

1916-017 Chancery Causes: School Board of Newport District Number 2, Isle of Wight County vs

207

Isle of Wight County

P. H. Carter, et al of W. T. Carter & al

Other surnames, Hearn,
Jordan

School Board of Newport District

v.

Carter

Bill -

Second June rules 1915

But filed. Process re-
turned evoked on all
defendants - Deeper nisi.

First July rules 1915

Defendants not appear-
ing. Case set down for
hearing

PARKE P. DEANS
ATTORNEY-AT-LAW
WINDSOR, VIRGINIA

proper covenants of title and warranty be given; that all proper orders and decrees may be made, accounts taken and inquiries directed; and that your complainants may have all such further and other and general relief in the premises as the nature of its case may require or to equity shall seem meet.

Notice is hereby given that the Court will be asked to award or allow proper attorney's fee to the complainant

School Board of Newport District
Complainant

Per the Court p.q.

P. H. Carter, R. H. Carter and M. S. Carter are brothers.

Seventh: That the said W. T. Carter has departed this life and his will is duly probated in the Clerk's Office of Isle of Wight and by said will P. H. Carter was named executor and the following parties are devisees and distributees under said will: Mary Carter, his widow, P. H. Carter, W. T. Carter, I. H. Carter, J. H. Carter, R. H. Carter, M. S. Carter, Eva C. Hearn and Mary T. Jordan. The last named is a minor over the age of fourteen years.

P. H. Carter's wife's name is Nannie M. Carter; W. T. Carter's wife's name is Nannie T. Carter; I. H. Carter's wife's name is Josie H. Carter; J. H. Carter's wife's name is Maggie H. Carter; R. H. Carter's wife's name is Daisy C. Carter; M. S. Carter's wife's name is Vashti B. Carter and Eva C. Hearn's husband's name is Lafayette Hearn.

Eighth: The parties' defendants to this suit have been requested to give a deed to cure this defect but they were unwilling as M. S. Carter the present owner of the original tract of land refuses and now claims ownership to the real estate in question.

In consideration whereof and forasmuch as your complainant is remediless in the premises save by the aid of a court of equity, it prays that the said P. H. Carter, Executor, P. H. Carter Nannie M. Carter, W. T. Carter and Nannie T. Carter, I. H. Carter Jessie H. Carter, J. H. Carter, Maggie H. Carter, R. H. Carter Daisy C. Carter, M. S. Carter, Vashti B. Carter, Eva C. Hearn, Lafayette Hearn, Mary Carter and Mary T. Jordan may be made parties defendant to this bill and required but not on their oaths, to answer the same, the oaths being hereby waived, the infants by her guardian ad litem; that a proper guardian ad litem be appointed in this cause for said infants who shall answer this bill; that proper process issue; that the said ~~estate~~ complainant may have a decree setting up and establishing said deed; that a deed with

Smith's Neck, on the east by the main road leading into Smith's Neck and the W. G. Nersworthy Farm, on the west by the lands of I. H. Carter.

Third: That your complainant paid the purchase price in full and at the request of W. T. Carter and by consent of all parties interested, P. H. Carter and Nannie Carter, his wife by their deed dated on the _____ day of _____ 1899 did convey in fee simple the said tract as mentioned above to your complainants. The deed for the property was executed and delivered to your complainant and possession of the property was given them. They erected a school house upon said property and have had undisputed ownership of same until the present time.

Fourth: That the deed aforesaid was lost and diligent search has been made and cannot be located.

Fifth: That the said P. H. Carter knowing that the deed had not been recorded presented himself to the Commissioner of Revenue and requested that the quantity of land sold your complainant be deducted from the original tract, which was done. On account of this request he nor any one of his assigns of the original tract of land has paid taxes upon this tract conveyed to your complainant.

Sixth: That the said P. H. Carter by deed dated August 27th, 1912 recorded in Deed Book 81 page 56 of the Clerk's Office of Isle of Wight County, conveyed to R. H. Carter the land then owned by him and described it as originally conveyed to him. The said R. H. Carter has never claimed any interest in the said land. That he on the 6th day of April, 1914 conveyed the said property to M. S. Carter which deed is recorded in Deed Book 83 page 107 of the aforesaid Clerk's Office. In all of these deeds the original description was used. And further

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

School Board of Newport District, Number
Two, of Isle of Wight County, a body corporate Plaintiff.

v. Bill

P. H. Carter Executor et als.

To the Honorable B. D. White, Judge of the Circuit
Court of Isle of Wight County:

Your complainant, the duly constituted school board
of Newport District, Number Two, of Isle of Wight County, a
body corporate respectfully represents:

First: That W. T. Carter in his life time agreed with
your complainant to sell to them a certain tract of land des-
cribed as follows:

All that certain tract of land situate in Newport
Magisterial District, Isle of Wight County, Virginia, containing
one-half of one acre, more or less, sale and conveyance in gross
and not by the acre and bounded on the east by the County Road,
on the north by the lands of W. A. Hines and on the west and
south by the lands of P. H. Carter (then W. T. Carter).

Second: That before the purchase price was paid in full
the said W. T. Carter conveyed a tract of land, the above des-
cribed land being a portion of same, to P. H. Carter, which
deed was dated on April the 29th, 1899 and recorded in the
Clerk's Office of Isle of Wight County in Deed Book 64, page
556. The entire tract being described as follows:

All that certain tract of land in Newport Magisterial
District, in the County of Isle of Wight and in the State of
Virginia containing acres, more or less, sale in gross
and not by the acre and bounded on the north by the lands of
W. A. Hines' Estate, on the south by the main road leading into

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon W. T. Carter, Mammie E. Carter, I. A. Carter, Josie A. Carter, J. M. Carter, Maggie A. Carter, H. A. Carter, Daisy C. Carter, M. E. Carter, Wanda A. Carter, and G. Hearn, Mary Hearn, Mary Carter and Mary J. Jordan, to appear at the Clerk's

Office of the Circuit Court of the County of Isle of Wight, at the place to be held thereon on the 25th day of May, 1915, to answer to a writ of habeas corpus, a body corporate, and there this writ. And have them and there this writ.

Witness, my hand and the seal of said Court, at the Court-house, this 25th day of May, 1915.

Teste: _____ Clerk.

Forke E. Deane, D.C.

I executed the within summons this the 25th, day of May 1915, in the County of Isle of Wight by serving a true copy of the same on each of the within named defendants in person.

R. Augustus Edwards.
Sheriff of Isle of Wight County.

COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING:

We command you that you summon (W. T. Carter, Nannie T. Carter, I. H. Carter, Josie H. Carter, J. H. Carter, Maggie H. Carter, (R. H. Carter, Daisy C. Carter), M. S. Carter, Vashti B. Carter, Eva C. Hearn, Lafayette Hearn, Mary Carter and Mary T. Jordan, to appear at the Clerk's Office of the Circuit Court of the County of Isle of Wight, at the rules to be holden therefor on the Third Monday in June, 1915, to answer School Board of Newport District, Number Two, of Isle of Wight County, a body corporate, a bill filed by it against them. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Court-house, this 22nd. day of May, 1915.

Teste, A. S. Johnson Clerk.

Parke P. Deans, p.q.

I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the Clerk of the Circuit Court of the County of Isle of Wight, Virginia.

A. S. Johnson
Clerk of the Circuit Court of the County of Isle of Wight, Virginia.

THE
COUNTY OF WICHT
ISL.

June 9 1915

Relieved & filed

Teste, Agitation Clerk

Executed June 4th 1915, - by delivering a true
Copy of the within writ in the hands of
P. St. Charles Executor, P. St. Charles
not finding Nannie, & M. Carter at her
usual place of abode, I left a true copy of the
within writ in the hands of her husband
P. St. Charles, he being a member of her family
above the age of 16 years, and at her usual
place of abode, explaining purport of same

R B Mitchell Sheriff
Lancaster Co Pa

COMMONWEALTH OF VIRGINIA,

To the Sheriff of the County of Lancaster, Greeting:

We command you that you summon P. H. Carter, Executor, P. H.

Carter and Nannie M. Carter, to appear at the Clerk's Office of the Circuit Court of our County of Isle of Wight, at the rules to be holden therefor on the Third Monday in June, 1915, to answer a bill exhibited against them by School Board of Newport District, Number Two, of Isle of Wight County, a body corporate. And have then and there this writ.

Witness, A. S. Johnson, Clerk of said Court, at the Courthouse, this 22nd. day of May, 1915.

A. S. Johnson Clerk.

*Exhibited June 1915 - by order of the
Clerk of the Circuit Court of the County of
Isle of Wight, Virginia, P. H. Carter
not finding Nannie M. Carter at the
usual place of abode of the County of the
Isle of Wight in the hands of the Sheriff
P. H. Carter, he being a member of her family
over the age of 14 years, and at Newport
District of School, exhibiting report of same
P. H. Carter Sheriff
Lancaster Co. Va.*

Chas. S. Smith Newport Ark

✓ Carter & Co

It is hereby certified that the
above named person is the
owner of the property described in the
bill of sale and that the same is
free from all liens and encumbrances
except such as are mentioned in the
bill of sale.

1916

Wm. A. Carter

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W. A. Carter, Executor of Will.

Notary Public.

W. A. Carter, Executor of Will.
General Agent of the State of Arkansas.

Notary Public.

In the County of the State of Arkansas.

In the Circuit Court of the County of Isle of Wight, Virginia
School Board of Newport District,
Number Two, of Isle of Wight County,
a body corporate

Plaintiff.

v.

P. H. Carter, Executor et als.

Defendants.

This cause came on this day to be heard upon the bill of complaint; proof of legal service of proper process on the respondents and was argued by counsel;

It appearing from from statement of counsel that the matters in the complainants' bill have been satisfactorily settled, *on motion of the complainant* it is ordered, adjudged and decreed that this cause be dismissed and stricken from the docket.

School Board etc
n of Chumery 207
Carters et al

Memo

VIRGINIA: CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

May 20 1915
Speed
Teste, Johnson Clerk.

Capt. A. S. Johnson, Clerk of Circuit Court,

Isle of Wight County, Virginia.

School Board of Newport District, Number Two, of Isle of
Wight County, a body corporate Plaintiff.

v.

P. H. Carter Executor, P.H. Carter, Nannie M. Carter, W. T.
Carter, Nannie T. Carter, I. H. Carter, Josie H. Carter,
J. H. Carter, Maggie H. Carter, R. H. Carter, Daisy C. Carter,
M. S. Carter, Vashti B. Carter, Eva C. Hearn, Lafayette Hearn,
Mary Carter and Mary T. Jordan. Defendants.

Issue summons in Chancery for Second ^{June} ~~May~~ Rules, 1915.


P. H. Carter

P. H. Carter and Nannie M. Carter are in Lancaster Co., all
others in Isle of Wight. Mary T. Jordan, I understand is a
minor.

I desire George F. Whitley be appointed guardian ad litem
for Mary T. Jordan.

School Board, etc.

vs) Chancery--207

Carter et als.

Copy of order appointing
guardian ad litem.

VIRGINIA CLERKS OFFICE OF THE
CIRCUIT COURT OF THE COUNTY
OF ISLE OF WIGHT

May 22 1915

Filed

Teste, *Johnson* Clerk.

VIRGINIA: CIRCUIT COURT OF THE COUNTY OF ISLE OF WIGHT, MAY
22ND. 1915.

School Board Newport District, Number Two, Isle of Wight County,
a body corporate,

vs) Chancery--207

F. H. Carter, Executor, P. H. Carter, Nannie M. Carter, W. T. Car-
ter, Nannie T. Carter, I. H. Carter, Josie H. Carter, J. H. Car-
ter, Maggie H. Carter, R. H. Carter, Daisy C. Carter, M. S. Car-
ter, Vashti B. Carter, Eva C. Hearn, Lafayette Hearn, Mary Carter,
and Mary T. Jordan.

Upon motion of counsel for complainant, it is ordered that George
F. Whitley be, and he is, hereby, appointed guardian ad litem
for the infant defendant, Mary T. Jordan, to defend her interests
herein, said George F. Whitley being a discreet and competent
attorney at law practising in this court.

A copy,

Teste, _____ Clerk.