

1895-010

Charney Causes.

John M. Carr, Mary Ester Carr v Solomon B. Carr vs
Joseph H. Duck v al

Isle of Wight County

other surnames: Hatfield,
Vaughan, Holland, Stephenson

To J. M. Carr, Mary Ester Carr and Solomon B. Carr.
You are hereby notified, that on the
15th day of January 1890, at the office of
J. F. Eley at Carrsville in Isle of Wight
County Va. between the hours of 8 A.M. and
8 P.M. of that day, I shall proceed to take
the depositions of J. F. Eley and others, to be
read as evidence in my behalf, in a certain
suit in equity depending in the Circuit Court
for the County of Isle of Wight, wherein I
am defendant and you are complainants,
and if from any cause the taking of the
said depositions be not commenced, or if commenced,
be not concluded on that day, the taking thereof
will be adjourned from day to day, ~~at the~~
or time to time, and from place to place, or at the
same place, between the same hours until the
same shall be completed.

Respectfully
Joseph F. Eley
My Counsel

We hereby acknowledge service of the
above notice.

Jan 6. 1890

W. S. Hall and for
complainants.

Record in the Chancery Suit of J. H.
Duck vs. Stephenson, Carr et al., in which
final decree was entered at April term 1878,
of the Circuit Court of Isle of Wight county.

Receipt.

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 Jno. Carr decd: James M.
Vaughan, Solomon Carr, Melson Carr,
Martha Ann Carr & Mary Esther Carr
children of John Carr decd. last 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
court on the first Monday in September
next to answer the Bill in Chancery of
Joseph H. Duck. And have them and
them this writ.

Witness M. P. Young, clerk of our said
court, at the Court House, the 22^d day of
August 1876, in the 10th year of the
Commonwealth

(M. P. Young) clk.
Executed L. B. Edwards shk.

Bill.

To the Honorable George Blow, Judge of the
Circuit Court of Law and Chancery for the
county of Isle of Wight in Chancery sitting.

Your complainant Joseph H. Duck, humble
complaining sheweth to the court, that John
Carr 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 Joseph
S. Halland decd. Admorn Cornell decd. W. H.
Vaughan, and being so thereof seized and
possessed, some time in the year 1877, departed
this life intestate, leaving surviving him
a widow Martha Carr, who since the death
of the said John Carr, has intermarried
with one W. H. Stephenson, and five children
to wit, Rebecca Carr who has intermarried
with one William Hatfield, Solomon Carr,
Millson Carr, Martha Ann Carr, and Mary
Esther Carr. That the said Millson Carr, Martha
Ann Carr, and Mary Esther Carr are infants
under the age of twenty one years, That dower
has been assigned the said Martha Stephenson
formerly Martha Carr, widow of the said John
Carr decd. in the real estate aforesaid, that
the said W. H. Stephenson by deed of bargain
and sale has conveyed the dower estate of
so assigned to James M. Vaughan, a copy
of said deed is herewith filed marked 'A' and
prayer to be taken as a part of this bill.
That the said W. H. Hatfield and Rebecca his
wife, formerly Rebecca Carr by their deed
bearing date on the — day of — A.D. 1874,
conveyed their interest in the real estate aforesaid
to your complainant Joseph H. Durek, a
copy of said deed marked 'B' is herewith
filed and prayer to be taken as a part of this
bill, your complainant is informed and
so charges that he is entitled to have partition
of said estate, and his portion thereof assigned
to him in severalty, and your complainant
further states, that the said real estate is

Exhibit
'A'

Exhibit
'B'

susceptible of partition among the parties
entitled thereto, if it be not your complainant's
prayer that the same may be sold, and the
proceeds distributed among the parties
in proportion to their respective interest
therein. In tender consideration thereof, and
for as much 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 relievable
your complainant prays that the said
Martha S. formerly Martha Carr, William
H. Stephenson, James M. Vaughan, Solomon
Carr, Millson Carr, Martha Ann Carr, and
Mary Esther Carr, may be made parties defendant
to this bill, and required on their oaths to answer
the same, according to the best of their knowledge
remembrance, information and belief, as fully
and particularly as if the statements of this
bill were here again repeated, and the said
defendants thereto specially interrogated. That
a proper guardian ad litem be assigned the
infant defendants, to defend their interest in
this suit, that the said real estate be divided
between the parties aforementioned, entitled
thereto, and your complainant's portion thereof
allotted him, and in case the said real estate
be indivisible that the same be exposed to
sale, and the proceeds thereof be distributed
among the parties entitled thereto, that proper
process may issue and such other, further,
and general relief may be granted in the
premises as the nature of the case may.

requir or to equity may seem meet. and
your complaisant well ever pray &c.
Joseph H. Duck
by R. E. Baykin his atts.

Answers
Duck

vs. } In chy. answer of infant defendants Plff

Stephenson et als Defts

The joint and several answers of
Mullion Law, Martha A. Law, and Mary
Esther Law, infants under the age of
twenty one years by N. P. Young their
guardian ad litem, appointed to defend them
in the suit, to a bill in Chancery exhibited
against the said Mullion Law, Martha
A. Law, and Mary Esther Law et als in
the circuit court of the county of Isle
of Wight by Joseph H. Duck.
These defendant reserving all right of
exceptions to the many errors and im-
perfections 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
cost in this behalf, most unreasonable
expended

A. P. Young gen. ad litem

Decree.

In the circuit Court of Isle of Wight county
October term 1876

Joseph H. Duck

plff.

vs.
Wm. H. Stephenson and 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 N. P.
Young their guardian ad litem
appointed to defend them in this suit. Defs.
This cause came on this day to be
heard on the bill taken for confessed
as to the adult defendants, the answer
of the infant defendants by N. P. Young
their guardian ad litem and was argued
by counsel, on consideration whereof
the court doth order that J. H. Duck
Wm. H. Vaughan, Ludlow Lawrence, J. H. Duck
and J. P. Holland who are hereby
appointed commissioners for that purpose
any three of whom may act, do proceed
to lay off and divide the real estate
of which John Carr did seized & possessed,
in the county of Isle of Wight, containing
by estimation acres and adjoining
the lands of Joseph S. Holland decd;
Adrian Cornell decd; W. H. Vaughan et al
into five equal parts, having regard to
quality and quantity and assign one of
said parts to the parties entitled

there to, namely, to Solomon Can one fifth part. Milton Can one fifth part, Martha Ann Can one fifth part, Mary Esther Can one fifth part, & Joseph A. Duck one fifth part. And 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 interest of the parties would be more promoted by a sale thereof, in such case they are required to report the fact upon which their opinions are based to the court, and in either case they are required to report their proceedings under this decree to the court.

Decreed.

In the circuit court of Isles of Wight County. Oct. term 1877.

Joseph A. Duck

Plff

vs.

Wm. A. Stephen & Martha his wife
James M. Vaughan, Solomon Can
Milton Can, Martha A. Can,
and Mary Esther Can, 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.

Defrs

This cause came on this day to be heard on the papers formally read and was argued by counsel, and

it appearing to the court that commissioners of partition appointed by the decree of this court herein of October term 1876, have failed and still continue to fail to execute said decree the court doth adjudge order and decree that W. H. Vaughan, Jos. A. Carr, Jesse Rawls, Thos Carr and Jos. Joyner 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 possessed in the county of Isle of Wight and adjoining the lands of Jos. S. Hallons decd: Adrien Cornell decd: W. H. Vaughan etals into five equal parts, having regard to quantity & quality and assign one of said parts to the parties entitled thereto namely to Solomon Carr one fifth part, Millson Carr one fifth part, Martha Anne Carr 5th part, Mary Esther Carr 5th part and Joseph H. Duck 5th part. But should said com^{rs} 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 fact 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.

Report of Partition.

To the Hon Judge of County Court

* Pursuant to an order of court issued at the October term 1887 we the undersigned one of the commissioners, appointed in said order to divide the real estate of the late John Law, did on the 13th day of Feb'y 1898 proceed to the premises, and after viewing the same proceeded to divide the said real estate into four equal shares, taking quality and quantity into consideration.

1st Lot commencing at a post oak on the Black Water River and running down said south to a cypress tree, thence along 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.

2^d 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 commencing on a white oak, thence up said river north to a Black tree, thence a line of marked trees east commencing on a maple on the ditch side, thence running up said ditch north to a gum 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 or dower together with a piece of poor land supposed to contain about 25 acres annexed to it.

3^d Lot commencing at a cypress &

running down Black Water River
south to a beech a corner of same line
thence running up same ditch north
to a pine corner or some, 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 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
corner on the Ballard land, thence
running a line of marked trees south
to a water oak, in the branch a corner
on the Holland & 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 1st
piece, described as her portion, and Joseph
H. Duck assignee of Mr B. Hatfield
was assigned the 2^d piece, Mary Esther
Carr was assigned the 3^d, and Solomon
was assigned the 4th, and Millson Carr
was assigned the 5th. All of which

is respectfully submitted.

W. H. Vaughan
James A. Carr
James E. P. Joyner

Decree finally

In the Circuit Court of Isle of Wight county
April term 1878

Joseph H. Duck

Pltf

Exhibit
"B B"

^{vs.}
W. H. Stephenson and Martha his wife
James M. Vaughan, Solomon Carr,
Millson Carr, Martha A. Carr, and
Mary Esther Carr, the last three infants
under the age of twenty one years
by W. P. Young their guardian ad.
litem, appointed to defend their
interest in this suit

Defts.

This cause came on this day to be again
heard on the papers formerly read, and upon the
report of W. H. Vaughan, James A. Carr, and
James S. Joyner, three of the commissioners
appointed by the decree herein of October term 1877,
of the partition of the land in these proceedings
mentioned, among the several parties entitled
thereto, agreeably to the term of the said decree,
and was argued by counsel, on consideration
whereof, it appearing to the court, that in the
partition made by the said commissioners
lot No 1 commencing at a post oak on Black
Water River, and running down 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 fell to the share of Martha Ann Law.

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 Black Water River, commencing at a white oak, thence up said river, north to a beech, thence a line of marked trees east commencing 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 dower together with a piece of wood land supposed to contain about twenty five acres, fell to the share of Joseph H. Duck.

Lot No 3 commencing at a cypress and 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 a line of marked trees west to the Black Water River the starting point, fell to the share of Mary Esther Law.

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, fell to the

shore of Solomon Carr.

Lot No 3, 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 water oak in the branch a corner on the Holland and Ballard land, thence down said branch to Black Water River, thence west up said river to a beech corner of the starting point, fell to the shore of Mullson Carr.

It is adjudge ordered and decreed that the said report of the said commissioners be confirmed and that the partition in manner and form aforesaid may be held firm and stable, and it is ordered that the cost 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.

Clerk's office.

Isle of Wight County, E. wit:

J. N. P. Young Clerk of the Circuit Court of said County, do certify that the foregoing are true copies from the records and judicial proceedings of said Court, given under my hand this 16th day of Decr 1889.

J. N. P. Young Clk.

Joseph H. Duck
vs. J. M. Chy.
Stephenson Co. v. State

A copy of record

See Final Decree
within marked
Exhibit B B''

This deed made this ²⁰ day of August 1889 Between J. J. Duck of the first part and J. J. Duck of the second part all of Isle of Wight County and State of Virginia Witness that in consideration of the sum of four hundred dollars paid in hand the parties of first part doth bargain grant and sell to J. J. Duck the land known as the John Carr tract on Black water containing one hundred and thirty four acres more or less bounded north by the land of Thomas I Carr East by the land of Joseph English west by the land of Mary Esther Carr and Black water River South by the land of Solomon Carr. The Parties of the first part doth covenant generally, all right title and interest to the aforesaid land to J. J. Duck and his heirs forever. given under our hands and seals the day and date above mentioned.

J. J. Duck Seal
J. J. Duck Seal
J. J. Duck Seal

State of Virginia,
County of Isle of Wight, to-wit:—

I George W. Turner, a justice of the peace for
the county of Isle of Wight in the State of Virginia,
do certify that J. F. Black, I. W. Black and Irene
A. Black, whose names are signed to the
foregoing writing bearing date the 20th day
of August 1889 have acknowledged the
same before me in my county aforesaid.
Given under my hand this 20th day of
December 1889. Geo. W. Turner, J.P.

In the clerk's office of the county court of Isle of Wight
county Dec. 20th 1889, this deed was received and
with the certificate annexed admitted to record.
Teste A. J. Young Dep. clk
for W. P. Young clk

C. W. Kluck

and

J. J. Kluck

Scipies

W. S. Reed of Borgaint Hill

Joseph H. Kluck

Exhibit "AA"

Admitted to record

Dec. 20th 1889

Exhibit in Book

Recorded in Deed Book

54 page 231

Pay 1.00

Dec 1.25

\$2.25

Chg.

This deed made this 24th day of May
in the year 1873 between William B F
Holt and Mary Ann Rebecca
his wife of the County of Isle of Wight
and State of Virginia of the first part
and John P Holland of some County
and State of the second part. Witness this
that if said John P Holland shall die
then a sum of Four Hundred dollars to
be in hand paid before the sealing
and delivery of these presents the
said John P Holland is hereby acknowledged
The said Mr P Holland and Mary
Ann Rebecca his wife do grant
bargain, sell, convey and keep
these premises here granted, bargained,
sold, conveyed unto the said

John P Holland all their right title
and interest to being one fifth (one
or share) in four hundred acres of
land more or less of which the late
John Carr died seized and possessed
and bounded as follows, on the west
and north by the Potomac River
on the east by the lands of John
P Holland and on the south by the
lands belonging to the said John
P Holland and his heirs and assigns
in the County of Isle of Wight State
of Virginia to have and to hold the
same with the appurtenances belonging
thereto his heirs and assigns forever

used the said parties aforesaid for it
must do so. such generally the
proceedings therein conveyed
Witness the following signatures
and date the day and year above
written

Teste
James W. Vaughan
Mary Ann Rebecca Hatfield
William B. Hatfield

State of Virginia
Sole of Wright County to wit: I J. M.
Murray a Justice of the peace for the
County aforesaid in the State of Virginia
do certify that William B. Hatfield whose
name is signed to the writing above
bearing date on the 24th day of May
1873 acknowledged the same before
me in my County of said State
under my hand this 24th day of May
1873.
J. M. Murray J. P.

State of Virginia
Sole of Wright County to wit: We J. M.
Murray & Thos. H. Jenkins Justices of the peace
in the County aforesaid in the State of
Virginia do certify that Mary Ann Rebecca
Hatfield the wife of Wm. B. Hatfield whose
name is signed to the writing above bearing
date on the 24th day of May 1873 personally
appeared before us in the County of said State
and being examined as to her name and about
her husband and having the writing afore-
said fully explained to her she said Mary

Ann Rebecca Hatfield acknowledged
the said writing to be her act and de-
clared that she had willingly executed
the same and does not wish to retract
at any time under any penalty the 24th
day of May

J. M. Murray J. P.
Thos. H. Jenkins J. P.

In Sole of Wright County Court Clerk's Office,
May 24th 1873, This Deed from Wm. B.
Hatfield & Mary A. R. his wife to Joel
P. Holland was received and admitted to
record upon the annexed Certificate
of J. M. Murray Justice of the Peace
for the County of said State of Virginia.
Teste
Geo. H. Hart, C. C.

Wm B. Hatfield wife

To { Seed
}

Joel P. Holland,

May 24th 1873. Recd?

Admitted to record upon
the annexed Certificates:

Exhibited

Exhibit "D" filed

with Bill in Court,
in Dec 1873,

Recorded Seed Book
No. 42, page 602,

For Hay paid 3.25
J. S. Young

149.42

153.92

772.39

This deed made this 6th day of October in the year of our Lord one thousand eight hundred and seventy three between Joel P Holland of the County of Isle of Wight, State of Virginia of the first part, and William B Hatfield of the same County and state of the second part. Witnesseth: That for and in consideration of the sum of four hundred dollars to him in hand paid before the signing and delivery of these presents the right whereof is hereby acknowledged the said Joel P Holland doth grant bargain sell and convey and by these presents have granted bargained sold and conveyed unto the said William B Hatfield all his right title and interest, it being one fifth interest in four hundred acres of land more or less of which the late John Can died seized and possessed and bounded as follows, on the West and South by the Block Water river on the East by the lands of ~~Adrian~~ Canal and on the South by the lands belonging to the heirs of the late Joseph Holland and lying in the County of Isle of Wight State of Virginia to have and to hold the same with the appurtenances belonging thereto to him his heirs or assigns forever and the said party of the first part do warrant generally the property herein conveyed.

Witness The following signatures and seal. The day and year above ~~written~~.

Joel P Holland, Esq. }
Seal

State of Virginia
County of Isle of Wight to Wit

I J M Murray a Justice of the peace in and for the said County do certify that Joel P. Holland whose name is signed to the annexed writing bearing date 6th day of October 1873. has acknowledged the same before me in my said County. Given under my hand this the 6th day of October 1873.

J M Murray J.P.

In the Clerk's Office of the County Court of Isle of Wight County the 6th day of October 1873, this Deed from Joel P. Holland to William R. Hatfield was received & admitted to record upon the annexed certificate of J. M. Murray a Justice of the peace of Isle of Wight County as to the acknowledgment of said Joel P. Holland before him.

Teste

C. H. Hardin, D. C.

paid \$4.00
C. H. Hardin D.C.

Joel P. Holland

of Wight

William R. Hatfield
Oct. 6th 1873, Deed was
admitted to record upon
the annexed certificate.

Exhibit to File
in said Court. That
is record

Recorded Deed book
No. 43 page 58.

has paid \$1.00
C. H. Hardin D.C.

This Deed made this 6th day of October
1873, between William B. Hatfield of the
county of Isle of Wight of the one part
and James M. Vaughan trustee of the
other part, Witnesseth that the said William
B. Hatfield do grant with general
warranty unto the said James M. Vaughan
trustee the following property to wit. All
his interest in the real estate of John Carr
decd. being one fifth whereon said John
Carr died seized and possessed, and
containing four hundred acres
more or less, adjoining the lands of
Adrain, Cornell, Joseph S. Holland
and others. In trust to secure the pay-
ment of a bond executed by said William
B. Hatfield, dated on the 6th October 1873
and payable on demand with interest from
date to Joseph A. Duck for the sum of
one thousand and fifty four dollars and
fifty cents, and it is covenanted that
should default be made in the payment
of said bond and interest thereon, the said
trustee shall at the request in writing
of the said Joseph A. Duck or assigns
proceed after giving ten days notice
of the time and place of sale, to sell the
property hereby conveyed for cash suf-
ficient to pay the cost of this Deed

and the execution of this trust, and the
debt hereby secured, including a com-
mission of five per cent to the trustee
on the amount of sales and for the balance
on such credits and other terms as the
said William B. Hatfield or his assigns
shall direct, and ^{or} his or their failing
to give such directions, on such credits
and terms as the said Joseph H. Duck or
his assigns may direct. The erasure
above was made before this deed was
signed

Witness the following signature & seal
Witness William B. Hatfield (seal)
J. M. Murray

In the clerk's office of the county court of
Ipswich County the 6th day of October
1873 this deed of trust from Wm B. Hatfield
to James M. Vaughan trustee for the
benefit of Joseph H. Duck, was received
and admitted to record upon the acknow-
ledgement before me by the said Wm B.
Hatfield of its being his act and deed.

Teste E. A. Hart D. C.

Attesty.

Teste, A. O. Young clk

loan it at

-05, $\frac{1}{2}$ in ches.

Duck it. 04.

Copied Hatfield's
deed of trust to
J. M. Vaughan
~~~~~

Expt. "B" filed with  
the Bell.

This Deed made this twentyeth day  
of October eighteen hundred and seventy  
four between James M. Vaughan trustee  
for William B. Hatfield of the first  
part and Joseph H. Duck of the second  
part, both of the county of Isle of Wight  
and State of Virginia Witnesses, that  
the said James M. Vaughan trustee  
upon consideration of the sum  
of one hundred and thirty dollars  
and twenty five cents to him in  
hand paid by the said Joseph H. Duck  
the purchaser of the land, the said  
James M. Vaughan as trustee doth grant  
and convey to Joseph H. Duck the  
one fifth interest in John Carrs land,  
formerly owned by William B. Hatfield  
and conveyed to James M. Vaughan  
as trustee for the benefit of Joseph H. Duck  
the said James M. Vaughan doth convey  
all right title and interest vested in him  
to Joseph H. Duck in a parcel of  
undivided land in Isle of Wight  
county lying on Black Water River  
and formerly owned by John Carr  
decd: and William B. Hatfield, being one  
fifth owner in the same did convey  
his interest to James M. Vaughan to  
secure a bond due to Joseph H. Duck

for one hundred and fifty four  
dollars and fifty cents and the said  
James M. Vaughan, as trustee did sell  
the land on the premises on the 17<sup>th</sup> October  
for one hundred and thirty dollars  
and twenty five cents cash and Joseph  
H. Duck became the purchaser, the  
said James M. Vaughan covenants  
with the said Joseph H. Duck and  
grant free title from all incumbrances  
on the part of said land to him and  
his heir and assigns forever, in  
witness whereof he hath set his  
hand and seal the day and year  
above written

James M. Vaughan (seal)

Virginia

In the clerk's office of Wight county court  
December 7<sup>th</sup> 1874, this deed from James  
M. Vaughan trustee to Joseph H. Duck  
was received, acknowledged by said  
James M. Vaughan trustee and thereupon  
admitted to record

Teste C. A. Hart D.C. for  
W. O. Young clk.

Attest,

Teste, J. O. Young clk.

can it, say,

to, } In Cley,  
J. H. Duck et al,

copy deed from  
Yang loan trustee  
to  
Duck J. H.  
-----  
Exbt. A filed  
with Bill,  
"

Carroll vs.  
Black Dals.

In Chancery

On motion by counsel the defendant Joseph H. Black is allowed thirty days in which to file in this cause an amended plea of "purchaser for valuable consideration without notice," and amended answer.

Carroll v. Als In Chancery  
v. 23  
Black v. Als

In Isle of Wight Cir Court  
April Term 1890.

Apr 21. 1890  
Order to be entered  
C. M. S. H. C.

Entered #9

Barro Hals  
as  
Llewellyn Hals

On motion of the defendants in this  
cause by counsel the said defendants  
are allowed sixty days in which  
to file pleas and answer in said  
cause

Baykin Brett  
Grant & Co  
vs 3 In Chancery  
Brett & Co

In the Circuit Court  
of Isle of Wight  
County April 21, 1889.  
Order

To be entered  
C. H. H.

Emeline 5

To Joseph H. Duck

You are hereby notified that on the 6<sup>th</sup> day of Sept. in the year 1889, at the office of W. S. Hall and in Windsor Va between the hours of 6 o'clock A. M. and 8 o'clock P. M. of that day I shall proceed to take the depositions of Joel P. Hall and and others and others, to be read as evidence in my behalf in a certain suit in chancery depending in the circuit court of Isle of Wight county, wherein Jno. M. Carr, Sal B. Carr and others are plaintiffs, and Jan are defendants; and if from any cause the taking of said depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from time to time or from day to day and from place to place or at the same place between the same hours until the same shall be completed.

Your obedient servant,

Copy

Jno. M. Carr, Sal. B. Carr  
and others by Counsel

Carton

or

Book II,

To 6<sup>th</sup> Sept 89

Excerpt

Sept 2<sup>nd</sup> 1889

Ro. A. Eccles

Office of W. S. Holland  
Windsor Va. Sept 6-1889

The depositions of Mary Ester Carr and others taken before me A. J. Byrd a Notary Public in and for the County of Isles of Wight, State of Virginia, pursuant to notice hereto annexed at the Office of W. S. Holland, Windsor. Va. on the 6th day of September, 1889 between the hours named in said notice to be read as evidence in behalf of John M. Carr and others in a certain suit in equity depending in the Circuit Court of said Isles of Wight County, wherein J. H. Duck and others are defendants and said John M. Carr and others are plaintiffs.

Present, W. S. Holland Atty for the Pltffs.  
" R. E. Boykin & Lee Britt  
Attys for the Defendants.

Joel P. Holland being duly sworn  
deposes and says.

1 Ques.

State your name, age, residence and Occupation.

Ans.

Joel P. Holland, age, 45 years, Isles of Wight County & Farmer,

2 Ques.

Whose daughter was Mary Ann Rebecca

Hatfield?

Ans.  
3 Ques

John Dean (of Willis)  
Are or not Mary Ester Carr, Martha  
A. Carr dead? Sisters and John Wilson  
Carr and Solomon B. Carr. brothers  
to said Mary Ann Rebecca Hatfield?

Ans.  
4 Ques

Yes.  
State whether said Mary Ann Rebecca  
Hatfield is dead and if so did she  
leave any children or any husband  
or any mother and if so name them?  
She is dead, Not as I know of. She  
left a husband named William B.  
Hatfield, she left a mother whose  
name was Martha Carr.

Ans.  
5 Ques

Is the husband William B. Hatfield  
dead or alive?

Ans.  
6 Ques

He is dead, is now.  
Filed with the plaintiffs bill there is  
an exhibit marked "D." purporting  
to be a deed from William B. Hatfield  
and wife to Joel P. Holland, now  
please examine this paper and state  
whether or not you were present when  
the name of Mary Ann Rebecca Hatfield  
was put on said paper opposite  
a scroll and whether or not you were  
present when the cross mark and  
the words "her mark" above and below

Ans

The same, were written and made in Connection with that name<sup>d</sup> and whether or not you are the same person named as the grantor in said writing?

Ans

I was there, and I am the same person.

7 Ques

Please state when and where it was done and name every person present except your self?

Ans

It was done at the residence of William B. Hatfield near where I then & now reside. Thomas M. Marry, Thomas B. Justins, Mary Ester Carr, It is hard to recollect all who was there, I don't know whether Mr. James M. Vaughan was there or not if he was I did not see him.

The defendants by their Counsel except to so much of the foregoing answer as in any manner denies the presence of James M. Vaughan at the time of making <sup>the</sup> signature to the instrument exhibited to the witness filed with the plaintiffs bill "Marked Exhibit A" as the said James M. Vaughan's name is annexed to said instrument as a witness thereto and that the said Joel P. Holland the grantor in said instrument is estopped to deny

8 Ques.

The validity of said instrument or the title of the defendants thereunder, as the defendants claim title through Joel P. Holland.

8 Ques

~~State as nearly as you can what~~ Was Mary Ann Rebecca Hatfield at the time of the writing of said name and making her said crop dead or a live?

The defendants by their Counsel except to the foregoing question for the reason that the said Joel P. Holland is estopped to deny the validity of the deed aforesaid in which he is the grantor or in any manner impeach the validity of the title of the said J. H. Duck, <sup>or any person claiming thereunder</sup> as it is shown by the plaintiff's <sup>bill</sup> and exhibits therewith filed that the said Joel P. Holland accepted and claimed under the deed now sought to be impeached and for the further reason that as grantor in the deed from the said Joel P. Holland ~~to~~ William B. Hatfield filed with said bill marked exhibit "C" <sup>he</sup> conveys the same land conveyed to him by Hatfield and wife (which deed is sought to be impeached) is estopped from denying that he had any title in the land granted and conveyed by his deed to Hatfield. The said deed from

Said Joel P. Heallant' alleging in the latter part thereof "that the said party of the first part do warrant generally the property therein conveyed".

Plaintiffs by Counsel reply. That the defendants are mistaken as to their assumption of the contents of the bill and exhibits as will appear on the face thereof.

It is hereby agreed between the parties plaintiffs and defendants by counsel that the above exceptions <sup>representation not and</sup> shall be ~~applied~~ <sup>considered</sup> as any questions heretofore or hereafter propounded: is

Baykin & Mott  
P. A.

W. S. Hall and J. F. 91

Ans  
9 Ques

Sir,

State as nearly as you can how long thereafter she lived?

Ans  
10 Ques

I can not answer that question.

Do you or not know that she died the next day?

Ans

Yes Sir.

Except to be cause leading the witness

- 11 Ques. Ques. what day of the week did said Mrs Hatfield die?
- Ans She died Saturday.
- 12 Ques In forenoon or afternoon?
- Ans In forenoon.
- 13 Ques Please give the year, month and day of the month?
- Ans In 1893 I believe, in May and 24th day.
- 14 Ques Please name the day of the week when the name and Crof were written and made on the exhibit "D"?
- Ans The 23rd of May same year. Friday
- 15 Ques was the day of the week.
- 15 Ques About what time during Friday May the 23rd 1893 was it done?
- Ans About 4 o'clock in the evening.
- 16 Ques Then from 4 P.M. on Friday to noon on Saturday following was 20 hours and I understand you to say that ~~from the time~~ she did not live more than 20 hours after the name and Crof were made?
- Ans No Sir. It was not 20 hours, because she was dead before noon next day.
- 17 Ques At the time the name and Crof were made in what part of the room was said Mrs Hatfield and what was the position of

her body?

Ans.

She was north east, North East Corner, her head was at the East, her feet was at the west she was flat of her back.

18 Ques

On what was she resting?

Ans

Pillow, she was sitting up on the bed resting her back on a pillow.

19 Ques

At that time state whether or not said Mrs Heatfield intelligently understood what was being done?

Ans

Excepted to as leading the witness.

Ans.

No Sir.

20 Ques

At that time state whether or not she knew or recognized those about her whom she knew in health?

#

Excepted to as leading.

Ans

No Sir.

21 Ques

Will you please describe how the said Crof was made in her name, stating in whose hand the pen was held and who guided that hand when the Crof was made?

Ans.

William B. Heatfield held her hand, lifted it up and guided it when the mark was made.

22 Ques

Was or not the deed read in her hearing?

Excepted to as leading.

Ans

Not as I heard.

23 Ques

Please state any thing then and there done or said in reference to the making

of said Mrs Hatfield's name and mark?  
 Nothing more than I have said.

Ans  
 24 Ques

~~Then Mr Holland I understood that Mrs~~  
~~Hatfield was raised up in the bed~~  
 You have said that Mrs Hatfield was  
 sitting up in bed resting on or against  
 a pillow - please state how she got in  
 that position?

Ans

She was put in that position by her  
 husband.

25 Ques

Did said Mrs Hatfield then and  
 then speak one single word on the  
 subject of a conveyance of her land or  
 in reference to her name, signature,  
 and crop mark, and if so tell what  
 it was?

Excepted to as leading.

Ans.

No Sir I never heard her say anything  
 at all.

26 Ques

You have said that Mrs Hatfield was  
 put in her position on the bed by her  
 husband. Please state how she remained  
 in that position whether by her own  
 strength or otherwise?

Ans

By the strength of her husband who  
 held her up while she remained in that  
 position.

27 Ques.

You have said that you are the same  
 Joel P. Holland named as the grantee

in Exhibit "D" please state whether or not you ever took possession of any property named in said Exhibit and what other if any act of ownership did you do in connection with the property named in said <sup>Exhibit</sup> ~~deed~~?

The defendants by their Counsel except to the foregoing question and any answer thereto because by the deed or instrument itself the legal possession vests in the said Joel P. Holland.

Plaintiffs by Counsel reply that they have a right under the law to prove by oral testimony that said so called conveyance was made to Joel P. Holland or to any other person in order that he might convey to the husband William B. Hatfield, that Exhibits "D" and "E" were designed as a conveyance from said wife to said husband and that said Joel P. Holland took no beneficial interest whatsoever.

Ans

None at all. I never took possession of any property <sup>that</sup> belonged to W. B. Hatfield. I mean the property named in Exhibit "D".

28 Ques

Will you please state any and all facts and circumstances which led to ~~the~~ your being named as grantor in said <sup>Exhibit</sup> ~~deed~~?

Ans.

I consented to be grantor to oblige William B. Hatfield

29 Ques

~~At whose request~~

The defendants except to the foregoing question and answer because the witness is incompetent to contradict the deed under which he claimed, accepted and conveyed, and because ~~he to do~~

29 Ques

You have said that you became granted to accommodate W.B. Hatfield at his request, now according to the understanding between you and him, who was to be the owner and holder of Mary Ann Rebecca Hatfield's property mentioned in exhibit "D"?

Question and answer excepted to for the foregoing reason and for the further reason that it is inadmissible to contradict or vary the plain terms of a sealed instrument by parole testimony. W.B. Hatfield.

Ans

30 Ques

Then I understand from your testimony that the exhibit "D" and "E" purporting to be a deed from W.B. Hatfield and wife to yourself and purporting to be a deed from yourself to W.B. Hatfield were designed and intended as between yourself and W.B. Hatfield to be one transaction and to be a device and a scheme to convey the wife's property to the husband

without your taking any real or beneficial interest at all, do I not understand you correctly?

Question and answer excepted to for reasons above assigned

Ans

Yes Sir

31 Ques.

How much money was paid to Mrs Hatfield at the time of <sup>her</sup> name and crop was put on exhibit "D"?

Excepted to for the foregoing reasons.  
Twenty five cents.

Ans

32 Ques

Ans

Please state what became of that quarter I gave it to Hatfield (D.R.) and he returned it in a mess of fish. It was two or three days after he gave me the mess of fish. She Mrs Hatfield ~~was~~ I did not see me give him the quarter.

33 Ques

Please state whether or not you had heard some two or three weeks before Friday May 23<sup>rd</sup> 1893 said Mrs Hatfield say any thing in reference to her husbands having or getting her property, and if so, did she then express a willingness or an unwillingness to convey her property to her husband?

Question excepted to for the reason that the statements of Mrs Hatfield made prior to the execution of said deed or instrument are inadmissible for any purpose whatever.

7

Ans. I heard her express her unwillingness to convey her property.

34 Ques At the time the name was written and her crop was made did Mr. J. M. Murry or ~~and~~ Mr. J. R. Jenkins make any objection to the execution of the paper on the ground of Mrs Hatfield's incompetency, and if so, please state what it was and to whom made?

Question except to be answer the certificate of the said Murry & Jenkins Justices of the Peace who <sup>it</sup> appears by their certificate took the acknowledgment and certified the said exhibit "D" is conclusive imports an absolute verity and cannot be assailed by parole testimony.

Ans I heard none before ~~and~~ and afterwards Lem Murry remarked to me that she was out of her mind but he thought that there could <sup>not</sup> be anything said about it.

Answer except to for the reasons above stated.

Crop Examined by Counsel for the Defendants

1 Ques State whether you live near the land mentioned in Exhibit "D" and if so

whether you are familiar with the character thereof and on account of its location more valuable to you if purchased than any other person?

Except to become irrelevant.

Ans.

I live in one mile of it and don't think it no more value to me than anyone else.

2 Ques

In your answer to question 7 you say you do not know whether Mr. James M. Vaughan was there or not.

Do you mean to say positively that Mr. Vaughan was not present when the signature of Mrs Hatfield was affixed to the deed in question?

Ans

I can not say positively he was not there.

3 Ques.

How long had you been at the house of Mr. Hatfield before Mrs Hatfield's signature was affixed to said deed?

Ans

Half hour

4 Ques

Did you remain in the room with her during the entire time or were you simply called in to witness or see her signature affixed?

Ans

~~Simply~~ I was not called in for that purpose I simply happened to be in there.

5 Ques

How long had you been in the room

before her signature was affixed, how long did you remain thereafter and did you have any conversation with her?

Ans I was in the room 3 or 5 minutes before making the signature. I left immediately after her signature was affixed, & had no conversation with her, did not speak to her.

Q What was your purpose and object in going to Hatfield at the time above mentioned and your purpose and object in going into Mrs Hatfield's room?

Ans I don't know as there was any, ~~nothing but to see her sign~~ object in going to the house, I don't know what I went into the room for except to see her, see her sign.

Q How did you know she was going to sign this or any other instrument?

Ans Hatfield came after me that evening about 2 or 3 o'clock told me to come over then the Justice of the Peace was there.

Q Then you did go over to see her sign the deed in question though you heretofore stated that you had no object in going and I correct?

Ans  
9 Ques

Yes Sir.

You have stated that you were in the presence of Mrs Hatfield from 3 to 5 minutes. And in your direct examination you have stated that she was incapable of intelligently understanding what she was doing and you have further stated that you did not speak a word to her. Are you now willing to swear that she was not capable of disposing of the real estate of exhibit "D" mentioned intelligently and as she desired?

Ans

I mean to say that she was not capable of giving her rights in the land in exhibit "D" mentioned.

10 Ques

Why?

Ans

I went by her looks that is all I went by.

11 Ques

What other persons were ~~there~~ in the room at the time the signature was affixed.

Ans

Low Murray, W B Hatfield, & Mary Ester Carr don't know whether there were any one else or not.

12 Ques

Do you deny that Mr. Thomas R. Jenkins was present when the signature was made?

Ans

I do, he was out doors not in the house.

13 Ques

Did you not state in your direct examination that Thos R. Jenkins was present when the name of Mrs Hatfield and her mark was made to the deed marked exhibit "D"?

Ans

He said that Thos R. Jenkins & Thos M. Mearns were there but did not say they were in the house.

14 Ques

You have said that you did not hear the deed read to Mrs Hatfield. Might it not have been read to her a few moments before you entered the room?

Ans

It might have been.

15 Ques

Do you mean to say that she did not know when her name was signed to the said deed what property she was conveying?

Ans

No she did not know.

16 Ques

I understand from your deposition that at the request of W. B. Hatfield you consented to become the grantee in the said deed from Hatfield and wife to yourself for the purpose of conveying the land in said deed mentioned to the said W. B. Hatfield.

At the request of said Hatfield went to his house for the purpose of seeing Mrs Hatfield sign said deed went into the room of Mrs Hatfield for the like

purpose, saw her name and mark  
affixed to said deed when she was  
incapable of intelligently understanding  
what she was doing. Did you as an  
honest man stand by and witness  
such a fraud and deception as these  
circumstances would imply upon a  
dying woman without protest on your  
part?

Ans  
17 Ques

I must have done it.  
Did the other parties who saw Mrs  
Halfield on or about the time of her  
signature being made to said deed  
have equal opportunities with you of  
judging of her Capacity & and integrity?  
Yes Sir they did.

Ans  
18 Ques

Have you not offered to purchase of  
Mr. J. H. Duck the tract of land in  
the plaintiffs bill mentioned?

Question Excepted to because immaterial  
irrelevant and improper for all purposes  
including for the purpose of impeachment.  
If the purpose is for impeachment then  
the plaintiff calls for the time place  
and persons present when the  
Conversation was had

Ans  
19 Ques

I offered but my motives were not to buy.  
Did you not visit the house of Joseph  
H. Duck in February 1887 on the

Morning after the death of Mrs Martha  
Carr the widow of John Carr decd.  
mentioned in the bill in this cause  
and offer to purchase <sup>of Joseph H. Duck</sup> for the consideration  
of six hundred dollars Cash the land  
in question?

Excepted to because irrelevant and because  
in February 1887 the said Joseph H.  
Duck had no legal interest in said  
tract of land he having prior to that time  
conveyed the same by deed duly recorded  
to his brother J. H. Duck and his  
nephew Dr J. J. Duck.

Ans

I did not go there for that business.  
I offered him \$600<sup>00</sup> for the land in  
question.

20 Ques

Then why did you seek to purchase  
the tract of land in question when  
you now allege that the conveyance  
of the said land to said Joseph H. Duck  
from James M. Vaughan trustee was  
null and void and the said Joseph  
H. Duck had derived no title thereunder?

because the deed from Hatfield and  
wife to Joel P. Halland through which  
deed the said Joseph H. Duck had  
derived his title

Question with drawn

20 Ques

Why did you seek to purchase the land in question if you knew at the time that the title of Joseph H. Duck was defective?

Ans

To find out what Mr. Duck thought of his place.

21 Ques

Did not you want to buy the tract of land in question when you offered six hundred dollars for it?

Ans.

No Sir I did not.

22 Ques

~~Then~~ <sup>Did not</sup> I understand you to say that you offered Mr. Duck six hundred dollars for the land?

Ans

I did it to puff him to strengthen his faith in his newly purchased land.

23 Ques

Are you Mr. Duck's spiritual or legal advisor?

Excepted to.

Ans

No Sir.

24 Ques

Now without beating around the bush or evasions tell us why you offered to buy of Mr. Duck the land in question?

Ans

I stopped in there that morning on my way to Carrollville to inform him of the death of Mrs Carr the widow of John Carr. who died the night before I asked him what he would take for it, he said a thousand dollars. A good

11  
many men offer anything when they don't mean it and I did not mean to buy.

25 Ques Were you not trying to drive a sharp trade with Mr. Duck, supposing him to be ignorant of the death of Mrs Carr?  
Excepted to.

Ans No Sir Not at all.

26 Ques Did you not subsequent to the above conversation but not very long thereafter tell Mr. Thomas Pond that you had offered to buy the said land of Mr. Duck?

Excepted to for the reasons assigned to in the exception to question & answer #18 of Cross Examination.

Ans I don't recollect

27 Ques Did you not on the first of June 1887 visit the house of Mr. Joseph H. Duck and offer him five dollars per acre for the said land?

Ans Yes Sir I believe I did

Question & Answer Excepted to for the reason assigned in Exception to Question #19.

28 Ques Why did you not buy the said land from Mr. Duck at that time at five dollars per acre  
Excepted to.

Ans

Because I thought he did not have a good right. He said he would take that.

29 Ques

Did you not on the morning you offered Mr. Buck six hundred dollars for the said land conceal from him the fact that Mrs Martha Carr was dead and state to him that <sup>the said</sup> Mrs Martha Carr would live 25 years longer than he (Mr. Buck) would?

Ans.

No Sir I do not recollect it. She was already dead.

30 Ques

In the event that the plaintiffs succeed in this suit do you not expect to become the purchaser of this land or bid on the same and have you not at any time so stated?

Excepted to for reasons appearing on the face of the question and for the further reason that no time, place or person adopted to refresh the memory of the witness.

Ans.

No Sir. I don't want it.

31 Ques

In your answer to Question 30 of your direct examination you stated that Exhibits "D" and "E" purporting to be a deed from Hatfield and wife and purporting to be a deed from yourself to W.B. Hatfield were designed and intended for between yourself and

W.B. Hatfield to be one transaction and if true why did you hold in your name the deed for the said land from May to October 1873?

Ans. I gave it <sup>held to</sup> W.B. Hatfield when he called on me, he did not call on me before, would have given it to him next day if he had wanted it.

~~Ex. Ques~~

Re-examined by Counsel for Plaintiff

1 Ques

A great deal has been said and intimated in regard to your attempting to buy this tract of land since the first of February 1887. In these conversations did not Mr. Duck tell you that he had conveyed the land to other people or did he really represent himself as the owner thereof?

Ans

Excepted to, because it has no reference to any new matter brought out in the Cross Examination.

Ans.

He represented to be the owner & did not tell me anything about having conveyed it.

2 Ques

Did not you know he had conveyed it?

Ans

Yes Sir I heard so.

Excepted for the foregoing reasons.

3 Ques

In your Cross Examination you were asked if you were not trying to make

a sharp trade with Mr. Duck in  
concealing the fact of the death of  
Mrs Carr. Did you not <sup>then</sup> know that  
Mr. Duck <sup>could not</sup> sell you that land for any  
consideration having heard that he had  
conveyed it to his brother and nephew?

Ans Yes Sir.

Question <sup>and answer</sup> Except to a leading and  
introducing new matter.

4 Ques An Prop Examination something  
has been said about your going into  
Mrs Hatfield's room. How many rooms  
did the house have?

Excepted to as introducing new matter.

Ans Ans.

5 Ques In your Prop Examination you  
say "that I went by her ~~her~~ (meaning  
Mrs Hatfield) looks" Did you not base  
your statement also upon the fact  
that she did not recognize her acquaintance?  
Ans She looked like a dying woman is all  
I can tell you.

And further this deponent saith  
not.

Joel P Holland,

13 hours.

The further taking of these depositions is  
adjourned to Thursday Sept 12<sup>th</sup> 89 at 9<sup>30</sup> A.M. at  
same place.

A. T. Byrd

Notary Public.

Pursuant to adjournment on Thursday Sept. 12th 1889 at 9.30 A.M. the further taking of these depositions is resumed at 10 O'clock A.M. at same place.

Present Geo Brill for defendants.

" W.S. Holland " plaintiffs.

Mary Ester Carr being duly sworn deposes and says.

1 Ques State your name, age & whether you are one of the parties to this suit?

Ans. Mary E. Carr, 29 years old Oct 7th 1888 And am one of the parties to this suit.

2 Ques When did your sister Mary Ann Rebecca Hatfield die, give day of week, month and year if you can?

Ans She died in 73. in the month of May, the 24th, Saturday.

3 Ques What time during that day did she die?

Ans. Between 8 and 9 O'clock as near as I can tell you in the morning.

4 Ques When were you during Saturday May the 24th 1873 up to the time of said Mrs Hatfield's death?

Ans. I was at Mr. Hatfield's house.

5 Ques Filed in the papers there is a paper purporting to be a deed dated May 24th 1873 and purporting to be acknowledged from said Mrs. Hatfield & co. by Hatfield to Joel P. Holland

before J. M. Murray and J. R. Jenkins as Justices of the Peace, Now please state whether or not said Mrs. Hatfield signed any paper and whether or not she saw said Murray or said Jenkins on Saturday May the 24<sup>th</sup> 1873?

The defendants by their Counsel Except to the foregoing question and any other question propounded to the witness Mary Ester Carr and all answers there to tending to impeach or derange the proper execution of the said deed for the reason that the said Mary Ester Carr is estopped to deny the validity of the title of the said J. H. Beck or any person claiming under him or through whom he claims derived through said deed and is excluded from impeaching the said title by the proceedings in a certain partition <sup>suit</sup> ~~suit~~ <sup>of J. H. Beck</sup> ~~between~~ against Carr & others ~~the record~~ a legal copy of which ~~is~~ to be filed with answers of said defendants hereafter to be filed as a part of the answers of said defendants, in which <sup>suit</sup> a final decree was entered at the April term 1878 of the said Circuit Court ascertaining & assigning the interest of Mary Ester Carr in the land of John

Caro deed. & her one of the parties to said suit and ascertaining and assigning the interest of said J. H. Duck & him and confirming title thereof and her complete and perfect acquiescence in the said assignment of said interest to said J. H. Duck and his title thereto. which interest is assigned to said J. H. Duck in the land sought to be recovered by the complainants in this cause.

Plaintiffs by Counsel replies, that there is not in existence any record of any suit by which the witness is stopped from impeaching the validity of the said so-called deed and they deny all acquiescence in any such decision and deny everything in connection with any such suit except what may appear on the face of the record which produced and they here ask for proof of any and all material facts connected with said suit when the record shall have been produced.

Ans. No sir she did not sign any paper on that day she did not sign a paper of any sort that day. No sir, she did not see Murray or Jenkins that day.

6 Ques. Her name appears on said paper, state if you know where it was put there?

Ans. It was put there Friday evening as she

Did Saturday Morning.

7 Ques. What was her physical or bodily Condition at the time her name was put on the said paper?

Ans. She was sick a bed, had not got up any for four weeks.

8 Ques. State what use she could then make of her body?

Ans. Not any unless you propped her up in the bed. if you propped her up she could sit part of her time.

9 Ques. What was the Condition of her mind on Friday evening before her death on Saturday following?

~~She~~ Except to be Cause it has not been shown that the witness is possessed of sufficient knowledge as to mental troubles or affections to qualify her in giving expert testimony on such a point.

Ans. She did not notice any one she did not talk any, when we would talk to her and when we called her she did not notice us.

10 Ques. State whether or not at that time she knew or recognized her friends and acquaintances who came about her?

Ans. No sir, she did not.

11 Ques During the evening of Friday May the 23rd 1873 when asked to have water vitals, or other personal attention what would she do or say?

Except to become directly leading the witness.

Ans. Nothing at all, did not even notice us.  
12 Ques Tell how her name was put on said paper, who made the Crof mark, where it was done and all about it?

Ans. Mr. Hatfield raised her up and propped her up in the bed and called Martha Whitehead and asked her to hold her hand on the paw, she told him she could not do that if it was done he would have it to do himself, he held her hand & Mr. Murry made the mark, It was at Mr. Hatfields house down stairs & there was not but one room to the house.

13 Ques. Who was present when the name and mark was made and written as you just stated?

Ans. Mr. Murry and Mr. Hatfield Mr. Joel P. Holland, Martha Whitehead (now Martha Carr) I was there, Mr. Jenkins was there but was not in the house that is all that was in the house at that time. Except a baby about 6 months old, & his name was Charlie Carr.

14<sup>th</sup> Ques. State whether or not James M. Vaughan was there?

Except to becaum his name affixed to the said deed as witness to the signature thereto is the best evidence of his presence at the time of said signing. of Wm. B. Hatfield and Mary Ann Rebecca Hatfield <sup>names</sup> Plaintiff by Annual reply, that the name of James M. Vaughan in no manner shows his presence or absence at the house of said Hatfield on the 23<sup>rd</sup> day of May 1873 and it does not appear that he witnessed the signature of Mary Ann Rebecca Hatfield or W. B. Hatfield and if the defendants desire to show J. M. Vaughan's presence it is submitted that said J. M. Vaughan is still alive and well residing about four miles from this office. Could say which signature he witnessed. There being no evidence or allegations as to the time or place where and where W. B. Hatfield's name was signed

Ans. No Sir he was not.

15<sup>th</sup> Ques. State whether or not James M. Vaughan was <sup>there</sup> at any time during Friday or Saturday up to the time when said Mrs Hatfield died?

Excepted to for the above reason.

Ans.

No he was not there Friday nor Saturday during the whole days.

16 Ques. When said name was about to be signed state whether or not anything was said about Mrs Hatfield's not being competent to sign her name, and if so what it was and who said it?

Excepted to as leading & suggesting to the witness.

Ans.

When Mr. Muncy came, he came in, and said to Mr. Hatfield, your wife don't look like she is ~~competent~~, he told him she did not look like she knew what she was doing & he went out in the yard and Mr. Hatfield went after Mr. Joel Holland and when Joel Holland came they came in and signed it, after stopping & talking in the yard a while.

17 Ques. State if you know what became of the paper after the name and mark was made?

Ans

Mr. Hatfield put it away until next morning and as soon as he eat his breakfast he carried it to Mr. Jim Vaughan. They sent for him before he got back & when he did get back she did not live three minutes after <sup>he</sup> got in the house, I don't think.

18 Ques. During the time when Mrs Hatfield was being propped up in bed and while the Corp mark was being made and soon thereafter what did said Mrs Hatfield say or do if any thing?  
Ans. Nothing at all she never said any thing that whole day.

Corp Examined by Counsel for defendants without waiver of exception or objection to the foregoing testimony.

1 Ques. State your residence and occupation.  
Ans. At Mr. Ivin Jenkins in Sal. of Right County, Am housekeeper & Cook in the family of Mr. Ivin Jenkins.

2 Ques. You have stated that at the time of Mrs Hatfields death you were at the house of Mr. Hatfield, now state when and on what land he lived?

Ans. He lived in Sal. of Right near Blackwater river, near Joel Hultans on papa's plantation, it was not divided there, the tract of land of which the land in question is a part.

3 Ques. With the exhibit "D" the deed from Mrs. B. Hatfield and Mary Ann Rebecca Hatfield before you

and after an Examination and inspection of the same will you solemnly swear that the mark ~~was~~ in the signature of the said Mary Ann Rebecca Hatfield was not made by her or with her knowledge and Consent?

Ans. ~~Yes~~ Yes Sir. She did not have any knowledge of it I am sure.

4 Ques. Then you say that you can not read, and therefore cannot swear that the said mark was not made by her to the paper before you?

Excepted to because the question contains facts as true which have not as yet been developed.

Ans. Is that Joel Hollander's deed? I can if it is Joel Hollander's deed.

5 Ques. Can you swear that the signature of James M. Vaughan witness to the said deed was not affixed to the said deed at the time the name & mark of Mary Ann Rebecca Hatfield were put to the said deed?

Ans. Yes Sir I can swear it was not, it was not done that day.

6 Ques. You have stated that ~~Mary~~ Mary Ann Rebecca Hatfield did not sign a paper

of any sort on that day meaning  
the 24th day of May 1873. Then  
do you mean to say that you remained  
<sup>with her</sup> every moment of that day?

Ans Was with her from before daybreak  
untill she died, there was not any  
body there or could write;

7 Ques Did you remain with her every  
moment of the day before her death?

Ans No Sir I did not. But I remained  
with her from the time Mr Hatfield  
Came home with this deed.

8 Ques How could not the said deed have been  
shown and read to her before the  
said signature was made to the said  
deed?

Ans No Sir. For it could have been read to her,  
for there was no one to read it unless  
he read it himself, and he kept it  
in his pocket untill he went after  
Mr. Murry.

9 Ques Do you mean to swear that you remained  
near Mrs Hatfield every moment from  
the time the said deed was presented  
before her up to the moment of her death?

Ans I was in the room all the time. The  
deed was put in the trunk and locked  
up, before Mr. Murry went out of the  
house

10 Ques. Had not Mrs Hatfield during her sickness frequently for periods of time without noticing or speaking to those around her nearly on account of weakness, and after wards talked to them? And was not such failure to speak, <sup>to</sup> and notice those around her due to weakness solely?

Excepted to.

Ans. If she ~~dears~~ not a sleep when we spoke to her she would notice us, if she did not speak. She did not speak sometimes

11 Ques. when we spoke to her on account of her weakness. but would speak after a while.

11 Ques. Can you swear that at the time the said deed was signed before her that she did not know or recognize her friends and acquaintances who came about her?

Ans. Yes Sir. She did not know anybody.

12 Ques. Do you so swear because she did not call the names of those about her?

Ans. Yes Sir She did not call anybody's name nor notice any one.

13 Ques. How do you know that she did not recognize any person in her presence by seeing them?

Ans. She did not notice them any more than

if they were not there.

14 Ques

Can you now state that on the evening of Friday May the 23rd 1893 ~~when asked~~ that you or any other person asked Mrs Hatfield to have water victuals or other personal attention?

Ans

Yes Sir we asked her to have something to drink off and on all day and we asked her to have something to eat but she never eat anything that day and two or three days before, and never drank anything only when we would wet her lips with a mop & when she swallowed a very little.

15 Ques.

In the event the land mentioned in said deed should be sold under the proceedings in this cause will you receive a part of the proceeds thereof?

Except to my plaintiffs Counsel.

Ans.

Yes Sir.

16 Ques.

If you knew that said Mrs Hatfield did not execute the said deed why have you waited so long to look after your rights in said property?

Excepted to my plaintiffs Counsel.

Ans.

I had to wait until I could work for money to go ahead with.

17 Ques. Is there or has there been any agreement or conversation between you and Mr. Joel P. Holland that said Joel P. Holland should receive any benefit in the event said land should be sold?

Excepted to by plaintiff's Counsel.

Ans. No Sir I have not seen Joel Holland to have any talk with him for six months, untill the other day, here, and then nothing about his receiving any benefit. Of course we will have to pay him as any other witness.

18 Ques

~~Had further this document~~

18 Ques. Have you ever offered to purchase the said land from Mr. J. H. Duck?

Ans. No Sir I have never offered to buy it, he offered to buy mine.

19 Ques. Did you not at the residence of Wm. H. Vaughan in Isle of Wight County about six years ago in the presence of Mary Jane Carr now Mary Jane Beundalor offer to purchase the said land from said J. H. Duck?

Ans. No Sir

And further this deponent saith  
not.

Mary Ester <sup>her</sup> Carr  
mark

Virginia

County of Isles of Wight - town

I A. T. Byrd a Notary Public for the  
County ~~and State aforesaid~~ of Isles  
of Wight and state aforesaid, do  
hereby certify that the foregoing  
depositions of Joel P. Holland and  
Mary Ester Carr were duly taken,  
sworn to, and subscribed before me,  
at the times and place, and for  
the purpose therein mentioned.  
Given under my hand this 12th day  
of September in the year 1889.

A. T. Byrd  
Notary Public

9 Hours.

Virginia

County of Isles of Wight town

I A. T. Byrd a Notary Public for the County  
of Isles of Wight & state aforesaid, do hereby  
certify that I made twenty two (22)  
hours work in the taking the above depositions  
Given under my hand this 12th day of  
September 1889.

A. T. Byrd  
Notary Public



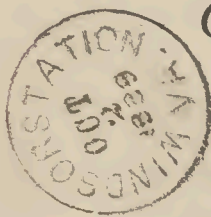
A. P. Young Esqr.  
Clk. Circuit Court Isles of Wight County  
Isles of Wight C. H.

down the  
Lard et al.

vs.  $\frac{1}{3}$  In Chy.

Duck et al.

~~Depositions~~  
Depositions



Came to hand  
Octo. 2<sup>d</sup> 1889,  
and is sent  
filed.

Filed A. P. Hince

Other 1/2 in hand  
of Keff. atts,

The Commonwealth of Virginia,

To the Sheriff of Isle of Wight County, Greeting:

WE COMMAND YOU TO SUMMON

*Jos. H. Duck, J. W. Duck,  
J. J. Duck, Thomas J. Carr, Jno. A. Carr and Ida  
Essey Carr, the last two being infants under the  
age of twenty one years.*

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~~ <sup>third</sup> Monday in *July, 1889,* ~~next~~, to answer *the Bill in  
Chancery of Jno. W. Carr, Mary Ester Carr and  
Solomon B. Carr*

of a plea of *none* for \$ *one* Damages \$ *one* And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Courthouse, the *6<sup>th</sup>* day of  
*July*, 1889, in the *114<sup>th</sup>* year of the Commonwealth.

*N. P. Young clk*

Expected by ~~delivered~~ to the  
within received J. H. Duck  
J. H. Duck J. H. Duck & Thos.  
Car. each a copy of the  
written summary July 11<sup>th</sup> 1889.

R. C. Edwards  
Chff

Geo. M. Carr et al.

vs.  
M. Duck. to  
J. H. Duck  
in dep.

Geo. H. Duck et al.

To 3<sup>rd</sup> Monday in July  
Rules, 1889. Cir. Ct.  
W. S. Holland for

In The Circuit Court of Isle of Wight county.  
The joint and several demurrer of J. H. Duck,  
J. W. Duck and J. D. Duck to the bill of complainant  
of                      carrots.

These defendants, by pro-  
testations, not confessing all or any of the matters and  
things in the said complainants bill contained to be  
true in such manner and form as the same are therein  
set forth and alleged, ~~doth~~ demur to the said bill, and  
for cause of demurrer sayeth that, the said bill is  
not sufficient in law.

Brill & Boykin p.d.

Carr et als

do } Duchay

Wick et als

Cardals  
vs  $\frac{1}{2}$  — In Chancery —  
Huell &als

The answer of Joseph H. Huell, a defendant,  
to the bill of complaint exhibited against him  
and others in the Circuit Court of the County  
of Lee of West Virginia by John M. Carr and others.

This defendant, now and at all times hereafter,  
saving and reserving to himself all benefit  
and advantage of exception which can or may  
be had, on taken, to the many errors, uncertainties,  
and insufficiencies in the said bill contained,  
for answer thereto, or so much thereof, as he is  
advised it is material or necessary for him  
to answer, this defendant answering saith that  
he knows nothing as to the truth or falsity of  
the statement in the bill that Mary Ann  
Rebecca Farfield nee Carr departed this life  
about 8 o'clock A.M. on the 24<sup>th</sup> day of May  
1873, but from his information believes that  
she did die about that time, but denies that  
she departed this life seized and possessed  
of the reversion or remainder in fee of the  
tract of land set forth and described in  
said bill as a "certain tract of land on  
Blackwater River in Lee of West Virginia in  
the State of Virginia it being the share or interest  
of said Mary Ann Rebecca in her father's real  
estate, and it being that certain part of  
the lands of which John Carr, the father of  
said Mary Ann Rebecca died seized, afterwards  
allotted and assigned to the widow of said  
father as and for her dower." This defendant

where and emphatically denies that the said Mary Ann Rebecca Hatfield, or any of the complainants in the said bill were entitled to possession of the land described in the bill as the share or interest of said Mary Ann Rebecca in her father's real estate at the death of the widow of the said John Carr, the father of the said Mary Ann Rebecca Hatfield nee Carr, which death occurred some time in the year 1887. It may be true, and this respondent believes it to be true, that the husband, W. B. Hatfield, of the said Mary Ann Rebecca died in or about the year 1878, and that she left no child or children, mother or father. The said bill alleges that J. W. Hucell and J. J. Hucell claim the legal title to the said land and one J. N. Hucell claims the possession thereof and has rented the said land for the year, and that the said claims to the title and possession of said land are illegal and unjust, in response to which this respondent admits that some time ago he did sell and convey the said tract of land and other property to the said J. W. Hucell and J. J. Hucell, but denies the imputation of fraud cast upon the said sale and conveyance by the complainants in their said bill, and alleges that the recital therein relative to the said transaction is impertinent and irrelevant matter, and, as this respondent believes, requires no further

answer. This respondent alleges that the said J. W. Hunk and J. J. Hunk have since sold and conveyed the said tract of land described in said bill, by deed. This respondent the original of which is filed herewith as an exhibit marked "A" and prayed to be read as a part of this answer. It is true that this respondent claims and just derived title to the said land by a good and bona fide deed from James M. Vaughan Trustee. That the said James M. Vaughan Trustee derived title thereto by deed of trust from W<sup>m</sup> B. Hatfield to himself as trustee, copies of which deeds are filed with complainants' bill as exhibits marked "A" and "B" respectively, which are prayed to be read as a part of this answer, the validity of which deeds is not attacked, that the said W<sup>m</sup> B. Hatfield derived title thereto by deed from Joel P. Holland, the original of which is filed with said complainants' bill and made a part thereof, as an exhibit marked "C", which is prayed to be read as a part of this answer, the validity of which deed is not attacked, that the said Joel P. Holland derived title by deed bearing date the 24<sup>th</sup> day of May 1873, from W. B. Hatfield and wife Mary Ann Rebecca Hatfield, the original of which is filed as with complainants' bill as an exhibit marked "D", which is prayed to be read as a part of this answer. As to the complainants' allegation

that all claim to title or possession of the said land on the part of this respondent, is based on the supposed or alleged validity of the said exhibit marked "10" purporting to be a deed from Nathaniel and wife to said Joe P. Holland he replies that said allegation is untrue. This respondent denies the truthfulness of the charge and allegation of the said complainants that the said deed marked exhibit "10" is not a valid conveyance and does not convey any right, title, or interest, at all, in the said land so far as the said Mary Ann Rebecca Hatfield is concerned, and avers that all allegations in the said bill touching the execution and delivery of the said deed marked exhibit "10" are untrue, and that at the time of the execution and delivery thereof, the said Mary Ann Rebecca was neither dead nor dying, though suffering much from physical weakness and prostration, yet in the full possession of her mental faculties, and fully understanding the nature of the transaction, did make her cross to her name as her signature to the said deed, and that the said deed was fully explained to her in view and apart from her husband, and thereafter intelligently consented to and acknowledged the same to be her deed and act. This respondent is informed and avers that the allegation of

the said complainants that neither four hundred dollars, the consideration named in said deed, nor one cent was paid for the said land is untrue, and he further avers that if the said conveyance was not on consideration deemed valuable in law, that the said complainants did not, as creditors, within five years after the right to avoid the said deed for such a cause, bring suit for that purpose, and as to such this respondent prays the benefit of the statute in bar of the complainants' bill as if the same had been specially pleaded. This respondent believes and avers that the allegation in the said bill that Mary Ann Rebecca Warfield had persistently declared and repeated her decided determination before her last illness not to convey her interest in said estate of her father to anyone is untrue.

This respondent avers that at a public sale of the said land in the bill mentioned made by said James M. Vaughan Trustee under a deed from Wm B. Warfield to said James M. Vaughan to secure the payment of a sum of money to Joseph H. Bennett, he became the purchaser of the said land at the price of \$130<sup>25</sup>, and paid the said purchase price thereof to the said James M. Vaughan Trustee, and the title thereto was conveyed by deed to him by the said James M. Vaughan Trustee, and

and that the said James M. Vaughan Trustee  
was in possession of the said land at the  
time he sold and conveyed the same to  
the said Joseph H. Huch, this respondent,  
that the deed conveying the said land to the  
said James M. Vaughan Trustee, to secure  
the said Joseph H. Huch, a debt due to the  
said Huch by the said W<sup>m</sup> B. Hatfield  
was dated the 6<sup>th</sup> day of October, 1873 and  
recorded on the same day in the Clerk's office  
of the County Court of the County of Lee of Wight,  
and that the said deed was delivered to the  
said James M. Vaughan Trustee, that when  
the said deed of trust was delivered to the  
said James M. Vaughan Trustee to secure the  
said debt to the said Joseph H. Huch, the  
said debt was justly due and owing  
to the said J. H. Huch by the said W<sup>m</sup> B.  
Hatfield, and neither the said James M.  
Vaughan Trustee nor the said Joseph H. Huch,  
at the time the said W<sup>m</sup> B. Hatfield conveyed the  
said land to the said James M. Vaughan  
Trustee, and the conveyance thereof was  
delivered to the said Vaughan, or at the time  
the said trust was recorded in the Clerk's  
office of the said County Court of the County  
of Lee of Wight, had any notice whatever  
that the complainants, or either or any of  
them, or any person claiming under Mary  
Ann Rebecca Hatfield, had or asserted any  
claim on or to the said land, or any interest  
therein, until long after the deed of trust

aporesaid was executed by the said  
W<sup>m</sup> B. Hatfield to the said James M. Vaughan  
Trustee, delivered to the said Vaughan trustee,  
and admitted to record as aporesaid, and  
until long after the said land, at a public  
sale, had been sold by the said Vaughan  
Trustee, and the said Joseph H. Buck, this  
respondent, had become the purchaser and  
a third party, paid the purchase price, and  
the said James M. Vaughan Trustee had  
executed and delivered a deed of bargain  
and sale, dated the 20<sup>th</sup> day of October 1874,  
a copy of which is filed with this bill, marked exhibit "A" and made a part of this cause,  
conveying the said land to the said Joseph H.  
N. Buck, and until long after the said  
deed of bargain and sale had been admitted  
to record in the Clerk's office aporesaid.  
That this respondent is a purchaser of the said  
land for valuable consideration without notice  
of the claim aporesaid, and prays the benefit  
thereof in bar of the complainants' suit,  
as if the same had been specially pleaded.

This respondent further avers that at the time  
he purchased the said land and the same  
was conveyed to him by the said James  
M. Vaughan Trustee, by deed aporesaid, it  
consisted of an undivided one eighth interest  
in the said John Carr's land described in  
said bill, being the same land which the  
complainants seek to recover, and that some  
time thereafter, to wit, at September, 1876,  
this respondent, having the legal title by deed

to the said undivided interest with the knowledge  
and consent and at the request of the other  
heirs of John Carr, or some of them, and holders  
of the other undivided interests in said land  
of which said John Carr died seized and  
possessed, did institute a partition  
suit in the Circuit Court of the County of  
Isle of Wight, against the heirs of said John  
Carr, the complainants in this cause,  
and others, for the purpose of ascertaining  
allotting and assigning to the holders and  
owners of the respective undivided interests,  
their shares in the said land of John  
Carr aforesaid, that the respective interests  
of this respondent, his being the land now in  
controversy, and the other parties to said  
cause, complainants in this cause, were  
assigned by Commissioners and the report of  
said Commissioners confirmed by a final  
decree entered at the April Term 1878 in said  
Circuit Court, confirming the partition or  
allotment of the land mentioned in said suit  
among the parties thereto, and vesting in  
them, severally, by virtue of the statute, the  
title to their respective shares under the  
said partition or allotment, the land assigned  
thereto to this respondent being the same which  
the complainants in this cause seek to recover,  
alleging that this respondent is without title  
thereto, which decree was not impeached or  
sought to be set aside within the statutory  
time prescribed for such proceedings, and

this respondent prays the denial of said  
decree, a copy of which is herewith filed  
as an exhibit marked "BB", and prayed  
to be read as a part of this answer, in bar  
of the complainants' suit as res adjudicate,  
as if the same had been specially pleaded.  
This defendant denies all fraud, unlawful  
combination and conspiracy, and believes  
and avers that the said complainants have  
no just or legal or equitable claim, or color  
of right to the land set forth and described  
in the said bill as the property of Mary  
Ann Rebecca Farfield; and having duly  
answered the complainants' bill prays  
that this suit be dismissed and he granted  
his reasonable costs in this behalf  
expended, and he will ever pray, &c

Joseph H Duck

Virginia  
Isle of Wight County To wit:

I, Joseph H. Duck do solemnly swear  
that the facts contained in the foregoing  
answered answer on my own knowledge  
are true, and that so far as  
stated from the information of others  
I believe them to be true,  
So help me God.

Joseph H Duck

In the Clerk's office of the Circuit Court of  
Isle of Wight County Virginia, on the 7<sup>th</sup> day of  
May 1890, the foregoing oath was taken  
and subscribed before me by Joseph H.  
Duck. Given under my hand as the  
Clerk of said court the 7<sup>th</sup> day of May 1890.

A. P. Foreney clk

Carr & als  
vs } In Chancery  
Buck & als

Amended Answer  
of Joseph N. Buck  
et al

In & before Circuit Court

Filed 7th May 1890.

Carvals  
vs  
Huckvals

In Chancery

The joint and several disclaimer and answer  
of D. W. Huck & J. J. Huck to a bill in equity against  
them and others in the Circuit Court of the County  
of Isle of Wight by John M. Carv and others:

These defendants for answer and disclaimer  
to the said bill say that they have not and do  
not pretend or claim to have any right, title,  
or interest of, in, or to, the said estate and premises  
in the said bill set <sup>forth</sup> or any part thereof, and do  
disclaim all right, title and interest to or in the  
said estate and premises, and every part thereof,  
but these defendants admit that Joseph H.  
Huck did sell and convey the said estate  
and premises, and other property to them <sup>sometime ago</sup> since  
which time the said estate and premises  
have been sold and conveyed <sup>by deed</sup> back to  
said Joseph H. Huck defendant in this  
cause; and these defendants do deny any  
and all charges of fraud or insinuation  
thereof that may be contained in said  
bill against them, or by inference drawn  
therefrom relative to such transactions  
as the said bill impertinently alleges took  
place or occurred between Joseph H. Huck  
and these defendants; and they pray to  
be dismissed with their costs.

Brill & Boykin & Co.

Dec 18/89

(Signatures over)

J. M. Duck  
J. J. Duck

<sup>Mott & Baykin pd.</sup>  
Carr v. Mott  
vs. In Chancery  
Mott v. Carr

Answer & Disclaimers  
of

J. W. Mott & J. F. Mott  
Sole of Wright & Mott  
Filed

Dec. 20. 1889

Test, J. P. Mott

Carr & als  
vs { In Chancery  
Hluck & als

The answer of Joseph H. Hluck, a defendant  
to the bill of complaint exhibited against  
him and others in the Circuit Court of Isle  
of Wight County by John M. Carr and others.  
This defendant, now and at all times hereafter,  
saving and reserving to himself all benefit  
and advantage of exception which can or  
may be had or taken to the many errors,  
uncertainties, and insufficiencies in the said  
bill contained, for answer thereto, or so much  
thereof, as he is advised it is material or  
necessary for him to answer, this defendant  
answering saith that he knows nothing as  
to the truth or falsity of the statement in the  
complainants' bill that Mary Ann Rebecca  
Hartfield nee Carr departed this life at about  
8 o'clock A.M. on the 24<sup>th</sup> day of May 1873,  
but from his information believes that she  
did die about that time, but denies that she  
departed this life seized and possessed  
of the reversion or remainder in fee of the  
tract of land set forth and described in said  
bill as "a certain tract on Blackwater  
River in Isle of Wight County in the State  
of Virginia, it being the share or interest  
of said Mary Ann Rebecca in her father's  
real estate and it being that certain part

of the lands of which John Carr, the father of said Mary Ann Rebecca, died seized, afterwards allotted and assigned to the widow of said father, as and for her dower. This defendant wholly and emphatically denies that the said Mary Ann Rebecca Hatfield or any of the complainants in the said bill were entitled to possession of the land described in the bill as the share or interest of said Mary Ann Rebecca in her father's real estate at the death of the widow of the said John Carr, the father of the said Mary Ann Rebecca Hatfield nee Carr, which occurred some time in the year 1887. It may be true, and this defendant believes it to be true that the husband of the said Mary Ann Rebecca died in or about the year 1878, and that she left no child or children, no mother or father. The said bill alleges that I. W. Hluck and J. J. Hluck claim the legal title to the said land, and one J. H. Hluck claims the possession thereof and has rented the said land for the year and that the said claim to the title and possession of said land is illegal and unjust, in response to which this defendant admits that sometime ago he did sell and convey the said tract of land and other property to the said I. W. Hluck and J. J. Hluck, but denies

the fraud which the complainants seek  
to cast upon the said sale and conveyance  
in their bill, and alleges that the recital in  
said bill relative to the said transaction  
consists of impertinent and irrelevant  
matter, and, as this defendant believes require  
no further answer. This defendant alleges  
that the said I. W. Huch and J. J. Huch have  
since sold and conveyed the said tract  
of land described in said bill, by deed  
to this defendant, the original of which is filed  
herewith as an exhibit marked "A", and prayed  
it be read as a part of this answer. It is  
true that this defendant claims, and first  
derived title to the said land by deed from  
James M. Vaughan Trustee to him, that the  
said James M. Vaughan Trustee, derived title  
thereto by deed of trust from W. B. Hatfield to  
himself as Trustee, copies of which deeds are  
filed with complainants' bill as exhibits  
marked "A" & "B", respectively, and are prayed  
it be read as a part of this answer, the  
validity of which deeds is not attacked,  
that the said W. B. Hatfield derived title  
thereto by deed from Joel P. Holland, the  
original of which is filed with complainants  
bill as exhibit marked "C" which is prayed to  
be read as a part of this answer. As to the  
complainants' allegation that all claim to title

or possession of said land on the part of this defendant is based on the supposed or alleged validity of the said exhibit marked "H" purporting to be a deed from Hatfield and wife to said Joel P. Holland. He replies that said allegation is untrue. This defendant denies the truthfulness of the allegation and charge of the said complainants that the said deed marked exhibit "H" is not a valid conveyance and does not convey any right, title, or interest at all, in the said land. So far as the said Mary Ann Rebecca Hatfield is concerned, and this defendant avers that all allegations in the said bill touching the execution and delivery of the said deed marked exhibit "H" are untrue, and that at the time of the execution and delivery thereof the said Mary Ann Rebecca was neither dead nor dying, though suffering much from physical weakness and prostration, yet in the full possession of her mental faculties, and fully understanding the nature of the transaction did make her cross to her name as her signature to the said deed, and and that the said deed was fully explained to her privately and apart from her husband, and thereafter she intelligently consented to and acknowledged the same to be her deed and act. This defendant is informed and

averts that the allegation of the said complainants that neither four hundred dollars, the consideration alleged in said deed, nor one cent was paid for the said land is false, and he further avers that if the said conveyance was not on consideration deemed valuable in law that the said complainants did not within five years after the right to avoid the same had accrued bring suit for that purpose, and this defendant prays the benefit of the statute of limitations in bar of the complainants' bill and suit as if the same had been specially pleaded. This defendant believes and avers that the allegation in the said bill that Mary Ann Rebecca Hatfield had persistently declared and repeated her decided determination before her last illness not to convey her interest in said estate of her father, the land in controversy, is any one is untrue.

This defendant avers that he at a public sale of the said land in the bill mentioned made by James M. Vaughan Trustee under a deed from William B. Hatfield to said James M. Vaughan Trustee to secure the payment of a sum of money to Joseph H. Black, this defendant, became the purchaser of the said land at the price of \$130<sup>25</sup>/<sub>100</sub>, and paid the said purchase money thereof to the said

James M. Vaughan Trustee, and the said land was conveyed to him by the said James M. Vaughan Trustee, that the deed conveying the said land to the said James M. Vaughan Trustee to secure the said Joseph H. Kluck a debt due to the said Joseph H. Kluck by the said W<sup>m</sup> B. Hatfield, was dated and delivered the 6<sup>th</sup> day of October 1876, and was duly recorded in the Clerk's Office of the County Court of the County of Isle of Wight on the same day, that when the said deed of trust was delivered to the said James M. Vaughan Trustee, to secure the said debt to Joseph H. Kluck, the said debt was justly due and owing to the said Joseph H. Kluck by the said W<sup>m</sup> B. Hatfield, and neither the said James M. Vaughan Trustee, nor Joseph H. Kluck, at the time the said W<sup>m</sup> B. Hatfield conveyed the said land to the said James M. Vaughan, or at the time the said trust deed was recorded in the Clerk's Office of the said County Court of the County of Isle of Wight, had any notice whatever that the complainant or either, or any of them, had or asserted any claim on or to the said land or any interest therein, until long after the deed of trust aforesaid was executed by the said W<sup>m</sup> B. Hatfield to the said James M. Vaughan

Trustee, and said deed of trust was admitted to record as aforesaid, and until long after the said land had been sold at a public sale by the said James M. Vaughan, Trustee, and the said Joseph H. Black, this defendant, had become the purchaser and paid the purchase price, and the said James M. Vaughan, Trustee, had executed and delivered a deed of bargain and sale to the said Joseph H. Black, bearing date on the 20<sup>th</sup> day of October 1874, a copy of which is filed with said Complainants' bill marked exhibit "A" & herein before prayed to be read as a part of this answer, and until long after the said deed had been admitted to record in the Clerk's Office aforesaid. That this defendant is a purchaser of the said land for valuable consideration without notice of the claim aforesaid and prays the benefit thereof in bar of the Complainants' suit as if the same had been specially pleaded.

This defendant further avers that at the time he purchased the said land and the same was conveyed to him by the said James M. Vaughan Trustee, by deed aforesaid, it consisted of an undivided one-fifth interest in the said John Carr's land, described in said bill, being the same land which the Complainants seek to recover, and that sometime thereafter

Now it; at September, Rules 1876, this defendant,  
having the legal title <sup>by deed</sup> to the said undivided interest,  
with the knowledge and consent, and at the  
instance and request of the other heirs of John  
Carr and holders of the other undivided interests  
in said land of ~~said~~ of which said John Carr  
did seized and possessed, did institute a  
partition suit in the Circuit Court of the County  
of Isle of Wight, against the heirs of said  
John Carr, the complainants in this cause  
and others, for the purpose of ascertaining,  
allotting and assigning to the holders and owners  
of the respective undivided interests, their shares  
in the said land of John Carr aforesaid,  
that the complainants in this cause were  
properly brought into Court as parties  
defendant in that cause, the cause matured,  
the respective interests of this defendant, his  
being the land now in controversy, and the  
other parties thereto, complainants in this  
cause, assigned by Commissioners, and  
the report of the said Commissioners confirmed  
by a final decree entered at the April Term  
1878 in said Circuit Court, confirming the  
partition or allotment of the land mentioned  
in said suit among the parties thereto, and  
vesting in them, severally, the title to their  
respective shares under the said partition.

3

or allotment, the land assigned therein to this defendant being the same which the complainant in this cause seek to recover, alleging that this defendant is without title thereto, which decree was not impeached or sought to be set aside within the statutory limitation of time prescribed for such proceedings, and this defendant prays the benefit of said decree, a copy of which is herewith filed as an exhibit marked "B B", and prayed to be read as a part of this answer, in bar of the complainant's suit, as ~~res~~ res adjudicata, as if the same had been specially pleaded.

This defendant further avers that he and those under, by, and through whom he claims title have successively held uninterrupted, open and adverse possession of the said land, under claim of absolute title by deeds, under which the said several estates have been continuously connected for more than fifteen years, the period of statutory limitation to recovery thereof, prior to the institution of the said complainant's suit, and that if the said complainant ever had any cause of suit against this defendant, for or concerning any of the matters in the said bill mentioned, which this defendant emphatically denies and in no sort admits, such cause of suit did accrue

or arise above fifteen years next before  
the filing of the said bill, or before serving  
or suing out process against this defendant  
to appear to and answer the complainants'  
bill, and he prays the benefit of the statute  
of limitations in bar of the complainants'  
suit as if the same had been specially  
pleaded.

This defendant denies all fraud, unlawful  
combination and conspiracy, and believes  
and avers that the said complainants  
have no just or legal, or equitable claim,  
or color of right to the land set forth and  
described in the said bill as the property  
of Mary Ann Rebecca Hatfield; and  
having fully answered the complainants'  
bill, prays that the said bill be dismissed,  
and he prays his reasonable costs  
in this behalf expended, and he will  
ever pray.

Dec 19. 1889 Joseph H. Beach

Wm. B. Baykin  
P. A.

Canals <sup>Britt & Bayley</sup>

vs  
3

Black Dals

Answer of J. H. Black  
and Exhibits

Isle of Wight Cir Court

Filed - Dec. 20. 1889

A. O. Sperry clerk

The joint and separate answer of Jno. A. Low and Ida Essy born infants under the age of twenty one years by Merrill Briggs an attorney at Law their guardian ad litem to a bill in chancery exhibited in the circuit Court of Isle of Wigke County against themselves and others by John M. Low et al.

These respondents reserving to themselves the benefit of all just exception to the errors and insufficiencies in said bill contained, for answer to the same or to so much thereof as they are advised it material they should answer, by their said guardian ad litem answer and say:

That these respondents are infants of tender years and therefore not capable of understanding or appreciating fully their rights and interests in the premises and they through their said guardian ad litem commend themselves and their interests to the protection of the Court, and they pray that no decree be pronounced against their interest in the premises.

Having fully answered they pray to be hence dismissed with their costs in this behalf expended, and they will ever pray &c.

Merrill Briggs  
atto. at Law Guardian ad litem  
of Ida & Essy born

can it, or,  
vs { in chancy  
Doubt it or

In fount. Answer  
by Merrill Briggs  
Also, at Law this  
quodam ad liter.

//  
Filed July Rules 2,  
1889.

Carr & als

vs {

Black & als

In Chancery

The plea of Joseph H. Black, a defendant  
to the bill of complaint exhibited against  
him and others by John M. Carr and others  
in the Circuit Court  
of the County of Issa of Wright.

This defendant, by protestation, not confessing  
or acknowledging all or any part of the matters  
and things in said bill of complaint  
contained to be true in manner and form  
as the same are therein set forth, for plea  
nevertheless to the said bill, doth plead  
and aver that the said defendant at a  
public sale of the said land in the bill  
mentioned made by James M. Vaughan  
Trustee under a deed from W<sup>m</sup> B. Hatfield  
to said James M. Vaughan to secure the  
payment of a sum of money to Joseph  
H. Black, became the purchaser of the said  
said land at the price of \$130<sup>25</sup> and  
paid the said purchase price thereof to  
the said James M. Vaughan Trustee, and  
the title thereto was conveyed by deed to  
him by the said James M. Vaughan Trustee,  
and that the said James M. Vaughan Trustee  
was in possession of the said land at the  
time he sold and conveyed the same to the  
said Joseph H. Black, this defendant, that  
the deed conveying the said land to the  
said James M. Vaughan Trustee, to secure  
the said Joseph H. Black a debt due to the

said Joseph H. Black by the said W<sup>m</sup> B. Hatfield was dated, the 6<sup>th</sup> day of October 1873 and recorded on the same day in the Clerk's Office of the County Court of the County of Isle of Wight, and that the said deed was delivered to the said James M. Vaughan Trustee, that when the said deed of trust was delivered ~~was~~ delivered to the said James M. Vaughan Trustee to secure the said debt to the said Joseph H. Black, the said debt was justly due and owing to the said Joseph H. Black by the said W<sup>m</sup> B. Hatfield, and neither the said James M. Vaughan Trustee nor the said Joseph H. Black, at the time the said W. B. Hatfield conveyed the said land to the said James M. Vaughan Trustee and the conveyance thereof was delivered to the said Vaughan, or at the time the said trust deed was recorded in the Clerk's office of the said County Court of the County of Isle of Wight, had any notice whatever that the complainants or either or any of them, or any person claiming under Mary Ann Rebecca Hatfield, had or asserted any claim on or to the said land, or any interest therein, until long after the deed of trust aforesaid was executed ~~and delivered~~ by the said W<sup>m</sup> B. Hatfield to the said James M. Vaughan Trustee, delivered to the said Vaughan Trustee, and admitted to record as aforesaid, and until

long after the said land had been  
sold at a public sale by the said  
Jas M. Vaughan Trustee and the said  
Joseph H. Duck had become the purchaser  
and actually paid the purchase price,  
and the said Jas. M. Vaughan Trustee  
had executed and delivered a deed of  
bargain and sale <sup>for the said land</sup> to the said Joseph  
H. Duck, dated the 20<sup>th</sup> day of October  
1874, and until long after the said  
deed of bargain and sale had been admitted  
to record in the Clerk's office of said  
County of Isle of Wight, <sup>where the said defendant is a purchaser for valuable consideration of the claim aforesaid</sup>  
wherefore, this defendant prays judgment  
of this honorable Court whether he shall  
be compelled to make any further or other  
answer to the said bill and prays hence  
to be dismissed with his reasonable  
costs and charges in this behalf most  
wrongfully sustained.

Joseph H Duck  
Britten Boykin  
P. A.

Virginia,  
County of Isle of Wight, to wit:  
I, Joseph H. Duck the defendant who signed  
the foregoing plea, do swear that the  
facts therein stated & contained are  
true. So help me God.  
Joseph H Duck

Carroll vs. In Chancery

Blackdale

Amended Plea

of  
Purchase for value  
Consideration without  
Notice

Filed at April Term  
(April 20, 1890) 1890, by  
leave of Court.

Filed May 1890

Clerk's office, Isle of Wight Circuit Court.  
May 7th. 1890.

I, H. P. Young, Clerk of the said circuit court, do certify that Joseph H. Black has this day subscribed and taken ~~oath~~ before me in my office, to the foregoing oath,

Given under my hand the day and year first above said.

H. P. Young, clk.

Carroll

vs

In Chancery

Huckdale

The plea of Joseph H. Huck, a defendant to the bill of complaint exhibited against him and others by John W. Carr and others in the Circuit Court of the County of Isle of Wight.

This defendant, by protestation, not confessing or acknowledging all or any part of the matters and things in said bill of complaint contained, to be true in manner and form as the same are therein set forth, for plea nevertheless to the said bill, doth plead and aver that at the time he became a purchaser of the land described in said bill as the land of <sup>which</sup> Mary Ann Rebecca Hatfield died seized and possessed, as a reversion or remainder in fee, and the same was conveyed to him by James M. Vaughan trustee, a copy of which deed is filed with the complainant's bill as an exhibit marked "A", to which reference is here made, the said land consisted of an undivided one fifth interest in the land of which John Carr, the father of the said Mary Ann Rebecca Hatfield, died seized and possessed, described in said bill, and that sometime thereafter, to wit: at September Rules 1876, this defendant, having the legal title, by deed, to the said undivided interest, with the knowledge and consent and at the instance and request, of the other heirs of John Carr and holders of the other undivided

interests in the said land of which said John Carr did seized and possessed, did institute a partition suit in the Circuit Court of the County of Isle of Wight, against the heir of said John Carr, complainants in this cause, and others, for the purpose of ascertaining, allotting and assigning to the holders and owners of the respective undivided interests, their shares in the said land of John Carr, aforesaid ~~of~~ said, that the complainants in this cause were properly brought into Court as parties defendant in that cause, the cause matured, the respective interests of this defendant, he standing in the place of the said Mary Ann Rebecca Hatfield by deed and his being the land now in controversy, and the other parties thereto, complainants in this cause, assigned by Commissioners, and the report of said Commissioners confirmed by a final decree entered at the April Term 1878, in said Circuit Court, confirming the partition or allotment of the land mentioned in said suit among the parties thereto, and vesting in them, severally, the title to their respective shares under the said partition or allotment, the land assigned therein to this defendant being the same which the complainants in this cause seek to recover, alleging

that this defendant is without title thereto, which  
final decree was not impeached or sought  
to be set aside within the statutory limitation  
of time prescribed for such proceedings, which  
final decree this defendant hath pleaded in bar  
of the complainants' bill as ~~matter~~ was adjudicated,  
and prays the judgment of this honorable  
Court, whether he shall be compelled to make  
any farther or other answer to the said bill,  
and prays hence to be dismissed with his  
reasonable costs and charges in this behalf  
most wrongfully sustained.

Dec 18. 1889

Will R Baykin  
J. D.

Butt v. Boythorp

Carr & als

vs { In Chancery

Black & als

Plea of Res Adjuncte

"  
Isle of Wight Arcu & als

Filed  
Decr. 20<sup>th</sup> 1889

on the same day, that when the said deed of Trust was delivered to the said James M. Vaughan Trustee, to secure the said debt to Joseph H. Luck, the said debt was justly due and owing to the said Joseph H. Luck by the said William B. Hatfield, and neither the said James M. Vaughan, Trustee, nor Joseph H. Luck at the time the said William B. Hatfield conveyed the said land to the said James M. Vaughan, or at the time the said Trust deed was recorded in the Clerk's office of the said County Court of the County of Isle of Wight had any notice ~~of the same~~ <sup>of the same</sup> whether that the complainants or either, or any of them, had or asserted any claim on or to the said land or any interest therein, until long after the deed of Trust aforesaid was executed by the said William B. Hatfield to the said James M. Vaughan Trustee, and said deed of Trust was admitted to record as aforesaid, and until long after the said land had been sold at a public sale by the said James M. Vaughan Trustee and the said Joseph H. Luck had become the purchaser and paid the purchase price, and the said James M. Vaughan Trustee had executed, <sup>and being</sup> a deed of bargain and sale to the said Joseph H. Luck, bearing date on the 20<sup>th</sup> day of October 1874, and until long

Carr v. Carr

vs

In chancery

Black v. Carr

The plea of Joseph H. Black a defendant  
to the bill of complaint exhibited against  
him and others by John M. Carr father in  
the Circuit Court of the County of Isle of Wight

This defendant by protestation, not confessing  
or acknowledging all or any part of the matters  
and things in said bill of complaint contained,  
to be true in manner and form as the same are  
therein set forth, for plea nevertheless to the  
said bill, doth plead and aver that the said  
defendant at a public sale of the said land in  
the bill mentioned made by James M. Vaughan  
Trustee under a deed from William B. Hatfield  
to said James M. Vaughan to secure the payment  
of a sum of money to Joseph H. Black, became  
the purchaser of the said land at the price of  
\$120 <sup>25</sup>/<sub>100</sub>, and paid the said purchase money  
thereof to the said James M. Vaughan, Trustee,  
and the same was conveyed to him by the  
said James M. Vaughan Trustee, that the deed  
conveying the said land to the said Joseph  
James M. Vaughan Trustee to secure the said  
Joseph H. Black a debt due to the said Joseph  
H. Black by the said William B. Hatfield  
was dated and delivered the 6<sup>th</sup> day of October  
1876 and was duly recorded in the Clerk's Office  
of the County Court of the County of Isle of Wight

after the said deed of bargain and sale  
 had been admitted to record in the Clerk's  
 Office aforesaid. That this said defendant  
 is a purchaser for valuable consideration  
 without notice of such claim aforesaid, which  
~~the said defendant does plead in bar of the complainant's bill~~  
 Wherefore this defendant prays judgment  
 of this honorable Court whether he shall  
 be compelled to make any farther or other  
 answer to the said bill and prays hence  
 to be dismissed with his reasonable costs  
 and charges in this behalf most wrongfully  
 sustained

Dec 19. 1889

Brett & Bayken  
 p d.

1311 C & Bayken p d.  
 Case sale  
 vs. In Chancery  
 Black sale

Special Plea of  
 Purchase for Valuable  
 Consideration without  
 Notice.  
 Sale of Wright Circuit Court  
 Filed -  
 Dec. 20. 1889

To the Hon. C. W. Hill judge of the  
Circuit Court of Isle of Wigth County, Virginia.

Your complainants Jno. M.  
Carr, Mary Ester Carr and Solomon B. Carr  
humbly complaining respectfully represent  
that at about 8<sup>o</sup> clock A. M. on the 21<sup>st</sup>  
day of May 1873 their sister Mary Ann Rebecca  
Hatfield nee Carr departed this life seized  
and possessed of the reversion or remainder  
in fee of a certain tract of land on  
Black water river in Isle of Wigth County  
in the state of Virginia, it being the share  
or interest of said Mary Ann Rebecca in  
her father's real estate and it being that  
certain part of the lands of which John  
Carr the father of said Mary Ann Rebecca  
died seized afterwards allotted and assigned  
to the widow of said father as and for  
her dower and, therefore the said Mary  
Ann Rebecca was only entitled to possession  
of said land at the death of said  
widow who died some time in the year  
1887 and that said Mary Ann Rebecca  
left a her said husband who died in  
or about the year 1878 but left no  
child or children, no mother, no father  
and left your complainants and a

sister named Martha Con who died a few years ago leaving a husband Thomas J. Con and two children, namely; Jno. A. Con a son now about ten years old and Ida Essey Con a daughter about seven years old as her only heirs at law, and that said ~~last~~ ~~two~~ ~~children~~ are the only heirs of said Martha.

Your complainants say that said tract of land is partly cultivated and partly in woods set in timber a large portion of which is swampy and low lands, and that it cannot be divided in kind but that the interest of all parties entitled would be promoted by a sale of the whole and division of the proceeds of sale.

Your complainants say that J. W. Duck and J. J. Duck claim the legal title to said tract of land and one J. H. Duck claims the possession thereof and has rented said land to a tenant for the present year, but your complainants say that said claims to the title and possession of said land are illegal and unjust, they say that some time <sup>ago</sup> said J. H. Duck was surety or endorser or maker on some paper due the Farmers Bank of Mansfield and that said J. H. Duck in order to protect himself, as he called it, conveyed the same

along with all other property he had in the world to his brother and nephew the said I. W. Duck and J. J. Duck and a suit was brought to set aside said conveyance but the money being paid to said bank the further prosecution of said suit was abandoned and the suit dismissed, and they say that said J. H. Duck has all the while used, enjoyed and controlled all said property as if he had never conveyed it and is still doing so, and they say that J. H. Duck claims under a paper purporting to be a deed from J. M. Vaughan trustee, a copy of which is herewith filed as an exhibit marked "A" and prayed to be read as a part of this bill, and that said Vaughan trustee claimed under a paper purporting to be a deed of trust from said William B. Hatfield to himself as trustee a copy of which is herewith filed as an exhibit and prayed to be read as a part of this bill, marked "B"; and that said Hatfield claimed under a paper purporting to be a deed from Joel P. Hall and to himself the original of which is herewith filed as an exhibit marked "C" and prayed to be read as a part of this bill and that paper was simply an indirect way of getting this wife's property and that said Joel P.

Hall and had on the said 24th day of May 1873 obtained a paper purporting to be a deed from W. B. Hatfield and wife, the original of which is herewith filed as an exhibit marked "D" and prayed to be read as a part of this bill and your complainant say that all claim to title or to possession of said land on the part of said J. H.; J. J. and J. W. Duck is based on the supposed or alleged validity of said lost named exhibit marked "D" purporting to be a deed from Hatfield and wife to said Joel P. Hall and. Your complainant's charge and allege that this paper is not a valid conveyance and does not convey any right, title or interest <sup>at</sup> all so far as the said Mary Ann Rebecca is concerned, they say that said Mary Ann Rebecca did not execute this paper, that she did not sign the same, that she did not seal the same, that she did <sup>not</sup> deliver the same, that she did not acknowledge the same; on the contrary your complainants say that said Mary Ann Rebecca died about 8 o'clock <sup>AM</sup> on the 24th day of May 1873 and that at the time her name was written on said paper and her cross therein made that she was either dead or dying and non sane and she was then and

there incapable of recollecting the property she was made to convey as appears on the face of said paper, that she was then and there incapable of understanding the nature and character of such a transaction and incapable of giving intelligent consent to the same. And your complainants say that the recital in said paper contained to the effect that "four hundred dollars" was paid, is false and is known to be false to all parties to the transaction, that not one cent was paid. Your complainants say that said Mary Ann Rebecca had persistently declared and repeated her decided determination before her said last illness not to convey her interest in said estate of her father to any one, but in last moments on earth when her reason was destroyed, her intellect clouded, her mind shattered and her memory gone the said paper was executed by fraud and was fraudulently procured and is void. Notice is hereby given that a reasonable attorney's fee will asked for.

And whereas your complainants are remediless save in this Honorable court where such matters are alone and properly cognizable, they pray that Joseph H. Duck, J. W. Duck, J. J. Duck.

Tham as J. bow, John H. bow and Ida Essy  
bow, the last two being infants under  
the age of twenty one years, be made  
parties defendants to this bill and require  
to answer the same, an answer under  
oath being waived, that said so called  
deed from W. B. Hatfield & wife to Joel  
P. Hallant be set aside and annulled  
and declared void as to said Mary  
Ann Rebecca Hatfield, that said Jos.  
H. Duck be required to pay to the  
parties thereto entitled a fair price for  
the use and occupation of said land  
and for all timber taken therefrom,  
that said tract of land be sold  
and the proceeds of sale divided  
amongst the parties thereto belonging,  
that all accounts may be taken, all  
orders entered, all decrees pronounced,  
all enquiries directed as the nature  
of this case may require, and they  
pay for all such other further and  
general relief may be afforded your  
complainants as the nature of their  
case requires or to equity shall seem  
meet. May a guardian ad litem be appoint-  
ed to defend said infants. And  
they will ever pray &c.

W. S. Hall and f. g.

W.S. Hallows vs  
Con et. al.

vs  $\frac{1}{2}$  In Chancery  
Duck et. al.

### Bill of Complaint

Reels 3<sup>rd</sup> Monday in July  
1889, Bill & pts. filed,  
seems, exp. & de: miss m,  
adult depts. M. Briggs  
apptd. gen. additum to the  
infant depts: his aut. filed  
& genl. reply.

" Reels 1<sup>st</sup> Monday in  
Aug. 1889, Bill taken  
for confessed as adult  
defendant, & set for hearing

" April Term 1889, de, allowing  
deft to file plea &c.

" April term 1890,  
de allowing deft to file  
amended plea &c.

" April Term 1895  
Final 5 year clause