to the parties entitled thereto, viz: O Solomon Carr 1/5 part. O Wilson Carr 1/5 part. Maister Carr 1/5 part, Mary Esther Carr 1/5 part and Joseph H. Deeks 1/5 part. but should said Court find it impracticable to divide the said land among the said parties, or should they be of the opinion that the interest of the said parties, would be more promoted by a sale thereof, in such case they are required to report the facts upon which their opinions are based to the Court, and in either case they are required to report their proceedings under this order to Court.

W. C. C. C.

Teste. W. A. Edwards D. C. C.

A. P. Young C. C.

Deeds

or Encl. Copy Dec.
1877

Stephenson et al.

"Deeds"

X

1877

5-11-77

Joseph Dehnerck Plaintiff

vs
Wm de Stinson Martha his wife
James McVaughan Solomon Leary
Mills Leary, Minnie A. Leary
and Mary Esther Carr the last three
infants under the age of twenty
one years, by A P Young their
guardian ad litem appointed to
defend their interest in this suit,
Defendants

This cause came on
this day to be heard on the papers
^{was argued by counsel} for and against, and it appearing
to the Court that Commissioners
of Partition appointed by the decree
of 27 October Term 1876 have
failed and still continue to fail
to execute said decree, The Court
doth adjudge order and decree
that Wm de Vaughan, Jas McLean
Jesse Rauls Geo Carr, and Geo
Forger, who are hereby appointed
commissioners for that purpose
any three of whom may act,
do lay off and divide the real
estate of which John Carr died
seized and possess in the County

in the case of dec of night & ad-
 joining the lands of J. S. Hollands
 dec Adman leonellage. W. the
 24th Aug 1871 into five equal
 parts, having regard to quantity &
 quality, and assign ^{one} of five said
 parts to the parties entitled thereto,
 namely to Solomon leon 1/5 part
 Milson Carr 1/5 part, Martha Anna
 Carr 1/5 part, Mary Esther Carr
 1/5 part & Joseph H. Birch 1/5 part.
 But should said Court find it
 impracticable to divide the said
 land among the said parties,
 or should they be of the opinion, that
 the interest of the said parties would
 be more promoted by a sale thereof,
 in such case they are required
 to report the facts upon which their
 opinions are based to the Court, or
 either case they are required to re-
 port their proceedings under this
 order to Court.

March 5
 { 1871 }
 at Melbourne

Court of Victoria
 1871
 to be entered

H. J. 1871

Entered 17

Joseph W. Duck Plaintiff

vs. In Chancery

Stephenson et al. Wm H Stephenson & Martha
his wife, James M Vaughan Solomon Carr
Milton Carr, Martha A Carr and Mary
Esther Carr, the last three infants under
the age of twenty one years. By A. P. Young
their guardian ad litem appointed
to defend them in this suit; Defendants

This cause came on this
day to be heard on the Bill taken
for confessed as to the exact defen-
dants, the answer of the infant defen-
dants by A. P. Young their guardian
ad litem, with replication thereto and
was argued by counsel; on considera-
tion whereof, the court doth order that
Jerrin W Duck Wm H Vaughan, Ludlow
Lawrence J. S. Duck and Joel Holland
who are hereby appointed commissioners
^{any three of whom may act}
for that purpose do proceed to lay off
and divide the real estate of which
John Carr died seized and possessed
in the County of Ark & Mich contain-
ing by estimation ^{acres} and
adjoining the lands of Joseph P Holland
and Adrian Combs and Wm H Vaughan which
into five equal parts having regard to
quality, area, quantity, and assign

one of said five parts to the parties entitled
 thereto, namely, to Solomon Leary one fifth
 part Milson Leary one fifth part, Martha
 Anna Leary one fifth part, Mary Esther
 Leary one fifth part Joseph H. Dick
 one fifth part. But should the said
 commissioners find it impracticable
 to divide the said land among the
 aforesaid parties, or should ^{they} be of the
 opinion, that the interests of the said
 parties would be more promoted by a
 sale thereof, in such case they are required
 to report the facts above which their
 opinions are based, to the Court, and
 in either case they are required to report
 their proceedings under this order to
 the Court, with any matter specially
 stated deemed pertinent by themselves
 or required by the Court or the State.

Joseph H. Dick

In Chancery

Stephens Leary & Co

Joseph H. Dick
 October 1890
 As the executor

Garrison

17

17
 Dick

To The Hond Judge of the County
Court of Isle of Wight

Subsequent to an
Order of Court Issue at the October
Term 1877 by the undersigned Three of
The Commissioners appointed in said
Order to divide the Real Estate of the
Late John Land did on the 15th day of
February 1878 Proceed to the premises
and after viewing the same proceeded
to divide the said Real Estate into five
Equal Shares Taking quality and quantity
into Consideration 1st Lot Commencing
at a post Oak on the Black water River
and running down the said River South
To a Cypress Thence a line of Marked Trees
East To the Ballard line of land To a Red Oak
a corner Thence down said line North
To the Starting point 2nd Lot Commencing
at a Red Oak a corner line on the
same and running South To a pine a
corner Thence running a line of Marked
Trees west To Black water River Cornering
on a white Oak Thence up said River
North To a Beech Tree Thence line of Marked
Trees East Cornering on a Maple on
the ditch side Thence running up said
ditch North To a pine the corner of the
first line Thence running a line of
Marked Trees East To the Starting point
This piece Embracing that portion of
the land that was assigned to the
widow as shown Together with a piece
of wood land supposed to contain about
twenty five acres annexed to it

3rd Lot Commencing at a Cypress
Running down Black water River South
To a Beech a corner of same line
Thence running up said ditch North
To a pine, corner of same Thence
Running line of Marked Trees west
To the Black water River The Starting
point 4th Lot Commencing at a white
Oak corner on the same running
down the Black water River South
To a Beech a corner Thence a line
of Marked Trees East To a pine a
corner on the Ballard line of land
Thence running a line of Marked
Trees North To a pine a corner on
the same piece Thence a line of
Marked Trees west To a Starting
point at Black water River

5th Lot Commencing at a Beech on
the same at the River Thence running
a line of Marked Trees East To a
pine Cornering on the Ballard land
Thence running a line of Marked Trees
South To a white Oak in the Branch
a corner on the Holl and Ballard
land and Thence running down said
Branch To Black water River Thence
west up said River To a Beech
Corner of the Starting point

after Establishing the aforesaid lines
Martha Ann Carr was ^{assigned} the first
piece Discribed, as her portion
and Joseph H Beck ^{assigned} of
William B Hatfield was ^{assigned} the
second piece Mary Esther Carr was
the third

And Solomon bar ^{assigned} was the fourth
and Milson bar ^{assigned} was the fifth
all of which is Respectfully Submitted

W. H. Vaughan
James A. Carr
James J. Payne

Book 6
re Decree
affidavits
Report of Commissioners
of Public
the 2d of 1848

Duck J. St.

n.

} In chg. Bill of costs.

Stephens, Carr & Co.

Att. fee for bill - \$15.00 Do. for Dep. \$15.00 Total = \$31.00

Clerks fees for plf. & def. 7.90

Shff. fees 2.00

Wm. H. Vaughan, James A. Carr & Mr. E. S. Joynt
comm. of partition, \$2.00 each 6.00

Total Costs \$46.90
A. S. Young att

Back

in. } Blue
Cots

Corr. for.

10

X

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *William H. Stephenson and Martha his wife*
formerly Martha Carr, widow of John Carr decd; James M. Trenchard, Solomon Carr,
Mills Carr, Martha Ann Carr, Mary Esther Carr children of John Carr decd, lost three infants

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in *September* next to answer *the Bill in chancery of Joseph H. Duck*

A plea of *nil in law* for *\$ 22* Damages \$ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *22nd* day of

August 187*6*, in the *101st* year of the Commonwealth.

N. P. Young clk

Joseph H. Duck

o. 3 Times to
ans. bill
in obj.

Wm H. Stephens & wife
sals.

To Sept. Rules 1896,
Boykin pg.

Life entered by testifying
to the witness named
Wm. S. Saffron and
Martha his wife ^{Wm. S. Saffron} sons
in. Lingham each a
true copy of the within
common request.
Sept. 1876.

By A. Edward Esq
for L. P. Edward Esq

Duck
20 } In Chancery
Stephenson & Co. et al.

The joint and several answers of Milson Carr, Martha A Carr and Mary Esther Carr infants under the age of twenty one years, by A. S. Young their guardians ad litem appointed to defend them in this suit, to a Bill in Chancery exhibited against the said Milson Carr, Martha A Carr and Mary Esther Carr ^{et al} in the Circuit Court of the County of Essex of High. by Joseph H. Duck.

These defendants reserving all rights of exception to the many errors and imperfections in said Bill contained, for answer thereto, or so much thereof as they are advised it is material or necessary for them to answer, answering say: That they are infants under the age of twenty one years, and commit their interest in the premises to the protection of this Honorable Court of Chancery; and having answered pray hence to be dismissed, with their costs in this behalf, most unreasonably expended.

A. S. Young Adm. ad litem

Book ³
 } the Chamber
 } answer of
 } default defendants

Stephenson et al

Sept. Res. 1846. Filed

To the Honorable George Blom. Judge
of the Circuit Court of Law and
Chancery for the County of Isle of
Wight in chancery sitting.

^{your compliance Joseph Barr}
Humbly representing sheweth
to the Court, that John Barr, was in his
life time seized and possessed of certain
real estate, lying in the County of Isle of
Wight adjacent to the lands of South &
Holland dec'd Armin Cornell dec'd. Wm. H. Stephens
and being so thereof seized and possessed,
some time in the year 1871 departed
this life intestate, leaving surviving him
a widow Martha Barr, who since the
death of the said John Barr, has inter-
married with one Wm. H. Stephenson,
and five children to wit, Rebecca Barr
who has intermarried with one William
Heatfield, Solomon Barr, Milson Barr,
Martha Anna Barr, & Mary Esther Barr.
That the said Milson Barr, Martha Anna
Barr and Mary Esther Barr are infants
under the age of twenty one years.
That dover has been assigned the said
Martha Stephenson formerly Martha Barr
widow of the said John Barr dec'd, in the
real estate aforesaid. That the said Milson
& Wm. H. Stephenson by deed of bargain
& sale have conveyed the dover estate of

Exhibit
A

so assigned as aforesaid to James M. Vaughn
ay, a copy of said deed is herewith
filed marked A and prayed to be taken
as a part of this bill.

That the said William Hatfield, and
Rebecca his wife formerly Rebecca Burr
by their deed bearing date on the day
of AD 1874 conveyed their in-
terest in the real estate aforesaid to
your complainant
Joseph H. Duck. a copy of said deed
Exhibit marked B is herewith filed, and prayed
B to be taken as a part of this bill.

Your complainant is informed and so
charges that he is entitled to have portions
of the said estate, and his portions thereof
assigned to him pro rata.

And your complainant further states
that the said real estate is susceptible of
partition among the parties entitled thereto,
but if it be not, your complainant
prays that the same may be sold and
the proceeds distributed among the parties,
in proportion to their respective interests
therein.

In tender consideration thereof and
forasmuch as your complainant is
without remedy at law, and can only
be relieved by the aid of this Honorable
Court of Chancery, where matters of this

kind are alone cognizable and re-
ceivable your complainant prays that
that the said Martha ~~Watfield~~ formerly
Martha Carr Mrs W Stephenson, James
M Vaughan, Solomon Carr, Milson Carr
Martha Ann Carr and Mary Esther
Carr, be made parties defendant to this
bill, and required on their oaths to
answer the same, according to the best
of their knowledge remembrance infor-
mation and belief, as fully and particu-
larly as if the statements of this bill were
here again repeated and the said defendants
therein specially interrogated.

That a proper guardian, ad litem, be
assigned the infant defendants, to de-
fend their interests in this suit.

That the said real estate be divided
between the parties aforementioned
entitled thereto, and your complainant
portion thereof allotted him; and in
case the said real estate be indivisible then
the same be sold or sold, and the pro-
ceeds thereof be distributed among the
parties entitled thereto; that proper
process may issue; and that such
other further and general relief may
be granted in the premises, as the
nature of the case may require or is

Duck Joseph

20

Winn's Quarry

Winn's Quarry

Sept. Rules 1896 -

Bill & - - - - -

Oct. Rules 1896 -

for confd. as to adult.

Oct. ct. 1896 - Dr. for

portulaca

Oct. ct. 1896 - Corroded

Oct. ct. 1896 - New Corroded

11

Equity shall seem meet, and your
complaints will ever pray
Joseph Duck by
Boydner this 20th