

1908 - 055 Chancery Causes, W.
Isle of Wight County

S. Ward vs W. D. Turner, admr of Martha R. Turner vol 35

other SURNAMES: CARROLL,
Todd, Young, Miars, Mears,
Edwards

W. H. Ward
 vs- Suppliments Decree ^{Cy 11}
 X. D. Young ad'm
 et al. ³⁵

2nd March rules 1908:

Process returned executed
 on W. D. Turner, Ad-
 ministrator of Martha R. Turner
 deceased; Ballie A. Turner:

Archib. Carroll: W. D. Edwards,
 Sheriff of Isle of Wight County
 administrator, d. b. n. c. t. a. of
 George W. Carroll, deceased:

W. D. Edwards, Sheriff of Isle
 of Wight County, and as such
 administrator, d. b. n. c. t. a.
 of N. P. Young, deceased: Anne
 R. Young, W. H. Meats and
 Martha A. Meats: Doerel

mini as R. Meats: Continued on
 Order of Publication as to
 Executives C. Todd and pro
 W. Todd.

ALVAN BUSHNELL CO., LAW STATIONERS, 342 MARKET ST., PHILADELPHIA, PA.

1st April rules 1908

But taken for confessed and
 to all defendants upon
 whom process has been served
 ed, they still failing to ap-
 pear, plead, answer or de-
 mit, and case set for
 hearing as to them
 Continued in order of
 Publication as to Exec-
 utive C. Todd and pro
 to Todd, her husband

2nd April rules 1908

Order Publication
 executed and case
 set down for hearing
 as to all parties.

Taken, sworn to and subscribed before me, a Notary
Public in and for the County
and State aforesaid, this 2nd day of March,
1908.

L. C. McCall and N. P.
My com. expires May 20-1908.

that W. A. Edwards, Sheriff of Isle of Wight County,
and as such administrator de bonis non c.t.a. of
N. P. Young, deceased, be authorized and directed, as
such administrator and as a Commissioner of this Court,
to execute a deed conveying with special warranty
to your complainant as assignee of W. D. Turner,
devisee of Martha R. Turner, deceased, the land
sold and delivered to Martha R. Turner by N. P.
Young, trustee for W. H. Miars, and executor of
George W. Carroll, deceased; and that he may have
all such other, further and general relief in the
premises as the nature of his case may require or
to equity shall seem meet.

And your complainant will ever pray.

X W. L. Ward

J. H. Deering
H. Stuart Lewis
Counsel.

STATE OF VIRGINIA,
To-wit:
County of Isle of Wight.

W. L. Ward, the complainant named in the
foregoing bill, being duly sworn, says that the facts
and allegations therein contained are true, except so
far as they are therein stated to be on information,
and so far as they are stated to be on information,
he believes them to be true.

X W. L. Ward

*Will find certificate
for notice on Notary and
next sheet*

shown by certificate of A. S. Johnson, Clerk,
herewith filed marked exhibit "8" and made a part
of this bill.

Your complainant is informed that by reason
of the death of said N. P. Young that he can only
have his chain of title completed by an order of this
Court authorizing the execution of a deed conveying
to him as assignee of W. D. Turner, devisee of Martha
R. Turner, deceased, said land so purchased by her
from the said N. P. Young;

In consideration whereof, and forasmuch as
your complainant is remediless in the premises save
in a Court of equity your complainant prays that
W. D. Turner, in his own right, W. D. Turner,
administrator of Martha R. Turner, deceased, Sallie
A. Turner, Eva Allen C. Todd, John W. Todd, Archer
Carroll, W. A. Edwards, Sheriff of Isle of Wight Coun-
ty, and as such administrator de bonis non cum testa-
mento annexo of N. P. Young, deceased, W. A. Edwards,
Sheriff of Isle of Wight County, and as such

administrator de bonis non cum testamento annexo
of George W. Carroll, deceased, Anne R. Young,
W. H. Miars and Martha A. Miars may be made parties
defendant to this bill and required, but not on
oath, to answer the same, the oath being hereby waived;

The original certificate as to the title is now filed among the records of the Circuit Court of Northampton County in said cause of Turner vs. Turner, the same having been filed therein by said Otho F. Mears, Special Commissioner, with a report of the loan made by him to said Martha R. Turner and secured by a deed of trust on said land. Said deed of trust, which was given by the said Martha R. Turner to secure the payment of said loan, was duly recorded in the Clerk's Office of Isle of Wight County during the lifetime of the said N. P. Young, and it is hardly probable that he would have given said certificates and permitted said loan to be negotiated without demanding the full payment of the purchase price had the same not already been paid.

Your complainant states that said deed of trust has since that time been fully paid and marked satisfied.

Your complainant states that N. P. Young was sole executor of the estate of George M. Carroll, deceased; that the executors of the estate of N. P. Young, deceased, to-wit: N. F. Young, S. V. B. Young and Mary F. Young are now dead; that Anne R. Young, widow of N. F. Young, deceased, is the sole surviving heir; and that W. A. Edwards, Sheriff of the County of Isle of Wight, has been duly appointed administrator de bonis non cum testamento annexo of the estate of N. P. Young, deceased, and also administrator de bonis non cum testamento annexo of the estate of George F. Carroll, deceased, as

Your complainant alleges that notwithstanding the fact that the entire purchase price for said land was paid sometime before the death of said N. P. Young, executor, that no deed conveying the same was ever executed and delivered to the said Martha R. Turner, or, if executed, that the same was delivered to R. R. Turner, husband of Martha R. Turner, and by him lost or mislaid. That the said R. R. Turner is now dead and that although diligent search has been made no such deed has been found among his papers.

Your complainant is informed and alleges that the full purchase price for said land was paid by said Martha R. Turner to N. P. Young, executor, sometime prior to the year 1895, for at that time the said Martha R. Turner, desiring to borrow some money from Otho F. Mears, Special Commissioner in the chancery cause of W. D. Turner et ux vs. Thomas R. Turner et als then pending in the Circuit Court of Northampton County, Virginia, and to secure the payment of said money so borrowed by a deed of trust on said land, requested the said N. P. Young to furnish to her as Clerk of the County Court of Isle of Wight County (which office he then held) a certificate as to the title and value of said land. These certificates were readily furnished and are herewith filed and made a part of this bill. The original certificate as to the value being marked exhibit "4" and a certified copy of the certificate as to the title being marked exhibit "7".

Carroll, deceased, as hereinabove set forth, sold, at public auction, to Mrs. Martha R. Turner for three thousand dollars that tract of land in Isle of Wight County known as "Carrollton", the former residence of George W. Carroll, deceased, containing by estimation three hundred acres, more or less, lying four miles from Burwells Bay as shown by certificate herewith filed marked exhibit "4" and made a part of this bill;

That said N. P. Young, trustee and executor as aforesaid, immediately delivered to said Mrs. Martha R. Turner possession of the said farm but failed during his life time to execute, or if executed, to deliver to her, a deed conveying the same. That the said Mrs. Martha R. Turner immediately took possession of said farm, paid all of the purchase money to said N. P. Young, and remained in quiet possession thereof from the year 1884 as long as she lived and at her death devised the same to her son, W. D. Turner, by will duly probated on the 6th day of June, 1904, before the Clerk of the Circuit Court of Isle of Wight County, a certified copy of which is herewith filed marked exhibit "5" and made a part of this bill;

That W. D. Turner and wife conveyed said farm to your complainant by deed dated on the 1st day of January, 1904, and duly recorded in the said Clerk's Office in D. B. No. 69, page 161, a certified copy of which is hereto attached marked exhibit "6" and made a part of this bill;

Swamp, and bounded and described as follows:

Commencing at what is known as First Swamp and running up the road a Westerly course passing the late residence of the said George W. Carroll, to the First Branch or ravine leading from said road South, thence down said branch to its intersection with the branch known as the "Marl branch", which leads from the pocosin down to the said First Swamp, thence the center of the said Marl branch down to the point opposite a large Walnut tree in the field, South of the said Marl Branch, thence a straight line passing said Walnut tree, which is to be made a line tree between said land and the other land of said George W. Carroll, to a white oak in a branch, about forty yards from the house in which Austin Hardy (colored) now lives on the land now occupied by W. H. Jones, thence from said White oak, down the course of said branch on the line of the said land on which Jones lives and the line of the Wiley J. Batten land to the said First Swamp, thence up the said Swamp taking the main run thereof to the commencement;

That the said Miars was unable to fulfill and perform said agreement, and, on the 22nd day of August, 1884, he and his wife, conveyed the said property to N. P. Young, trustee, upon the following terms:

1st, "that the said N. P. Young shall sell the said tract of land, either at public auction or private sale, as in his discretion may seem best for the interest of all parties upon such terms as he may deem expedient", and

2nd, "that after paying the costs of executing this trust, the said N. P. Young shall pay off and discharge the balance due as aforesaid on the purchase price of said land if the proceeds of sale be sufficient therefor, and the residue, if any, he shall pay to W. H. Miars, or his assigns";

as shown by deed from W. H. Miars and wife to N. P. Young, trustee, a certified copy of which deed is hereto attached marked exhibit "3" and made a part of this bill;

That the said N. P. Young in the year 1884, acting as trustee for W. H. Miars and by virtue of authority vested in him as executor of George W.

IN THE CIRCUIT COURT OF THE COUNTY OF ISLE OF
WIGHT, VIRGINIA.

W. L. Ward.....Complainant.

vs.

W. D. Turner et als.....Defendants.

To the Honorable Circuit Court of said County:

Your complainant, W. L. Ward, respectfully represents that sometime in the year, 1862, George W. Carroll, of the County of Isle of Wight, Virginia, departed this life leaving a will, which was duly probated in the County Court of said County, on the 2nd day of November, 1863, a certified copy of which is hereto attached marked exhibit "1" and made a part of this bill;

That said testator appointed N. P. Young, of Isle of Wight County, Virginia, as his executor with full power to sell all of his real estate in order to carry out the provisions of said will; that said N. P. Young duly qualified as such executor before said County Court as shown by certificate of qualification hereto attached marked exhibit "2" and made a part of this bill;

That in pursuance of said will, the said N. P. Young, executor, did, on the 18th day of September, 1876, covenant to and with one W. H. Miars to sell to him in consideration of the sum of three thousand dollars the farm known as "Carrollton" containing three hundred acres, more or less, which is situated in the County of Isle of Wight, Virginia, on the road leading from Burwells Bay to Mills

7

W. L. Ward
25 - Lesson; Cy #35
W. L. Finner et al

Died June 1st 1908
Dist. Johnson
Co.

And now having fully answered the complainant's
bill, these respondents pray hence to be dismissed with
their reasonable costs by them in this behalf expended.

W. D. Turner -
Administrator of Martha R. Turner

W. D. Turner -

Sallie A. Turner

by
J. H. Dury
their attorney

W. L. Ward.....Complainant.

vs.

W. D. Turner, et als.....Defendants.

ANSWER.

The joint and separate answer of W. D. Turner, administrator of Mrs. Martha R. Turner, deceased, W. D. Turner, in his own right, and Sallie A. Turner, his wife, to a bill of complainant filed against them and others in the Circuit Court of Isle of Wight County by W. L. Ward, complainant.

These respondents reserving to themselves the benefit of all just exceptions to the said bill of complaint for answer thereto, or to so much thereof as they are advised it is material they should answer, answer and say that they are advised and believe that E. P. Young, executor of George W. Carroll, deceased, and as trustee for W. H. Miers, bargained and sold the farm described in the bill mentioned known as "Carrollton" to Mrs. Martha R. Turner, and that they have made diligent search for the deed conveying the same but have never been able to find it although they have heard that such a deed was delivered to Mrs. Martha R. Turner.

Your respondents further state that said farm, which was devised to said W. D. Turner, has been sold and conveyed by him to the complainant, W. L. Ward, and they join in the prayer of the complainant's bill asking that a proper deed be made completing his chain of title thereto.

W. J. Hand

35

TS.
SUBPOENA
IN
CHANCERY.

W. J. Hand

J. M. Burger
p. 9

To 2nd March
Rules,

Deputy
Court.

1908

B 3119

We hereby acknowledge due, legal and sufficient service of the within process:

W. A. Edwards

Sheriff of Isle of Wight County, and as such administrator d.b.n. c.t.a. of W. P. Young, Decd.

W. A. Edwards

Sheriff of Isle of Wight County, and as such administrator d.b.n. c.t.a. of Geo. W. Carroll, decd.

W. D. Turner, administrator of
Martha A. Turner, deceased. W. D. Turner in
his own right, and Sallie A. Turner.

by
J. A. Decker
their attorney

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon W. D. Turner, in his own right; W. D. Turner, administrator of Martha R. Turner, deceased; Sallie A. Turner; Everallen C. Todd; John W. Todd; Archer Carroll; W. A. Edwards, Sheriff of Isle of Wight County, and as such administrator de bonis non c.t.a. of N. P. Young, deceased; W. A. Edwards, Sheriff of Isle of Wight County and as such administrator de bonis non c.t.a. of George W. Carroll, deceased; Anne R. Young; W. H. Miers; Martha A. Miers:

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the 3rd. Monday in March, 1908, to answer a bill in chancery, exhibited against them in our said court for by W. L. Ward,

And have then there this writ. Witness A. S. Johnson, Clerk of our said court, at the court-house, the 20th. day of February, 1908, and in the 12 132nd. year of the Commonwealth.

Teste,

C.C.

Original

vs.

SUBPOENA
IN
CHANCERY.

P. 9

To. Rules,

Court.

B 3:119

Subpoena in the City of New York
February 24 - 1908 by Attorney at Law of the
Within Commenced to W. H. Davis in person
The Court of

J. A. Davis
By J. M. Mason D.S.

The Commonwealth of Virginia,

To the Sergeant of the City of Richmond, Greeting:

~~To the Sheriff of the County of Isle of Wight, Greeting:~~

WE COMMAND YOU that you summon W. D. Turner, in his own right; W. D. Turner, administrator of Martha R. Turner, deceased; Sallie A. Turner; Everallen C. Todd; John W. Todd; Archer Carroll; W. A. Edwards, Sheriff of Isle of Wight County and as such administrator de bonis non c.t.a. of N. P. Young, deceased; W. A. Edwards, Sheriff of Isle of Wight County and as such administrator de bonis non c.t.a. of Geo. W. Carroll, deceased; Anne R. Young, W. H. Miars and Martha A. Miars,

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the 3rd. Monday in March, 1908, to answer a bill in chancery, exhibited against them in our said court ~~for~~
By W. L. Ward,

A. S. Johnson,

And have then there this writ. Witness ~~NATHANIEL P. YOUNG~~, Clerk of our said court, at the court-house, the 20th. day of February, 1908, ~~190~~, and in the ~~1213~~2nd. year of the Commonwealth.

A. S. Johnson

A copy. Test, Johnson

Martha A. Miars

VS.

}

SUBPOENA
IN
CHANCERY.

p. 9

To Rules,

..... Court.

B 33119

Executed in the County
of Princess Anne Va
this 11th of March
1904. Martha A. Miars
Not being at her usual place of Abode
and no member of her
Family over the age of
sixteen years Executed
by tacking a true Copy
of the within Subpoena
on the front door of
Martha A. Miars, J. W. Ackiss Sheriff

The Commonwealth of Virginia,

Princess Anne
To the Sheriff of the County of ~~Isle of Wight~~ ^{Worcester}, Greeting:

WE COMMAND YOU that you summon W. D. Turner, in his own right; F. D. Turner, administrator of Martha E. Turner, deceased; Sallie A. Turner; Everallen C. Todd; John W. Todd; Archer Carroll; W. A. Edwards, Sheriff of Isle of Wight County and as such administrator de bonis non c.t.a. of N. P. Young, deceased; W. A. Edwards, Sheriff of Isle of Wight County and as such administrator de bonis non c.t.a. of George W. Carroll, deceased; Anne R. Young; ~~and~~ W. H. Miers and Martha A. Miers,

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the 3rd. Monday in March, 1908, to answer a bill in chancery, exhibited against them in our said court ~~for~~ by W. L. Ward,

And have then there this writ. Witness A. S. Johnson Clerk of our said court, at the court-house, the 20th. day of February, 1908, and in the ~~12~~ 132nd. year of the Commonwealth.

W Copy

Sub. Johnson. cc

Test, Johnson

W.D. Turner et al.

vs.

}

SUBPOENA
IN
CHANCERY.

W.L. Ward

p. 9

To..... Rules,

Court.

B 3119

Executing Feb, 25th 1908,
by delivering a true copy of
the within process to Mrs
Ann R. Young & Archibald
Carroll in person at their
residence in the County
of Suffolk.

W.H. Edwards

Shff. of Suffolk Co

The Commonwealth of Virginia,

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

WE COMMAND YOU that you summon *W.D. Turner, in his own right, and*
Turner, Administrator of Martha R. Turner, deceased; Sallie
A. Turner, Evergreen C. Todd, John W. Todd, Archer Carroll,
W.A. Edwards, Sheriff of Isle of Wight County, and as such
administrator de bonis non, et. al. of N.P. Young, deceased,
W.A. Edwards, Sheriff of Isle of Wight County, and as
such administrator de bonis non, et. al. of George W.
Carroll, deceased, Ann R. Young, W.K. Meers and
Martha A. Meers

to appear at the Clerk's office of the *Circuit* Court of the *County* of *Isle of Wight*
at the rules to be held for the said Court, on the *3rd* Monday in *March* 190*8*,
to answer a bill in chancery, exhibited against *them* in our said court ~~for~~
by W.L. Hand

And have then there this writ. Witness *Nathaniel F. Young*, Clerk of our said court, at
the court-house, the *20th* day of *February* 190*8*, and in the *12th* *3rd* *and*
year of the Commonwealth.

Sub. Johnson

Ward

vs) Chancery *N 35*

Turner et als.

Affidavit for order of
publication.

Filed Feb. 20th. 1908.

Int. Affidavit. cc

W. L. Ward..... ..Complainant.

vs.

W. D. Turner, in his own right,
W. D. Turner, administrator of
Martha R. Turner, deceased,
Sallie A. Turner, *Eva Allen C. Todd*
John W. Todd, Archer Carroll,
W. A. Edwards, Sheriff of Isle of
Wight County, and as such administrator
de bonis non e.t.a. of W. F. Young,
deceased, W. A. Edwards, Sheriff of
Isle of Wight County, and as such
administrator de bonis non e.t.a.
of George W. Carroll, deceased,
Anne R. Young, W. H. Miars and
Martha A. Miars.....Defendants.

AFFIDAVIT.

STATE OF VIRGINIA,

To-wit:

County of Nansemond.

This day J. U. Burges personally appeared
before me, S. E. Everett, a Notary Public in and
for the County aforesaid, and made oath that Eva
Allen Todd and John W. Todd, above named defendants,
are non-residents of this State.

Given under my hand this 17th day of
February, 1908.

S. E. Everett

Notary Public.

W. A. Ward² # 35
B- Order of Publication
W. A. Thum et al

Filed Feb. 20th. 1908.

to protect their interest.

Johnson C.C.

Virginia: Clerk's Office of the Circuit Court of Isle of Wight County.
I, AL S. Johnson, Clerk of the said Circuit Court do hereby certify
that a copy of the foregoing order of publication was posted at the
front door of the Courthouse of the said County on this 20th. day
of February, 1908.

Given under my hand this 20th. day of February, 1908.

Johnson C.C.

STATE OF VIRGINIA,

Clerk's Office of the
Circuit Court of Isle of Wight County, ~~to-wit:~~
February - 1908
~~In vacation.~~

W. L. Ward.....Complainant.

vs.

W. D. Turner, in his own right,
W. D. Turner, administrator of
Martha R. Turner, deceased, Sallie
A. Turner, ~~Eva Allen~~ C. Todd, John W.
Todd, Archer Carroll, W. A. Edwards,
Sheriff of Isle of Wight County, and
as such administrator de bonis non
c.t.a. of N. P. Young, deceased,
W. A. Edwards, Sheriff of Isle of Wight
County, and as such administrator de
bonis non c.t.a. of George W. Carroll,
deceased, Anne R. Young, W. H. Miars
and Martha A. Miars.....Defendants.

The object of this suit is to secure a proper
deed conveying that certain farm known as "Carrollton"
located in Isle of Wight County, Virginia, on the
road leading from Burwells Bay to Mills Swamp and
bounded by the lands of W. L. Ward, P. Bolling Bell
and others, which formerly belonged to George W.
Carroll, deceased, and which was sold and the posses-
sion thereof delivered to Mrs. Martha R. Turner by
N. P. Young, executor of George W. Carroll, deceased,
and trustee for W. H. Miars. The said N. P. Young
having failed during his life time to deliver a
deed conveying the same.

It appearing by affidavit that the said Eva
Allen Todd and John W. Todd are non-residents of this
State, it is, therefore, ordered that said Eva Allen
Todd and John W. Todd appear, within fifteen days
after the due publication of this notice, in the
Clerk's Office of our said Court and do what is necessary

Filed April 1th 1908

Int. Johnson & Co

Office of SUFFOLK HERALD.

SUFFOLK, VA., *March 1* 190*8*

*I hereby certify that the order of which the annexed is a
copy has been published in THE SUFFOLK HERALD in the
manner prescribed by law---once a week for four successive weeks.
beginning* *Feb. 28* -----and ending

March 20, 1908

W. J. Kendrick

Editor Herald

STATE OF VIRGINIA:

CLERK'S OFFICE OF THE CIRCUIT
COURT OF ISLE OF WIGHT
COUNTY, FEBRUARY 20. 1908.

W. L. Ward.....Complainant.

vs.

W. D. Turner, in his own right, W. D. Turner, administrator of Martha A. Turner, deceased, Sallie A. Turner, Everallen Todd, John W. Todd, Archer Carroll, W. A. Edwards. Sheriff of Isle of Wight County, and as such administrator de bonis non c. t. a., of N. P. Young, deceased, W. A. Edwards, Sheriff of Isle of Wight County, and as such administrator de bonis non c. t. a. of W. H. Miars and Martha A. Miars Defendants.

The object of this suit is to secure a proper deed conveying that certain farm known as "Carrollton" located in Isle of Wight County, Virginia, on the road leading from Burwells Bay to Mills Swamp and bounded by the lands of W. L. Ward. P. Bolling Bell and others, which formerly belonged to George W. Carroll, deceased, and which was sold and the possession thereof delivered to Mrs. Martha R. Turner, by N. P. Young, executor of George W. Carroll, deceased, and the trustee for W. H. Miars. The said N. P. Young having failed during his life time to deliver a deed conveying the same.

It appearing by affidavit that the said Eva Allen Todd and John W. Todd are non-residents of this State, it is, therefore, ordered that said Eva Allen Todd and John. W. Todd, appear within fifteen days after the due publication of this notice, in the Clerk's Office of our said Court and do what is necessary to protect their interest.

A. S. JOHNSON, C. C.

A copy, teste,

A. S. JOHNSON, C. C.

Feb. 28—4t.

6
W. L. Ward
vs { G #35
W. W. Turner et al

Brief of costs
vouchers

Filed Apr 7. 1908
Dist. Edmund

EASTVILLE, VA.

February

1908

Mr. J. M. Burgess, Attorney,
Suffolk, Va.

TO R. W. NOTTINGHAM, DR.
COUNTY CLERK,
NORTHAMPTON COUNTY, VIRGINIA

To Copy of Certificate of R. G. Young,
Clerk of the Circuit Court of Suffolk County,
dated in suit of M. D. Tucker vs. Mrs.
Thomas R. Tucker

Received Payment,
R. W. Nottingham, Clerk

25

Ward

vs { Cy # 35

Turner et al

Order Publication
with certificate of
printer

Filed April 7th 1908

Dist. (Johnson & Co)

W. J. KENDRICK, President

C. GUY BELL, Business Manager

J. C. HOLLADAY, Sec. and Treas.

Suffolk, Va., March 31 1908

W. J. Burgess Attorney

TO SUFFOLK HERALD CORPORATION, Dr.
NEWSPAPER AND JOB PRINTING

TERMS OF THIS BILL—NET CASH.

No. 912 Washington Street

Both Phones

Mar 20 Pub. Notice Suit W. h. Ward vs.
W. D. Turner et als.

500

Paid 4/21/08
Suffolk Herald Co
Per K-

Paul W. Roberts

I m m d

PAY TO THE ORDER OF
THE CITIZENS BANK

ANY BANK, OR BANKER

—: OR ORDER —

MAR 17 1908

CITIZENS BANK OF NORFOLK

TENCH E. TILGHMAN, TREASURER

PAY TO ANY BANK OF EXCHANGE
OR ORDER.
MAR 13 1908
NORFOLK: BANK OF HAMPSHIRE,
NORFOLK, VA.
THE HAMPSHIRE BANKING CO.

J. U. BURGESS,
ATTORNEY-AT-LAW,
SUFFOLK, VA.



Bank of Suffolk

SUFFOLK, VA

1782

Pay to the order of *Suffolk, Va. Feb. 21st 1908*
Paul W. Ackie
Fifty-two cents
Ward W. Turner *Dollars*

\$ *5-2 cents*

J. H. Burgess

PAY TO THE ORDER OF
ANY BANK OR BANKER
MAR 7 1908
AMERICAN NATIONAL BANK
RICHMOND, VA.

PAY TO THE ORDER OF
Any Bank, Banker or Trust Co.
PREVIOUS ENDORSEMENTS GUARANTEED.
MAR 10 1908

Merchants & Truckers Bank,
SUFFOLK, VA.

James H. Smith

PAY TO THE ORDER OF
ANY BANK OR BANKER,
All Prior Endorsements Guaranteed.

MAR 9 1908
NATIONAL CITY BANK,
WASHINGTON, D. C.
A. G. CLAPHAM, Cashier

ALL PRIOR ENDORSEMENTS GUARANTEED
MAR 9
NAT

J. U. BURGESS,
ATTORNEY-AT-LAW,
SUFFOLK, VA.



Bank of Suffolk

SUFFOLK, VA.

1784

Suffolk, Va. Feb. 21

190

Pay to the
order of

Sergeant of Richmond

Fifty-two cents

Ward W. Turner

Dollars

100

\$ 52 cents

J. U. Burgess

8
W. H. Ward
B- Dressy ay. #35
W. A. Turner et al

C. O. B. No 6 Page 555

1908
June 1
Entered
J. D. W.

JAMES U. BURGESS,
ATTORNEY AT LAW,
POST OFFICE BUILDING,
SUFFOLK, VA.

said defendant W. D. Turner, in his own right, and
as administrator of Martha R. Turner, deceased, do
pay unto the said plaintiff his costs in this behalf
expended.

On consideration whereof, it appearing to the Court that N. P. Young, executor of George W. Carroll, deceased, and as trustee for W. H. Miers, has bargained and sold to Mrs. Martha R. Turner in the year 1884 the land in the bill and proceedings mentioned known as "Carrollton" and hereinafter described; that although he immediately delivered to said Mrs. Martha R. Turner possession thereof he failed to execute and deliver to her a deed conveying the same, or if ~~executed~~ the same has been mislaid or lost. And it further appearing to the Court that the said Martha R. Turner has since died and that by will duly probated devised said farm to said W. D. Turner, who afterwards sold and conveyed the same to W. L. Ward, the complainant, and that it is the desire of the said W. D. Turner that a proper deed be made completing the chain of title of said W. L. Ward, the Court doth adjudge, order and decree that W. A. Edwards, Sheriff of Isle of Wight County, and as such administrator de bonis non cum testamento annexo of N. P. Young, be, and hereby is, authorized, empowered and directed, as such administrator and as a special commissioner of this Court, ~~to~~, by a good and sufficient deed, with special warranty, ^{to} convey to said W. L. Ward all that certain farm, containing three hundred acres, more or less, known as "Carrollton" located in Isle of Wight County, Virginia, on the road leading from Burwells Bay to Mill Swamp and bounded by the land of W. L. Ward, T. Boling Bell and others, which said land formerly belonged to George W. Carroll, deceased, and it is ordered that

W. L. Ward.....Complainant.

vs.

W. D. Turner, in his own right,
W. D. Turner, administrator of Martha R.
Turner, deceased, Sallie A. Turner,
Eva Allen C. Todd, John W. Todd,
Archer Carroll, W. A. Edwards, Sheriff of
Isle of Wight County, and as such adminis-
trator de bonis non cum testamento annexo
of N. P. Young, deceased, W. A. Edwards,
Sheriff of Isle of Wight County and as such
administrator de bonis non cum testamento
annexo of George W. Carroll, deceased,
Anne R. Young, W. H. Miars and Martha A.
Miars.....Defendants.

This cause came on this day to be heard upon
the complainant's bill and the exhibits filed therewith;
proof of legal service of proper process in person on
Anne R. Young, W. H. Miars, Martha A. Miars, Archer Carroll,
W. A. Edwards, Sheriff of Isle of Wight County, and as
such administrator de bonis non cum testamento annexo of
N. P. Young, deceased, W. A. Edwards, Sheriff of Isle of
Wight County, and as such administrator de bonis non
cum testamento annexo of George W. Carroll, deceased, who
have failed and still fail to appear, plead, answer or demur
to said bill, which is taken for confessed as to them;
proof of legal service by publication and posting of proper
summons by publication ^{*in the manner provided by law*} on the absent defendants Eva Allen
C. Todd and John W. Todd, who have failed and still fail
to appear, plead, answer or demur to said bill which is
taken for confessed as to the said Eva Allen C. Todd
and John W. Todd; the joint and separate answer of W. D.
Turner, administrator of Martha R. Turner, deceased,
W. D. Turner, in his own right, and Sallie A. Turner, his
wife, the complainant's replication to said answers, and
was argued by counsel.

Will Book No 28, page 31.

Will of George W. Carroll.

Exhibit "1"

I, George W. Carroll of the County of Isle of Wight and State of Virginia, do make the following for my last will and testament. It is my will that all my just debts be paid. It is my will, that all my negroes shall be valued by commissioners duly appointed for that purpose, and that they set apart for my beloved wife, Mary Frances Carroll one fifth^{part} (in value) of the same, she to have the privilege of naming such as she may choose not to exceed in value said one fifth (1/5) part, and the balance of my negroes I give to my dear little children, Archibald Wrenn Carroll, Agnes Hardy Carroll, Everallin Carroll and Thomas Hardy Carroll. I give to my son Arch. W. Carroll my watch & chain. I give to my wife our chamber furniture and her piano. I give to my executor N. P. Young (hereinafter named) the sum of (\$1500.) fifteen hundred dollars in lieu of all commissions for settling my estate. The balance of my estate of every description my State and Bank Stock, the proceeds from the sale of my land and chattels hereafter authorized to be sold by my executor &c &c. I wish to be divided into five equal parts, and that my wife Mary Frances Carroll shall have one equal fifth part, and that each of my children Arch. W. Carroll, Agnes Hardy Carroll, Everallin & Thos. Hardy Carroll shall have each one equal fifth part.

I authorize my executor to sell the whole of my real estates, in such parcels and at such times, as in his good discretion may seem best for the interest of my estate. My executor will sell at some convenient time all my chattel property, except the legacies named above. I appoint my friend and kinsman Gray Carroll guardian of my dear little children Arch. W. Carroll, Agnes H. Carroll, Everallin Carroll & Thomas H. Carroll. And lastly I appoint my friend N. P. Young sole Executor of this my last will and testament, and I give him fifteen hundred (\$1500) dollars as stated, in lieu of all commissions for set-

tling my estate. In testimony whereof I hereto affix my hand and seal this 27th. day of October one thousand eight hundred and sixty two.

Geo. W. Carroll, (SEAL)

Codicil I give to my son Arch. W. Carroll to him and his heirs forever, the family burial ground on what is called the old place where my grandfather Carroll and other members of the family are buried, and one acre of land circumjacent, with the right of ingress and egress to and from the same.

Given under my hand and seal, this sixth day of November 1862.

Exhibit "2"

Geo. W. Carroll, (SEAL)

In the County Court of Isle of Wight County, Nov. 2nd. 1863 a writing purporting to be the last will and testament of Geo. W. Carroll decd. bearing date on the 27th. day of Octo..1862, and a codicil, thereto dated on the 6th. day of Nov. 1862, were presented in Court by N. P. Young the executor, therein named for probate, and there being no subscribing witnesses thereto, Robt. H. Whitfield and C. B. Hayden were sworn, and severally deposed, that they are well acquainted with the testators handwriting, and verily believe that the said writing and codicil, and the name thereto subscribed to be in the proper handwriting of the testator, and thereupon, the said writing and the codicil thereto are ordered to be recorded, as the true last will and testament of the said Geo. W. Carroll, decd. And on the motion of N. P. Young the executor therein named, who made oath and with Robt. H. Whitfield, C. B. Hayden, James Thomas and John E. Adams his securities who justified entered into and acknowledged a bond in the penalty of \$150000.00 conditioned according to law, certificate of probate is granted him on said will in due form of law.

Teste, N. P. Young, C.C.

A copy, Teste, *J. Thomas* C.C.

D. B. 47, p. 785.

Exhibit 3-

W. H. Miars, et ux.

To.

N. P. Young, Trustee.

Know all men by these presents that whereas by an agreement made and entered into on the 18th. day of September, 1876, between N. P. Young Executor of Geo. W. Carroll, deceased, of the first part and Wm. H. Miars of the second part, both of the County of Isle of Wight, State of Virginia, the said N. P. Young, Executor of the said Geo. W. Carroll, covenanted to and with the said W. H. Miars to sell to him the said W. H. Miars all of that portion of the real estate^{of} which the said Geo. J. Carroll died seized and possessed in the said County set forth and described in the said deed as follows: "commencing at what is known as First Swamp and running up the road ^{leading} westerly course passing the late residence of the said Geo. W. Carroll, to the First Branch or ravine ^{road} from said ^{road} South, thence down said branch to its intersection with the branch known as the "Marl branch", which leads from the pocosin down to the said First Swamp, thence the center of the said Marl Branch down to the point opposite a large Walnut tree in the field, South of the said Marl Branch, thence a straight line passing said Walnut tree, which is to be made *a* line tree between said land and the other land of the said Geo. W. Carroll, to a white oak in a branch, about forty yards from the house in which Austin Hardy (colored) now lives on the land now occupied by W. H. Jones, thence from said White oak, down the course of said branch on the line of the said land on which Jones lives and the line of the Wiley J. Batten land to the said First Swamp, thence up the said Swamp taking the main run thereof to the commencement, for the sum and price of Three Thousand Dollars with interest thereon from the 1st. day of January, 1877, which said sum was to be paid before the expiration of four years from the date of said agreement, and whereas

the said Wm. H. Miars covenanted and agreed to and with the said N. P. Young to purchase the said land at the price and upon the terms in said agreement mentioned: And whereas the said Wm. H. Miars has been unable to completely to fulfill and perform said agreement, and whereas a large balance of the purchase price of the said land is still due and unpaid, and the said W. H. Miars has ceased to cultivate the said land and has removed to the City of Richmond; and whereas the said W. H. Miars desires to avoid the expense and delay incident to a chancery suit to subject the said land to the payment of the balance of the purchase money, still remaining due and unpaid as aforesaid, NOW THEREFORE THIS DEED, WITNESSETH: that the said Wm. H. Miars and Martha A. his wife, for and in consideration of the premises and for the further consideration of the sum of Ten Dollars to them in hand paid, doth grant with general warranty unto the said N. P. Young, the said tract of land hereinbefore mentioned and particularly described, being the same tract of land which by said agreement was covenanted and agreed by the said N. P. Young executor of the said Geo. W. Carroll, to be sold to the said Wm. H. Miars upon the following trusts: First, That the said N. P. Young shall sell the said tract of land, either at public auction or private sale, as in his discretion may seem best for the interest of all parties upon such terms as he may deem expedient. Second, That after paying the cost of executing this trust, the said N. P. Young, shall pay off and discharge the balance due as aforesaid on the purchase price of said land if the proceeds of sale be sufficient therefor, and the residue if any he shall pay to the said W. H. Miars or his assigns.

In testimony whereof the said W. H. Miars and Martha A. his wife have hereunto set their hands and affixed their seals this 22nd. day of August 1884.

Wm. H. Miars, (SEAL)

Martha A. Miars, (SEAL)

City of Richmond,

I, F. H. McGuire, a Notary Public in and for the City of Richmond, in the State of Virginia, do certify that Wm. H. Miars whose name is signed to the writing hereto annexed, bearing date on the 22nd. day of August, 1884, has acknowledged the same before me in my said County, and I do further certify that Martha A. wife of the said Wm. H. Miars, whose name is also signed to the said writing personally appeared before me in my said County and being examined ^{by me} privily and apart from her said husband and having the writing aforesaid fully explained to her, she the said Martha A. acknowledged the said writing to be her act and declared that she had willingly executed the same and does not wish to retract it.

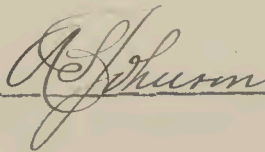
Given under my hand this 22nd. day of August, 1884.

F. H. McGuire, N. P.

In the Clerk's Office of the County Court of Isle of Wight County, the 26th. day of August, 1884, This deed of trust from Wm. H. Miars and wife to N. P. Ypung, Trustee, was admitted to record on the annexed certificate of F. H. McGuire a Notary Public.

Teste, N. P. Young, Clerk.

A copy, Teste,



CLERK.

CLERK'S OFFICE
JUDGE OF WIGHT COUNTY, VIRGINIA.

N. P. YOUNG, CLERK.

Sale of Wight Co. H., Va., June 20th 1895
Exhibit "H"

In the year 1884, I sold, as trustee,
a tract of land in Isle of Wight
County Va known as "Carrollton"
the former residence of Mr. George
W. Carroll decd: containing, by esti-
mation 300 acres, more or less - lying
four miles from Barwells Bay on the
James River - This land was bid
off by Mr. R. R. Turner for Mr. Martha
R. Turner at the sum of \$3000.⁰⁰ and
at that time, it was considered
cheap at that sum. I have not
seen the place in many years,
but if it is in as good condition
now as it was then, when sold,
I think it worth the sum now
as then.

N. P. Young

#253

CLERK'S OFFICE
OF WIGHT COUNTY, VIRGINIA.

N. P. YOUNG, CLERK.

Isle of Wight C. H., Va., June 21, 1895

Mr. R. R. Turner

Dr Sir:

I send herewith Certificate
as to the Carrollton place.
I have not seen the place in two
years, hence I can say only what
I have said in the certf:

"The deed from T. H. Carroll to you
has been here since Feb'y, 1889.

The tax and fee thereon is
\$3.00 - I will send you the other
deeds for which you sent chks. as
soon as they are put on the
book.

Yours very truly

J. G. Foreney

Ex Libris ~ "3"

Martha R. Turner's Will.

Will Book No. 34, page 16.

This is my last will and testament, made this 17th. day of March A. D. 1903, at my home in Isle of Wight County, Virginia, and I revoke all former wills.

I give all of my property of every kind and description, both real and personal to my son, W. D. Turner, and I make special reference to the farm known as Carrollton, in this gift, although I have not a deed for the same, yet I have paid and caused to be paid all of the purchase money for the said place and have had quiet possession of the same.

M. R. Turner,

Witnesses.

F. A. Turner,

M. Anthony.

In the Clerk's Office of the Circuit Court of Isle of Wight County, May 2nd. 1904. The last will and testament of M.R. Turner, deceased, was produced before the Clerk of said Court and proved in part by the oath of M. Anthony one of the subscribing witnesses thereto and continued.

Teste, N. F. Young, Clerk.

In the Clerk's Office of the Circuit Court of Isle of Wight County, June 6th. 1904. The last will and testament of M. R. Turner, deceased, which was, on the 2nd. day of May, 1904, proved in part by the oath of M. Anthony and continued, was this day fully proved by the oath of F. A. Turner the other subscribing witness thereto, and admitted to record as the true last will and testament of M. R. Turner, deceased.

Teste, _ N. F. Young, C. C.

A copy, Teste,



C.C.

By Deed - "6"

D. B. 69, page 161.

W. D. Turner, et ux.

To) Bargain and Sale.

W. L. Ward,

This Deed made this 1st. day of January nineteen hundred and four (1904) between W. D. Turner and Sallie A. Turner, his wife, of the County of Isle of Wight, and State of Virginia, parties of the first part, and W. L. Ward, of the County and State aforesaid, party of the second part.

WITNESSETH; that the said W. D. Turner and Sallie A. Turner, his wife, for and in consideration of the sum of ONE THOUSAND DOLLARS (\$1000.00) to them, cash in hand paid, before the signing, sealing and delivery of this deed, the receipt whereof is hereby acknowledged; and for the further consideration of the execution by the said W. L. Ward, of his four several bonds, bearing date January first, nineteen hundred and four (1904), and being for the payment to the said W. D. Turner of the sum of One Thousand Dollars (\$1000.00) each, payable respectively, in one, two, three and four years after date, with interest from date payable annually, together with a deed of trust on the property hereby conveyed to secure the payment of the said bonds, which deed of trust is executed contemporaneously with this deed and intended to form a part thereof, being one and the same transaction, and the amount thereby secured being the balance due on the purchase price of the said property, hath given, granted, bargained and sold and by these presents, doth give, grant, bargain and sell, with GENERAL WARRANTY, unto the said W. L. Ward- All that certain tract or parcel of land, with its appurtenances, known as "Carroll", situated, lying and being in the County of Isle of Wight, Virginia, containing, by estimation, three hundred (300) acres, be the same more or less, and bounded by the road leading from Burwell's Bay to Mill Swamp; the lands of the said W. L.

Ward. T. Bolling Bell, and others, it being the same land which was conveyed by N. F. Young, Executor of George W. Carroll, to Martha R. Turner, the mother of the said W. D. Turner and devised by her last will and testament to the said W. D. Turner.

The said parties of the first part covenant that they are seized in fee simple of the said land, that they have the right to convey the same to the grantee; that they have done no act to encumber the said land, that the grantee shall have quiet possession thereof, free from all encumbrances, and that they will execute such other and further assurances of the said land as may be requisite.

Witness the following signatures and seals:

W. D. Turner, (SEAL)

Sallie A. Turner, (SEAL)

State of Virginia.

County of Isle of Wight, to-wit:

I, R. E. Boykin, a Commissioner in Chancery for the Circuit Court of the County of Isle of Wight in the State of Virginia, do certify that W. D. Turner and Sallie A. Turner, his wife, whose names are signed to the foregoing deed, bearing date the 1st. day of January, 1904, have acknowledged the same before me in my county aforesaid.

Given under my hand this 16th. day of January, 1904.

R. E. Boykin, Commissioner in Chancery.

In the Clerk's Office of the County Court of the County of Isle of Wight, January 19th. 1904, at ten o'clock A. M. this deed was received and with the certificate annexed, admitted to record.

Teste, N. F. Young, Clerk.

By N. Peyton Turner, D. C.

A copy, Teste, *N. F. Young* C.C.

Exhibit "7"

CLERK'S OFFICE OF THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, FEBRU-
RY, 18TH. 1908.

The estate of M. P. Young, deceased, not having had an executor or
an administrator for a period exceeding two months, on the motion
of W. L. Ward the said estate is hereby committed to the hands of
W. A. Edwards, Sheriff of the County of Isle of Wight, for admin-
istration d. b. n. c. t. a. in accordance with the Statute in such
cases made and provided.

//

The estate of George W. Carroll, deceased, not having had an exec-
utor or an administrator for a period of two months, on motion of
W. L. Ward, the said estate is hereby committed to the hands of
W. A. Edwards, Sheriff of the County of Isle of Wight, for admin-
istration d. b. n. c. t. a. in accordance with the Statute in such
cases made and provided.

Teste, A. S. Johnson, C. C.

A copy, Teste, A. S. Johnson C.C.

STATE OF VIRGINIA,
County of Isle of Wight, To-wit:

I, N. P. Young, Clerk of the county court of Isle of Wight, State of Virginia, do hereby certify that upon an examination of the records of my office, I find no liens, by way of judgment, mortgage, deed of trust or otherwise, against the farm known as "Carrollton" containing three hundred and ten acres, more or less, situate near Moonlight, in said county and belonging to Martha R. Turner; and I further certify that upon examining the land books of said county for 1894, I find that said farm together with the buildings thereon is assessed at \$2400.00.

Given under my hand this the 19th day of August, A. D., 1895.

N. P. Young, Clerk.

I hereby certify that the original certificate of which the foregoing is a copy is filed with the report of Otho F. Mears, special commissioner in the suit of W. D. Turner et ux vs. Thomas R. Turner in the Circuit Court of Northampton County, Virginia. This report was filed October 17th, 1895.

R. M. Nottingham
Clerk of the Circuit Court
of the County of
Northampton,
Virginia.

Cornet Va

Mar 13th 1908

Mr J H Burgers
Suffolk Va

Dear Sir. Yours of 10th
recd this day. In reply will say that
I never heard Mr N. P. Young say any
thing as to the deed from him to Mr
R. R. Turner, for the "Carrollton" farm.
But either in 1904 or 1905 Mr N. F.
Young told me that he had heard
his uncle Mr N. P. Young ask Mr
R. R. Turner, more than once, why
he did not have the deed for the
"Carrollton" tract recorded, & urged him
to have it done. At the times I was
at work in the clerk's office for Mr
N. F. Young, clk., & was asked by Mr
Ward to examine the records, as to the
deed from him. I could find
no deed from N. P. Young to R. R. Turner
& naturally was asking Mr N. F.
Young about it, then it was that

he told me as above stated.

This is all I know about it.

Kindly excuse pencil as I am
confined to my bed & cannot pick up.

Very Respectfully

W. H. M. Leland