

1890-001

Chancery Causes: Calvin C. Driver vs Martha A. Reynolds, by v c.

Isle of Wight County

Other SURNAMES: Powell, Evans,
Burwell, Tazewell, Bunkley,
Parker [Evans, Burwell + Tazewell]

This Deed made this ~~15th~~ day of
September Eighteen Hundred and
Eighty Eight, between Richard Evans
and Fannie D. his wife,, D. S. Burwell
and Mary L. his wife,, L. W. Tazewell
and Mary L. his wife all of the
City of Norfolk of Norfolk County,
and State of Virginia of the first
part, and Calvin C. Driver of the
County of Isle of Wight, and State
of Virginia of the second part,
Witness that for and in consider-
ation of the sum of Five Hundred Dollars
to them in hand paid by the
Said Calvin C. Driver, they the
Said Richard Evans and Fannie D.
his wife,, D. S. Burwell and Mary L.
his wife,, L. W. Tazewell, and Mary L.
his wife doth grant bargain
and sell unto the Said Calvin
C. Driver their entire interest in
a certain tract or parcel of
land, lying in Smith's Neck in
the County of Isle of Wight and
State of Virginia and formerly belong-
ing to Geo P. Reynolds one of the
heirs of Geo W. Reynolds, Dec^d Said
tract of land contains Ninty Six

acres more or less and is
bounded as follows:

On the North by the land of
Capt William Carter, South by
the land of A. Brunkley, East by
the land of Norman Hines and
West by Jones Creek, to have
and to hold the aforesaid entire
interest with its appurtenances to
the said Calvin C. Driver with
Special Warranty, - - against
all claims and demands of
themselves or of any persons
deriving title by or through
them. In witness where of the
said parties to the above
written Deed doth affix their
hands, and Seals this day
and Year, above mentioned.

Richard Evans

Seal

Fannie D. Evans.

Seal

L. J. B. B. B.

Seal

M. F. B. B. B.

Seal

L. W. J. J. J.

Seal

Mary L. J. J. J.

Seal

State of Virginia,

Corporation of the City of Norfolk, to wit:
J. B. Marsden, a Notary Public for the Corporation
aforesaid in the State of Virginia, do certify that
Richard Evans; L. W. Tazewell and D. S. Burwell
whose names are signed to the writing above, bearing
date on the 15th day of September 1888, have
acknowledged the same before me in my Corporation
aforesaid;

Given under my hand, this ~~day~~ 15th day of
September 1888.

J. B. Marsden,
Notary Public

State of Virginia,

Corporation of the City of Norfolk, to wit:
J. B. Marsden, a Notary Public for the Corporation
aforesaid in the State of Virginia, do certify that
Fanny D. Evans, wife of Richard Evans; Mary L.
Burwell, wife of D. S. Burwell; and Mary L. Tazewell,
wife of L. W. Tazewell, whose names are signed to the
writing above, bearing date on the 15th day of Sep-
tember 1888, personally appeared before me in the Corpor-
ation aforesaid, and being examined by me privately
and apart from their husbands, and having the writing
aforesaid fully explained to them, they, the said Fanny
D. Evans, Mary L. Burwell and Mary L. Tazewell, do
knowledg the said writing to be their act, and declared
that they had willingly executed the same, and do not

Wish to retract it.

Given under my hand this 15th day of September
1888.

Det. Marden,
Notary Public,

In the clerk's office of Isl. of N. High court
count September 24th 1888. This Deed
was received and upon the annexed
certificate was admitted to record.

Teste. N. P. Young clk
per N. P. Young D.C.

4
Cranes & wife
Bennell & wife
and
Jopwell & wife

J. Z. B. & P.

E. C. Driver

September 24th 1888

admitted to Record

Examined
clk

Recorded in
Deed Book 52 page 457

Pay - 1.00
Pa 1.25
\$2.25

Chas. P. Marden
Notary Public

This Deed MADE this, the 7th day of July in the year eighteen hundred

and eighty ~~sum~~ between _____
_____ George P. Reynolds _____

of the City of Norfolk in the State of Virginia part 4 of the first part, and
R. Evans, W. S. Burwell & L. W. Fagwell co part } part is of the second part.
now under the name and firm of Evans Bur-
well and Fagwell

Witnesseth, THAT IN CONSIDERATION OF THE SUM OF _____

One hundredth twenty two $\frac{33}{100}$ dollars, the said

party of the first part do ~~th~~ grant, with general warranty, unto the said parties of the second part

and to them and assigns, forever the following property, to-wit: an undivided

one third interest in all that certain
tract of land containing One hundred
and twenty five acres more or less situ
ated on Jones Creek in Isle of Wight
County State of Virginia and being the
same tract of land formerly owned by
George W. Reynolds and on his death
intestate it descended to his three
children of whom the grantor is one,
Mattha A. Reynolds and Mary M. Reynolds
now Powell are the other two.

Together with all and singular the appurtenances belonging to the same The Said grantor
covenant^s that he ha^s the right to convey the said land to the grantee; that the
grantee shall have quiet possession of the said land, free from all incumbrances; that he, the said party of
the first part, will execute such further assurances of the said land as may be requisite; and that he ha^s done
no act to incumber the said land.

WITNESS the following signature and seals

Geo. A. Reynolds

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

STATE OF VIRGINIA.

CITY OF NORFOLK, To-WIT:

I,

Edward Spalding

a Notary Public for the Corporation aforesaid

in the State of Virginia, do certify that

George P. Reynolds

whose name *is* signed to the writing above, bearing date on the *7th* day of *July* in the year
eighteen hundred and eighty ~~seven~~ *eight* acknowledged the same before me, in my Corporation aforesaid.

Given under my hand, this

7th

day of

July

in the year 188*7*.

Edward Spalding

Notary Public.

STATE OF VIRGINIA.

CORPORATION OF THE CITY OF NORFOLK, To-WIT:

I,

a Notary Public for the Corporation of

the City of Norfolk, in the State of Virginia, do certify that

the wife of

whose names are signed to the writing above

bearing date on the day of , in the year eighteen hundred and eighty- , personally

appeared before me, in the Corporation aforesaid, and being examined by me privily and apart from her hus-

band and having the writing aforesaid fully explained to her, she, the said

acknowledged the said writing to be her act, and declared that she had willingly executed the same and does not

wish to retract it.

Given under my hand, this

day of

in the year 188 .

Notary Public.

Virginia:

*In the Clerk's Office of the County Court of Isle of
Wight County, the 9th day of July 1887. This Deed from
George P. Reynolds to Evans, Burnwell & Tagwell
was received and admitted to record on the Certif-
icate annexed of Edward Spalding a Notary Public.*

Test: - N. P. Young C.C. (
by G. M. Cooke D.C.)

Mr Young: Please re
ad + chg to me ES.

Deed of Bargain & Sale.

FROM

Geo. P. Reynolds

TO

Evans Buwell & Jay
well.

ADMITTED TO RECORD

This 9 day of July 1887

Recorded in Deed Book No.

51. page 406, and Ex-
amined and Verified.

TESTE

G. M. Cook, Deputy.
for N. P. Young, Clerk.

Referring to clerk,

Tax \$.57

Fce 1.25

Chgⁿ to
W. T. Barron, Printer, Norfolk, Va.
Total \$ 1.75

Martha, A. Reynolds orphan of Geo. W. Reynolds decd.
In account with Calvin C. Driscoll her guardian

1885

		Debit.	Credit.
Sept. 17	To paid M. D. Langhorne for clothing	14 01	
" "	" " for lease & cutting out clothes	1 50	
" "	" Commt. on \$30. ³³ receipts	1 66	
" "	" paid ward's 1/3 costs	2 47	
" "	" retained to pay comt. & clerk's fees, for making, reporting, recd. of this act.	2 25	
" "	" Balance due gdw. on last acct.	295 85	52 86
Dec. 31	" interest on \$295.85 one year		17 75
		\$ 317 74	\$ 70 61

1885

Dec. 31	By your portion of frunk of land	33 33	
" "	" Balance for debit	284 41	70 61
		\$ 317 74	\$ 70 61
" "	Due the guardian of frunk		317 74
" "	Do. Do. of interest		70 61
			\$ 388 35

The account, of which the above is a copy,
was reported to the County Court and con-
firmed & ordered to be recorded at June term
1886.

Teste, J. P. Young clk.

Martha, & H. Reynolds orphan of Geo. W. Reynolds decd.
In account with Calvin C. Driver her guardian

1885

Debit

Credit

Sept. 12	To paid M. D. Langhorn for clothing	14	01		
" "	" for hat & cutting out clothes	1	50		
" "	" Commd. on \$33. ³³ receipts	1	66		
" "	" paid ward's 73 taxes	2	47		
" "	" retained to pay comd. & clerk's fees for making, reporting, & settling acct.	2	25		
" "	" Balance due gdw. on last acct.	295	85	52	86
Dec. 31	" interest on \$295.85 one year			17	75
		\$317	74	\$70	61

1885

Dec. 31	By your portion of fruit of land	33	33		
" "	" Balance for debit	284	41	70	61
		\$317	74	\$70	61

" "	Due the guardian of fruit.			317	74
" "	Do. Do. of interest			70	61
				\$388	35

The account, of which this above is a copy,
was reported to the County Court, and con-
firmed & ordered to be recorded at June term
1886.

Teste, N. P. Young att.

Martha A. Reynolds

In account with

C. C. Driver gent.

a copy.

Exhibit - "b"

David T. Hooper
To 3 Deed of
3 73. & S.

Dior Calvin

Aug. 15th 1884
AK de with ref. 11

Exhibit "B"

Recorded in
Deed book
No. 55 p. 463.

Day - 1.00
Fee - 1.25
\$2.25

Paid.
A. S. Strong & Co.

In the clerk's office of the Court and Town of St. Albans
on the 15th day of August, 1887, the Deed was
received and with the certificate of David T. Hooper,
a Notary Public in and for the State of Vermont, to record

John

John Strong & Co.

State of Vermont County of St. Albans
I McChesman a Notary Public for the
County aforesaid certify that Frank McDaniel
whose name is signed to the writing within dated the
1st July 1887 has this day acknowledged the same
before me in my county aforesaid and I further
certify that Mary M. the wife of Frank McDaniel
whose name are signed to the writing above dated the
1st July 1887 the day personally appeared before me
and being by me examined privately and apart
from her said husband and having the
writing aforesaid fully explained to her she
the said Mary M. the wife of Frank M.
Daniel acknowledged the same writing to be
her act, that she had executed the same
privately and does not wish to retract it
given under my hand this 30 day of July
1887

McChesman
Notary Public

In the County Court of Isle of Wight County,
The 3rd. day of Sept. 1874.

On the Motion of Calvin C. Driver he is
appointed guardian of George Reynolds, Martha
Anna Reynolds and Mary Reynolds orphans
of George W. Reynolds decd. And therefore,
as such guardian together with Richard
M. Driver and James J. Driver his securities,
who justified, entered into and acknowledged
a bond in the penalty of \$150. 00 with a
condition according to law.

A copy.

Teste, A. P. Young clk

C. C. Dwyer genl. of
Geo. W. Reynolds's copy:
Ord. of qualif.

32

31

30

29

28

27

26

25

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23

22

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19

18

17

a copy,

Exhibit "A"

27

Drown L. C.

v

Reynolds M. A.

This cause came on
this day to be again heard in the papers for-
mally read and on the report of R. S. Thomas
Special Commissioner showing the
making of the Deed to L. C. Drown of
the one third interest of M. A. Reynolds
in the tract of land in the bill and pro-
ceedings mentioned to which no exceptions
are filed and was argued by Counsel:
On consideration whereof the Court
doth Confirm the said report, and it
appearing to the Court that nothing fur-
ther remains to be done herein it is
ordered that this cause be removed
from the docket.

Dr. C. C.

v

Reynolds M. A.

Rough Decm

April 1890

To be entered

C. M. H.

Entered #10

Driver C. C.

v

Reynolds, M. A.

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner George R. Arthur on hearing data October 2nd, 1889 setting forth that it would not be to the interest of Martha A. Reynolds to make partition of the land in the bill and proceeding mentioned, nor to ^{her interest in} sell out the same. That fifteen hundred dollars is a fair value of the whole tract; and five hundred dollars would be a fair price for the one third undivided interest in the same and that Calvin C. Driver will take it at that price, to which report no exceptions are filed and was agreed by Counsel: On consideration whereof the Court doth adjudge order and decree that the said Calvin C. Driver be allowed to take the one third undivided moiety of the said Martha A. Reynolds in the tract of land in the bill and proceeding mentioned at the sum of Five Hundred Dollars and that R. S. Thomas be, and hereby is appointed a special commissioner for that purpose do as such special Commissioner grant and convey in a good and sufficient deed in full simple with special warranty to the said C. C. Driver the undivided one third interest of Martha A.

Grinn & Co

v

Reynolds M. A

Return Decem

70 be entered

CW Price

Oct 23, 1847

Entered 17

Reynolds in the tract of land in the title and
proceedings mentioned and obtain a Vendors
lien for the purchase money deducting
from the purchase money due the said man-
-that a Reynolds one third of the costs of
this suit. And the said R. S. Thomas and
make report of his proceedings under this decree.

Drive Co. Co

v

Reynolds M. A.

This cause came on this day to be heard on the bill and exhibits on the answer of M. A. Reynolds by her guardian ad litem on the answer of M. A. Reynolds herself also being more than fourteen years of age, on the depositions filed and was argued by counsel: On consideration whereof the court doth adjudge order and decree on the petition of this court to report to the court whether or not the land in the proceedings mentioned can be conveniently partitioned between C. C. Driver and Maeha A. Reynolds, and if this can not be done whether the third part can be sold allotted to either, and if so a fair value of the same ^{and whether either party will pay the surplus} or whether the interests of the parties will be promoted by the sale of the said undivided ~~third~~ tract of land or the third undivided part ~~share~~ of M. A. Reynolds and any other matter deemed pertinent and material by the said court either or required by either of the parties to be so stated, and by answer of all parties given in open court and entered of record it is ordered that this cause be made a vacation cause

Driver to C
v

Reynolds M. A.

Rough Decm

April 1889

To be entered

C. M. H.

Entered #29

Don C. C.

v

Reynolds M.A.,

To the Hon: C. W. Hill Judge
of the Circuit Court of Dist of Wash.
County in Chancery sitting:

The undersigned has the honor
to report - that the costs as taxed on copy of
Decree of October 23^d 1889 hereto attached
were

\$22.17

That there was credited costs to

C. B. Hayden Notary 5.00

To which has been added Cost of Decree 5.01

Cost of Notarial Acknowledgment 30

And fee for Suit signed on before said - 30.00

67.67

1/3 of which is 22.55²/₃

which under the Decree was charged to
and paid by C. C. Dixon as guardian
for M. A. Reynolds. which being
taken for the \$500.00 he was to pay
for his 1/3 of the tract of land left

due him \$478.44. A Deed made
made to him ^{by the undersigned as attorney General} for ~~the~~ him one third inter-
est in the tract of land in the bill and pro-
ceedings mentioned and a vendors
lien was retained in the Deed to
Secure to the said M. A. Reynolds

the payment - of the said sum of money.
The receipt of the parties is endorsed
on the copy of the Decree.

Respectfully submitted

R. S. Thomas

Secy Genl

April 18th 1890.

Done C. C.

"

Reynolds M. A.

Report of R. S. Thomas
Secy Genl

In the Circuit Court of John of Wright County
October 23^d 1889.

Alvin C.C. -

Plff

vs -

Reynolds M.A. -

Def

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner George R. Atkinson bearing date Oct. 2^d 1889. setting forth that it would not be the interest of Martha A. Reynolds to make partition of the land in the bill and proceedings mentioned, nor to rent out her interest in the same, that fifteen hundred dollars is a fair value of the whole tract, and five hundred dollars would be a fair price for the one third undivided interest in the same and that Calvin C. Shriver will take it at that price, to which report no exceptions are filed and was argued by counsel. On consideration whereof the Court doth adjudge, order and decree that the said Calvin C. Shriver be allowed to take the one third undivided moiety of the said Martha A. Reynolds in the tract of land in the bill & proceedings mentioned at the sum of five hundred dollars, and that R. H. Thomas be, and hereby is appointed a Special Commissioner for that purpose, do as such special commissioner grant & convey in a good & sufficient deed in fee simple with special warranty to the said C. C. Shriver the undivided

one third interest of Martha A. Reynolds in
the tract of land in the bill & proceedings men-
tioned & reclaim a vendors lien for the
purchase money advancing from the
purchase money due the said Martha
A. Reynolds one third of the costs of this
suit. And the said R. J. Thomas will
make report of his proceedings under this
decree -

a copy.

Teste, A. P. Young cell.
Atto. fee & staff 16.50 Paid R. S. Thomas.
Cells fees 5.67 Paid A. P. Young
Shff. .. .50 "
Circuit in Chief 4.50 " R. S. Thomas
Costs & Octo/89 7.17
Add Voluntary for Dep^r 5.00 E. B. 3194 J. J. J. Paid
3 2.17

John C. C. -

Reynolds M. A. -

Decree - Chas. L. Linn.

1889 -

R. J. Thomas -

For the copy

In the circuit court of Isle of Wight
county April term 1889.

Calvin C. Driver

Pltf

^{vs.}
Martha A. Reynolds.

Def.

This cause came on this day to be
heard on the bill and exhibits, on the answer
of M. A. Reynolds by her guardian ad
litem, on the answer of M. A. Reynolds
herself also, being more than fourteen
years of age, on the depositions filed
and was argued by counsel, on con-
sideration whereof the court doth adjudge
order and decree, one of the commis-
sioners of this court report to this court
whether or not the lands in the proceedings
mentioned, can be conveniently partitioned
between C. C. Driver and Martha A.
Reynolds, and if this cannot be done,
whether the said part, can be allotted to
either, and if so a fair value of the same,
and whether either party will pay the
same, or whether the interest of the parties
will be promoted by the sale of the said
tract of land, or the said undivided part
of M. A. Reynolds, and any other matter
deemed pertinent and material by the
said commissioner or required by

either of the parties to be so stated,
and by consent of all parties given
in open court and entered of record it is
ordered that this cause be made a
vacation cause.

A. copy.

Teste,

A. P. Henry, clk.

Driver

vs. 3 Inc. clays

Reynolds et al.

copy de. in. of 1889.

For acc. to.

Commissaries Office
Smithfield August 1st 1889

Colvin & Brown

Plaintiff

and

Martha A Reynolds an infant and is the age of 21 years
by J P Young her guardian ad litem Defendant

You are hereby notified that I have fixed upon the 2nd day of
August 1889 to take and sell at my office afore said the follow-
ing inquiry to wit, whether or not the lands in the proceedings
mentioned can be conveniently partitioned between Colvin &
Brown and Martha A Reynolds, and if this can not be done
whether the thing part can be allotted to either and if so a fair
value of the same and whether either party will pay the same
or whether the interest of the parties will be promoted by the
sale of the said tract of land or the thing and used part of Martha A
Reynolds, required to be taken by a decree of the Circuit Court
of Isle of Wight rendered at the April Term 1889 in a suit in
chancery depending in the said court in which you are
parties Plaintiff and Defendant, at which time and place
you are required to attend.

Given under my hand as a commissary in chancery of the
said court the day and year first aforesaid

Jos P. Atkinson

Wm. S. Thomas

to

Reynolds

Wm. S. Thomas, Jr.

Service of notice ac-
cepted in all parties
R. S. Thomas
att'y

Wm. S. Thomas, Jr. v. Wm. S. Thomas, Sr.

land to take the said land and pay to the said Martha C. Reynolds
Five hundred dollars for her share thereof.

Witness my hand as a commissioner in charge of the said
land the day and year first of us and

John P. McKinnon

Given for the

Witness played to house.

Witness

Reynolds

Indemnity and V. H. H. H. H.

Reynolds is to be one of the

Reynolds

Paul - welcome here.
 H. R. Parker
 C. B. Blandley
 J. J. Blandley
 J. J. Blandley
 A. B. Blandley

George P. Reynolds road
 but in interest to L. C. Driver
 Sept 15th 1888.

L. C. Driver, grandson of
 Walter A. in 1878.

and sealed in 188

16 years old Apr 7th
 4th 1888

Dwelling House small, in poor
 condition, in complete, not-latched
 not plastered. 2 doors & 2 up out-
 houses in poor condition. Paul H. 100-
 in 1888 & 1889

Pa

George W. Reynolds =
56 acres - North by the lands
of Captain Wm. Carter, South by
the lands of A. Bunsley, East
Jomay Hines, West - Jones Creek.

- 1 George P. Reynolds
- 2 Mary M. Reynolds
- 3 Martha A.

2

Mary M. married Frank M.
Purcell & sold them in 1864

Driver C. C.

v

In Chancery.

Reynolds M. C.

I N. P. Gentry Guardian ad litem of
Martha A. Reynolds do agree that the
following interrogatories may be perform-
ed to the witnesses whose depositions may
be taken, viz

- 1 State whether or not you are acquainted
with the tract of land of which George W. Reynolds
deceased + possessed consisting of some 26
acres and bounded by the lands of Wm Carter
A. Bunsley and others and if so, state the
value of the whole tract, and what is the
fair value of one undivided third part of
it.
- 2 State the present condition of the farm
the houses or the buildings mentioned?
- 3 State ^{the use of Martha A. Reynolds} whether or not ~~Martha~~ she has
any means to repair the houses, the
fences and keep up the farm?
- 4 State ^{the value in fact of the 3^d part of Martha Reynolds} whether or not ~~the said~~ ^{the said} ~~the~~
Martha A. Reynolds or C. C. Driver will
accept the undivided third at the figure
or figures mentioned as its value?
- 5 State whether or not the interest of the

said M. A. Reynolds ^{or would} would not be prom-
ised by the sale of her third interest, or by its
acceptance by some one at the figure or fig-
ures mentioned as its value?

J. P. Horing - gen. ad litem
of inst. deft. Martha A. Reynolds.

Done

v

Reynolds

Questions
asked in.

To Martha A. Reynolds

Take notice that I shall on the 22 day of March 1889, next, at
the office of R. S. Thomas in the town
of Smithfield between the hours of 8 a. m. and 6 p. m. of that day, proceed
to take the Depositions of A. Buckley, H. R. Parker

— and others, to be read as evidence in my behalf, in a certain
Cause, depending in the Circuit Court of Ischamaw
County, wherein I am
complaintiffs, and you
are defendants; and if from any cause the taking of the
said Depositions be not commenced on that day, or if commenced be not concluded on that
day, the taking of the same will be adjourned and continued from day to day or from
time to time, at the same place and between the same hours, until the same shall be com-
pleted.

Respectfully.

To the Sheriff of
County to execute.

}

C. C. Drown
by R. S. Thomas
att'y.

March 8th / 1889

I accept legal service of this notice

Martha A. Reynolds

The deposition of A. Bunsley and others
taken before me C. B. Hayden a notary
public for the county of Lee of Wright-
county is now hereto annexed at the
office of R. S. Thomas in the town of Smith-
field on the 22^d day of March A. D. 1889
between the hours of 8 A. M. and 6 P. M.
to be read as evidence of C. C. Driver in
a certain suit in Equity depending in
the Circuit Court of Lee of Wright County
wherein C. C. Driver is plaintiff and
Martha A. Reynolds is defendant.

Present R. S. Thomas, attorney for the Plaintiff

A. Bunsley being duly sworn
on the Holy Evangelists of Almighty God deposes
and swears as follows:

Question

State whether or not you are acquainted
with the tract of land of which George W. Rey-
nolds did succeed and possess consisting of
some 96 acre, and bounded by the lands
of Wm. Carter, A. Bunsley & others, and if so,
state the value of the whole tract, & what is
the fair value of one undivided third part of it.

Answer.

I know the tract of land alluded
to well. I think a fair value of
the whole tract to be \$1500⁰⁰; I don't
think the value of one undivided
third to be over \$500⁰⁰. I have
a tract adjoining it of some

Character & quality of land which
I would be willing to sell at
same rate

2nd Q

State the present condition of
Farm, the houses or in the proceed-
ing mentioned.

Ans

The Houses are not in final
class condition, but fair con-
dition; there is a new Barn on the
premises recently finished if finish-
ed by Mr Driver.

3rd Q

State the age of Martha A Reynolds
whether or not she has any means
to ^{repair the houses &c} keep up the ~~Houses~~ and Farm

Ans

I don't know her age she
states it to be upwards of Sixteen.
She has no means to my know-
ledge to repair the Houses & to
keep up the Farm

4th Q

State the value in fee of the third
interest of Martha A Reynolds in
in the land in the proceedings
mentioned & whether or not the
said Martha A Reynolds or
C C Driver will accept this un-
divided third at the figure or
figures mentioned or its value.

Ans

I think the value in fee of the un-
divided third part of the land
mentioned is about \$500⁰⁰ I would

be willing to take that were I the
guardian of the said Martha A Reynolds;
she cannot take it at that figure
because she is indebted to the said
C C Driver & has no money to pay it.
I am informed that Mr C C Driver
will accept it at that figure, or
he already owns two thirds of the
land & the said Martha A Reynolds
is largely indebted to him & has
no money to pay him.

3rd

State whether or not the interest of
the said Martha A Reynolds would
or would not be promoted by
the sale of her third interest or
by its acceptance by some one
at the figure or figures mentioned
or its value

Ans

I think the interest of said Martha
A Reynolds would be advanced
by a sale or by the acceptance
of the said third by some one
at the figure or figures mentioned
or its value; because the land
is some time bound to be de-
vided or sold, & the sooner it
is sold the better, because the
sooner the land passes to one
ownership the better it will be
for all parties, for the whole
would be attended to and not
neglected

If a third was assigned her
being a girl & a minor she could
not cultivate it, & she would be
compelled to rent it out & a rented
land always goes down.

And further the deponent saith
not. A. Bunkley

1st Q. N. R. Foster being duly sworn
deposeth and saith as follows
State whether or not you are ac-
quainted with the tract of land
of which George Reynolds died
seized & possessed containing
some 96 acres & bounded by
the lands of John Carter &
Bunkley &c. & if so state the
value of the whole tract, & what
is the fair value of one undi-
vided third part of it.

Ans. I know the Reynolds tract
of land; it is worth about
20⁰⁰ per acre: and I think an
undivided third part of it is
worth about \$20⁰⁰ per acre

2nd State the present condition of
the Farm. Houses &c in the pro-
ceeding mentioned

Ans. I don't know the present condi-
tion of the Houses, it is natural

for them to go down, the Lorn
needs Ditching

3rd Q

State the age of Martha A Rey-
nolds, whether or not she has
any means to repair the house
and keep up the Lorn

Ans

Lorn informed that she is
upwards of fifteen years
of age, & by own knowledge
she has no means to keep
up the Lorn & repair the house

4th Q

State the value in fee of the
third interest of the said Martha
A Reynolds in the land in the
proceedings mentioned & whether
or not either she or C
C. Driver will accept this un-
divided third at the figures or fig-
ures mentioned or its value

Ans

I value it at about \$20⁰⁰ per acre
I cannot say whether either of
them would accept at the
figures mentioned. I would ad-
vise a sale ^{by her} at the figures mentioned

Q 2

State whether or not the interest
of the said Martha A Reynolds
would or would not be pro-
moted by the sale of her
third interest or by its accep-
tion by some one ^{at} that figure
or figures mentioned as it

value.

Ans

I think it better for all parties that it should be sold, because she has no means of building upon or improving it. If divided & set apart it would be only a small piece of open land & she has no means to build upon it & rent it out.

And further this Deponent saith not.

Signed. A. R. Parker

Jno T. Bunkley a witness of lawful age being duly sworn deposes and says.

Q^d

State whether or not you are acquainted with the tract of land of which Geo W Reynolds died seized and possessed containing of some 96 acres and bounded by the lands of Wm Carter, a Bunkley & others and if so state the value of the whole tract, & what is the fair value of one undivided third part of it.

Ans

I live within half a mile of it and have lived by it & near it all my life. It adjoins my father's farm where I was raised. I am 17 years of age & will be 18 in Oct next. The whole tract without the New Farm is only worth about some \$1500⁰⁰, with the New Farm about some \$1600⁰⁰ or \$1700⁰⁰. The value of

the undivided third is not in my
division worth over five hundred dollars
because the cost and expenses of a
division must come out of it and
be taken in consideration.

Q 2nd

I state the present condition of
the Farm, the house or in the pro-
ceedings mentioned.

Ans

The House and lands are now
in pretty fair condition.

Q 3rd

I state the age of Martha A Reynolds
whether or not she has any means
to repair the house, the fences and to
keep up the Farm.

Ans

I cannot tell you the age of Martha
A Reynolds. I have ^{been} knowing her ever
since she was born, but I cannot
tell her age. It must be as she
states it. upwards of 16 years. She
has no means in the world that
I know of.

Q 4th

I state the value in fee of the 3rd in-
terest of Martha A Reynolds in the
land in the proceedings mentioned
and whether or not either the said
Martha A. Reynolds or the said C. C
Drew will accept this undivided third
at the figures or figures mentioned
as its value.

Ans

The value in fee of this undivided third
is as I have stated it. about \$500.⁰⁰/₁₀₀

Mortha A Reynolds cannot take it at that figure because she has no money to pay for it and is in debt to her Guardian.

Mr C. C. Ormer will take it at the figures mentioned viz \$500 ⁰⁰/₁₀₀

State whether or not the interest of the said Mortha A. Reynolds would or would not be promoted by the sale of her third interest or by its acceptance by some one at the figure or figures mentioned as its value.

The interest of the said Mortha A. Reynolds would be promoted by a sale, because she is a young unmarried girl, because it will have at some day to be sold & the sooner sold the better, because if not sold it will have to be rented out and no one will rent it and improve it for her benefit; and if rented out for a few years it will rapidly decrease in value. It is not land enough to be of much value when or by anyone, added to the other two thirds it makes that more desirable. Taken from the whole tract it becomes a small tract of very little use or value. And ^{unless} ~~and~~ divided it will be going down year by year, decreasing in rent, and her

Q 5th

Ans

1
Debt increasing in its interest,
and as the land is now in
fair condition the sooner it
is sold the better.

And further this deponent saith
not.

Signed } John T. Buntley
State of Virginia } Testit
County of Isle of Wight }

J. C. B. Hayden a Notary Public for
the County aforesaid in the State of
Virginia do hereby certify that the
foregoing depositions were duly
taken sworn to and subscribed
before me at the time and place
mentioned therein.

Given under my hand this
22nd Day of March A.D. 1889.

J. C. B. Hayden
Notary Public

Depositions of

A. Bumbley & also

C. B. Haydon

Notary Public

H.

D. Young Esq

Secy of the Cir Ct

of Lee & Wright Co

Shelburne N.H.

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON *Martha A. Reynolds*

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 *November* next, to answer *the Bill in chancery of Calvin C. Driver*

of a plea of *non* for \$ *see* Damages \$ *see* And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the *10th* day of *October*, 188*8*, in the *11th* year of the Commonwealth.

N. P. Young

C. C. Driver

vs 1/2 Success, to
3 and 1/2 Biv
in Chap,

M. A. Reynolds

To & Nov. 1888,
1888,

Thomasfig.

Executed Octo 15th

1888 by deliv^{ing} a copy to
M^r. R. A. Edwards
Stiff.

The answer of Martha A. Reynolds to a
Bill of Complaint - Exhibited against her
in the Circuit Court of the Wm. Co. County
by Calvin C. Driver

This respondent - having and examining all
right - exceptions to the manifold super-
fluous of the said bill for answer thereto
as much thereof as it is material for
her to answer, answering says

- 1 That - she has had the bill of the complain-
-ant - plainly and clearly read to her,
and thoroughly understood the same:
That she was sixteen years of age on the
11th of last April (1888): That the alle-
gations of the bill are all true and
correct: That George W. Reynolds died
seized of the tract of land as alleged: That
he left the children as stated: That C.
C. Driver qualified as guardian as
stated: That he has purchased the in-
terests of the parties as stated: That this
respondent - is indebted to the said C. C.
Driver as stated: That the fences on
the said land ^{are} in need of repairs &
That this respondent - is without means

to repair, or to assist in repairing them,
that the said land on 8th-10 be partition-
ed or sold as the said complainant
alleges, and the interests of this respon-
dent in the said land on 8th-10 be sub-
jected to the payment of her debt to the
said C. C. Driver and this respondent
will be perfectly willing to accept
the sum for her interest in the
said land as has been paid to each
of the others for theirs: to-wit, the
sum of Five Hundred dollars.
And having answered she prays hence
to be dismissed with her reasonable
costs in this behalf expended.

Martha A. Reynolds

Virginia

Sherriff of Wash- County to-wit-

J. R. S. Thomas

a notary public for the county of Sher-
burne in the State of Virginia do certify
that Martha A. Reynolds whose name
is signed to the foregoing answer this day
personally appeared before me in my
County aforesaid and made oath that

The statements therein contained were
true to the best of her belief. Given
under my hand this 7th day of March
A.D. 1889.

R. J. Thomas
At Public

Driver C. C.

or

Reynolds M.A.

Answer of
M.A. Reynolds

Driver Calvin B.

v

Reynolds Martha A.

The Answer of Martha A. Reynolds
an infant under the age of twenty one
years by N. P. Young her guardian
ad litem assigned to defend her in this
suit - to a bill of complaint - exhibited
against her in the Circuit Court of Dec
of West-County by Calvin B. Driver

This respondent says that she is an in-
fant - of under years and by reason of her
infancy is incapable of understanding
or of taking care of her rights and inter-
ests. She therefore by her said guardian
concedes herself to her rights and
interests to the protection of the Court;
and prays that no decree may be pro-
nounced which will tend to her prejudice.

And having fully answered she prays
her a bill is nipped with her reasonable
costs in this behalf expended, and she
will ever pray &c

N. P. Young, gdw. ad litem
to infant. deft.

State of Virginia

Court of Dec of West; to wit:

~~Attest~~ This day personally
appeared before me R. J. Thomas, a

Gwin C. C.

v

Reynolds M. A.

An Answer of In-
ferior Defendant

Filed Nov. 1888.

Notary Public of the county of Eschscholtz
state of Virginia. R. P. Young who has
signed the foregoing answer
~~when an answer is made above~~, and
made oath that the statements
therein contained so far as made on his
own knowledge are true; and so far as
made from information derived from others
he believed to be true.

Given under my hand this 5. day of
Nov. A. D. 1888.

R. S. Thomas
N. P.

To the Hon E. W. Hill

Judge of the Circuit Court of
Jas of Wash County in Chan-
cery sitting.

Your orator Calvin C. Driver re-
spectfully states

1 That George W. Reynolds of the
county of Jas of Wash died seized
and possessed of a certain tract of
land lying and being in the county
of Jas of Wash consisting of some 96
Ninety Six acres more or less and
bounded on the North by the lands of
Wm Carter, on the South by the lands
of A. Buckley on the East by the lands
of Norman Hines and on the West by
Jones' tract.

2 That he died leaving surviving
him his (3) three children viz
George P. Reynolds

Mary M. Reynolds &

Matth A. Reynolds

3 That on the 3^d day of September 1877
Your orator qualified in the county
Court of Jas of Wash County as
the guardian of the said George P.
Mary M. and Matth A. Rey-
nolds as will be seen from the cer-

lified copy of the order of the said
court - herewith filed as Exhibit-
"A" and prayed to be taken as a
part of this bill.

That Mary M. has attained the
age of twenty one years and has
intermarried with F. M. Powell

That they have by Deed bear-
ing date January 1st 1887 duly
recorded in the clerk's office of Seely
Wright county in Deed Book 51
page 452 sold to John Orator
all of their right, title, and in ter-
est in and to the aforesaid Tract of
land ~~in Seely Wright~~ as will be seen
from the Deed Tract herewith filed
as Exhibit-"B" and prayed to be
taken as a part of this bill.

That George P. Reynolds on
the 7th day of July A.D. 1887
sold his interest in and to the said
Tract of land to R. Evans, D. S. Burwell
L. W. Tarnum
and they on the 15th day of Septem-
ber A.D. 1888 sold the
same to John Orator as will be seen
by the Deed herewith filed as Ex-
hibit-"C" and prayed to be taken
as a part of this bill.

John Orator owns two thirds of the
aforesaid tract of land. Martha

A. Reynolds owns the other third.

The said Martha A. Reynolds ^{was} ~~is~~ indebted to gun orator in the sum of \$388.35 on December 31st 1885 - of which \$317.74 is principal & 70.61 is interest.

The said Martha A. Reynolds is 16 years of age and has no personal property, & no interest in any real estate save and except her $\frac{1}{3}$ interest in the tract above mentioned. The houses are in very bad condition, and the said Martha A. Reynolds has no money with which to repair them, or ~~money~~ ~~which~~ to contribute towards the repair of them.

In under consideration whereof and for as much as gun orator is without remedy save in a court of Chancery where matters of this sort are slow and properly cognizable to the end that justice may be done he prays that the said Martha A. Reynolds may be made a party defendant to this bill and answer the same ~~on~~ oath as fully and as effectually as if she were here and in her regard, that a guardian ad litem may be appointed to her, to defend her interests in this suit, that the afore said tract of land may be partitioned between

Driver C. C.
v. Z. H. Chap.
Reynolds M. A.

Bill

Nov. Rules 1888.

Bill & expts. filed, deems.
exd. M. A. Chap. appears & de.
ad. return to court. depts. & as. filed.
agreed. signed.

Dec. Rules - 1888.
Cause set for hearing.

Apr. term 1889.
As over for accts.

Oct term 1889. report confirmed
de. for acct & motion filed

April term 1890. Final

Martha A. Reynolds and her executor
if it can be conveniently done, and
if this can not be done that the en-
tire subject may be allotted to either
who will accept it - and pay to the
other party such a sum of money as their
interest may entitle them to, or if the in-
terests of the parties will be promoted
by a sale of the entire subject, or an
allotment of part, and sale of the resi-
due, that such sale, or such sale
and allotment may be made, and
the proceeds distributed according to
the rights of the respective parties, and
that if the share of the said Martha
A. Reynolds is allotted, or is sold,
that her executor may be paid
the amount she owes him from
the proceeds of the said sale, or from
and out of the said allotment.

And he will ever pray &c

R. S. Thomas p. q.

Virginia, Dist. of Wash. County, N. H.

I, R. S. Thomas, a notary public in the County of Dist. of Wash. - in
the State of Virginia do hereby certify that C. C. Driver this day appeared before
me and made oath that he believes the statements in the said
bill to be true and correct. Given under my hand this 1st day of
November A. D. 1889

R. S. Thomas
Notary Public