1879-014 Chancery Causes: Archibald Atkinson's exr vs Catherine Carr's heirs

Isle of Wight County

Atkinson Esq.

Atkinson Ex^r

vs. } Bill & Exhibits

Carr et al

March Rules 1848.
Bill & filed & ord. of publn. vs. unknown Defs.

Oct. Rls. set for hearing upon aff. of publication.

Oct. Ct. 48. Dec. & assign Land warrant &c.

Apl. Ct. 1849
Final Decree

required or to equity shall seem meet and your
orator will ever pray, &c,

J. C. Atkinson Esq.

ascertain who they are if any, but without success. That the said Archibald Atkinson has departed this life after making and publishing his last will and testament, which was duly admitted to probat in the County Court of Isle of Wight County, wherein your orator was appointed executor thereof and authorized to sell any or all of the real estate, of which the said Archibald Atkinson died seized, as he might deem best for the interest of said estate. A duly certified copy of said will with the certificate of probat thereof and of the qualification of your orator as such executor marked A is herewith filed and prayed to be taken as part of this bill. In tender consideration whereof and for as much as your orator is remediless in the premises by the strict rules of the common law and cannot have adequate relief except in a court of equity where matters of this kind are solely cognizable and relievable. To the end therefore that justice may be done in the premises your orator prays that the unknown heirs of the said Catherine Cave deceased be made defendants to this bill and required on their several corporal oaths to answer the same fully and particularly and that they be required to assign said warrant to your orator and that your orator may have all such other and further and general relief in the premises as the nature of his case may

To the Honorable Lorenzo Dow, Judge of the Circuit Court of Isle of Wight County,

Humbly complaining sheweth unto your honor your orator Archibald Atkinson executor of Archibald Atkinson deceased, that on the 21st day of March 1856 there issued from the office of the Commissioner of Pensions of the United States of America a warrant number 19,748 authorizing one Catherine Carr widow of Thomas Coy for 160 acres of land to be located at any land office of the United States the date of which warrant is the day and year aforesaid. That the said Catherine Carr afterwards sold and assigned the said warrant for value received to the said Archibald Atkinson deceased; that the said Archibald Atkinson transmitted the said warrant by mail to some land office of the United States to be located and the said warrant was either lost or stolen. That on the 7th day of February 1857 there issued from the said office of the Commissioner of Pensions a duplicate of said warrant, but the same being in the name of the said Catherine Carr cannot be located under the laws of the United States except with the assignment of the said Catherine Carr or her heirs at law.

That the said Catherine Carr has departed this life intestate and without heirs so far as your orator knows, he having made diligent inquiry to

A. Atkinson Exr.

vs. } Sum. to
} and Bill

The unknown heirs of
Catharine Carr.

10 March Rule 1878

Geo R. Atkinson pq

Not found
March 4th 1878.
L. B. Edward
Shff.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON Unknown heirs of Catharine Carr

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 fist Monday in March next to answer the Bill of complaint of Archibald Atkinson executor of Archibald Atkinson dec'd.

of a plea of for $ Damages $ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the 26th day of February 1878, in the 102nd year of the Commonwealth.

N. P. Young clk

Atkinson's Exr.
vs. } In chcy.
Unknown heirs of
Catharine Carr

Affdvt. of pltf. atty.
Filed Apl. 1. 1878.

Virginia, Clerks office of Circuit Court Isle of Wight County
April 1st. 1878.

Before me, N. P. Young clerk of said court personally appeared Geo. R. Atkinson attorny for the plaff. in the suit of A. Atkinson Exor. vs. the unknown heirs of Catharine Carr of A. Atkinson dec'd. pending in said court and made oath that the heirs of Catharine Carr dec'd are unknown.

Given under my hand

Geo R Atkinson

Sworn to and subscribed before me the day & year aforesaid

N. P. Young clk

A Robinson Esq

Copy

Census Report

under date of Octo 1878

To the Circuit Court of Adams County

The undersigned Commissioner appointed by a decree made at the October term 1877 of said Court in a suit then pending therein wherein Atkinson Executor of Atkinson Plaintiffs and the unknown heirs of Catherine Carr, &c. &c. make assignment of the land in controversy in the pleadings mentioned to Atkinson Executor &c. to the extent that he has opened and ~~[illegible]~~ otherwise had warrant or direct by said decree.

All of which is respectfully submitted

Commissioner

Atkinson Ewer

M

Barrs Lines

Barks

Cabbat Farm 1878

Schedule

Geo. Elliott.

Entered 18

Archibald Atkinson Exr of Archibald Atkinson decd — Plaintiff

vs

The unknown heirs of Catharine Carr decd — Defendant

This cause in which the plaintiff has proceeded against the unknown heirs of Catharine Carr deceased in the manner prescribed by law against the unknown defendants, and they still failing to appear, plead or demur, came on this day to be heard on the bill which has been taken for confessed by said defendants and on exhibits filed and on argument by counsel. On consideration whereof the court doth adjudge that George K. Morgan who is hereby appointed a commissioner for that purpose make to Archibald Atkinson executor of Archibald Atkinson deceased an appointment of the land warrant No. 8748 in the proceedings mentioned, and make report to court of his proceedings under this decree.

A. Atkinson Esq

24

Burns Hons

Acres

Westborn 1879

Entitled –

Geo. Bens

Enclosed 14

Atkinson Exrs

vs

David Ivins

This cause came on this day to be again heard on the papers for merly read, and on the report of Commissioner Atkinson under the order herein of October Term 1878 and was argued by counsel

On consideration whereof the Court finds as from said Report to which no exceptions were filed, and the Chancery Court finds there is nothing further to be done in this cause it is ordered that it be removed from the docket.

his sureties, who justified entered into and acknowledged a bond in the penalty of $12000.00 with conditions according to law. Letters of probate is granted him on said will in due form. The estimated value of the estate being six thousand dollars - The requisite United States revenue stamps amounting to $30.00 dollars on the Bond, are affixed & cancelled. Ordered that said bond be recorded.

A Copy

Teste W. A. Edwards D.C.

for N. P. Young C.C.

"

Lib. Co. Ct. 1872

"

a Copy

3 Copies

Acct. of Qualifications of A. Atkinson Jr. on the Est. of A. Atkinson Sr. deceased.

In the County Court of Isle of Wight County the 5th day of February 1872.

The last will and testament of Archibald Atkinson Sr. dec'd. together with three codicils thereto were presented in Court for probate, and the said will was proved by the oaths of S. G. Boykin and James P. Andrews, the subscribing witnesses thereto; and there being no subscribing witness to the said Codicils, S. G. Boykin was sworn, and deposed that he is well acquainted with the hand writing of the said testator and verily believes the said three Codicils, and the name thereto subscribed to be in the true hand writing of the said testator, and thereupon the said will and the said three Codicils thereto attached are ordered to be recorded as the true last will and testament of the said Archibald Atkinson Sr. dec'd: And on the Motion of Archibald Atkinson Jr. the executor named in the said will, who made oath + together with Elizabeth A. Atkinson, Marietta Wise, + Anna H. Atkinson

Atkinson Pet
vs. Sheriff and Ad. of Publication
Unknown heirs of
Catharine Carr

Apl. Rcdy 1878.
Entered.

Virginia, Isle of Wight county, To wit:

At rules held in the clerks office of the circuit court of said county, on the first day of April, 1848.

Archibald Atkinson Exor. of Archd Atkinson dec.d: Pltff:

vs. } In Chy.

The unknown heirs of Catharine Carr dec.d: Defts.

The object of this suit is to require the heirs of Catharine Carr dec.d: who are unknown, to assign to the pltf: as Exor of A. Atkinson dec.d: a duplicate land warrant that was issued from the Pension Office of the United States, on the 31st. day of March, 1856, to said Catharine Carr, and by her assigned to the said Archd. Atkinson dec.d: and which original was lost. And affidavit having been made and filed that the heirs of the said deft. Catharine Carr are unknown. it is ordered that the said unknown heirs do appear here, within one month after due publication of this ~~notice~~ order, and do what may be necessary to protect their interests.

A copy.

Teste, N. P. Young Clk.