1890-006
Nansemond Co. (Suffolk) Chancery Causes: William H. Carstarphen Jr et al vs David C. Jones et al

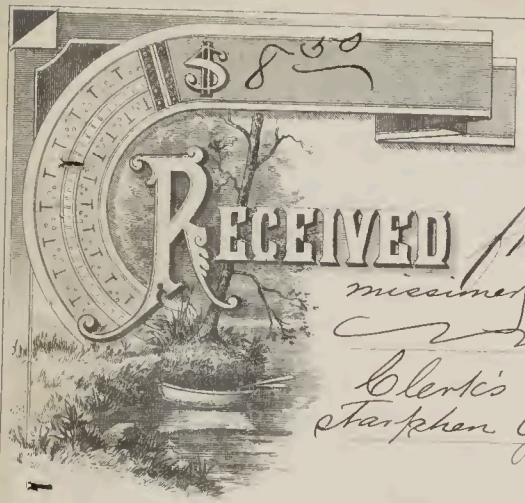
Pruden, Rogers, Ramsay, Ramsey, Pinner

W. H. Eastaugh
re
vs
D. C. Jones

Gotten out by
John B. Pinner
March 22nd 1892

West Cartographic
Pr.
10
Jones vols

In hands of
John B Penrose
Sept 2nd 1902



March 12 1890.

Received from John D. Pinner Special Commissioner in cause "Wm. H. Carstarphen & etal vs. D.C. Jones & al"

Eight and 50/100 Dollars

Clerk's fees and writ tax in cause "Wm. H. Carstarphen Jr et al vs D.C. Jones et al"

W.H. Causey Jr.
for Wm. H. Causey Clk

$ 50 ¢

March 12 1890

RECEIVED from John D Pinner Special Commissioner in cause "Wm H Carstarphen Jr et al vs D C Jones et al"

Fifty cents ~~Dollars~~

fee in institution of proceedings in cause of "Wm H Carstarphen Jr et al vs D C Jones et al" in Circuit Court of Tuscumbia County

Wm H Howell
Sheriff

March 12

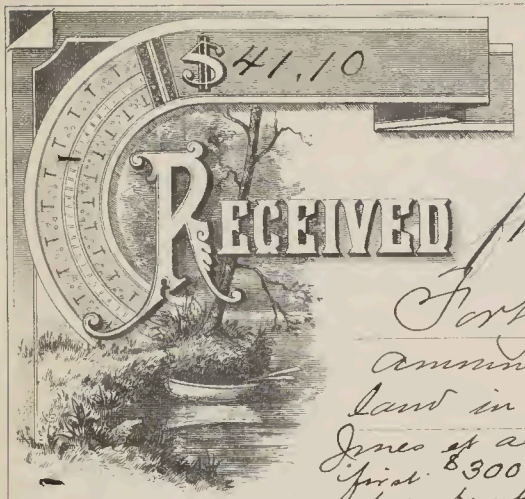
1890

from John B. Pinner, Special Commissioner in cause "Wm. H. Carstarphen & et al vs. D.C. Jones et al"

Fifteen Dollars

Attorney's Fee in cause "Wm. H. Carstarphen & et al v. D.C. Jones et al" as per decree made 17th Feb. 1890.

John B. Pinner, Atty



March 12

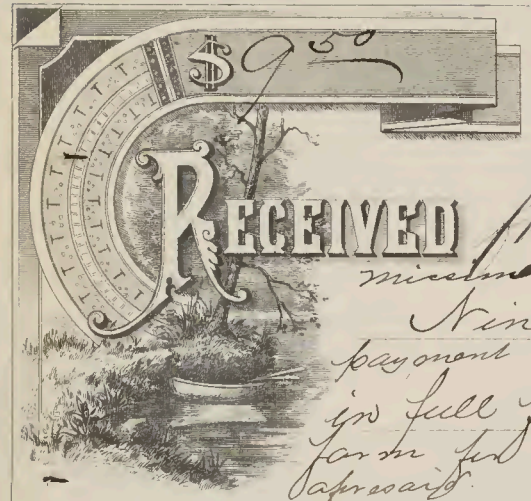
1890

from myself

Forty-one and 10/100 Dollars

amount retained as commissions on sale of land in cause "Wm H Carstarphen & et al v D.C. Jones et al" as per decree made 17th Feb. 1890 5% on first $300 = $15 + 2½ on remainder $1305 = $26.10 Total $41.10 per value purchase price of land being $1605

John B. Pinner Spl Com'r



$9.50

RECEIVED March 1[illegible] 1890

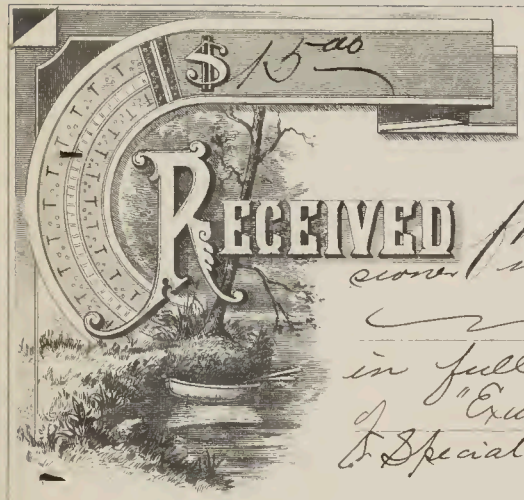
from John B Pinner Special Commissioner in case "Wm H Carstarphen & al vs DC Jones & al"

Nine and 50/100 Dollars

payment in full for advertising sale of "Exum Carstarphen" farm for John B Pinner Special Commissioner as aforesaid.

J E Boykin

Proctor



March 12

1890

from John P. Pinner Special Commissioner appointed in cause "Wm A Carstarphen & et al vs D C Jones et al"

Fifteen Dollars

in full payment of auctioneer's fee in sale of "Exum Carstarphen" land for John P. Pinner & Special Commissioner

R. H. Brinkley

Crier

March, 12

1890

from John S. Pinner Special Commissioner in cause "Wm H Carstarphen Jr et al vs DC Jones et al"

Twelve Dollars

fee for making report to Court dated first day of December 1887, filed Mch. 26. 88 in cause of "Wm H. Carstarphen Jr et al vs DC Jones et al" in Circuit Court of Franklin County.

Wilbur J. Kilby Coun.

March 12

1890

from John B Pinner Special Commis.
cause in cause "Wm H Carstarphen Jr et als vs D C Jones et al"

Three Dollars

fee for examining abstract for Commissioner's Report
of Dec 1st 1887 filed March 26, 1888 in cause
"Wm H. Carstarphen Jr et al vs. D C Jones et al" in Circuit
Court of Jonesboro County

Rob't R Reeves,
Comm'r.

March 12

1890

from John P. Pinner Special Commissioner in cause "Wm H Carstarphen Jr et al vs D C Jones et al"

Sixty cents

~~Dollars~~

Fee for services in examining witness for Commissioner & for Report in cause of "Wm H Carstarphen Jr et als vs D C Jones Jr et al" in Circuit Court of Sampson County

Wm H Howell Sh'ff

March, 12 1890

from John P. Pinner Special Commissioner in cause "Wm A Carstarphen & al vs D C Jones et al"
Six Hundred Twelve and 20/100 Dollars
amount of my, D C Jones's interest in land
as per decree in said cause made 17th Feb 1890

D. C. Jones

March, 12 1890.

from John B. Pinner Special Commissioner in cause "Wm H Carstarphen Jr et al vs D C Jones et al"
One Hundred Seventy-seven & 52/100 Dollars
amount of my, Wm H Carstarphen Jr's interest
in land as per decree in said cause made 17th Feb. 1890

W H Carstarphen Jr

March, 12

1890

from John P. Pinner Special Commissioner in cause "Wm. H Carstarphen &c et al vs H. E. Jones et al"

One Hundred Seventy-seven & 52/100 Dollars

amount of my Harriett A. E. Jones's interest in land as per decree in said cause made 17th Feb 1890

Harriett A. E. Jones

March, 12 1890

from John D Sinnes Special Commissioner in cause "Wm H Carstarphen et al vs DC Jones et al"
One Hundred Seventy-seven & 52/100 Dollars
amount of my, Margaret P R. Carstarphen's, interest in land as per decree in said cause made Feb. 17th 1890.

M. P. R. Carstarphen

March, 12 1890

from John B Sinnet Special Commissioner
on in cause Wm H Carstarphen Jr et al vs D.C. Jones et al'
One Hundred Seventy-seven and 52/100 Dollars
amount of Charles D Carstarphens interest in land
as per decree in said cause made 17th Feb. 1890

W H Carstarphen Jr Guardian

March 12 1890

from John P Pinner Special Commissioner in cause "Wm A Carstaphen & al vs DB Jones et al"
One Hundred Seventy-seven & 52/100 Dollars
amount of Mary Belle Carstaphen's interest in
land as per decree in said cause made 17th Feb 1890.

WH Carstaphen Jun Guardian

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON David C. Jones, Charles D. Carslaw[illegible]ken and Mary Belle Carslaw[illegible]ken: the said Charles D. Carslaw[illegible]ken and Mary Belle Carslaw[illegible]ken, being infants, under the age of twenty-one years,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in September *next, to answer a Bill in Chancery, exhibited against them, in the said Court by* William H. Carslaw[illegible]ken, Jr. David C. Jones and Harriett A. E. his wife, and Margaret P. R. Carslaw[illegible]ken,

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this 4th *day of* August *1887, in the 112th year of the Commonwealth.*

Teste:

Peter B. Prentis *Clerk.*

Penner Pl.

William H. Carstarphen, Jr
Dal:

vs

Summons in Chy:

David C. Jones Dal:

To Sheriff: Rules, 1887

1887. Aug: 8 "I hereby acknowledge due and sufficient legal service of this process, and that I have received a copy of the same. D. C. Jones

Pro. B 40 1 b
Cer. Co

Know All Men by These Presents, That we, John B. Pinner and John F. Pinner

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Five Thousand (5000) DOLLARS, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, exeeutors and administrators, jointly and severally, firmly by these presents. ~~Sealed with our seals, and dated this day of in the year one thousand eight hundred and eighty , and in the year of the Commonwealth.~~ The obligors herein hereby waive all benefit of the homestead exemption as to the obligation of this bond, and also waive any elaim, right or privilege to diseharge any liability arising under said bond in any eurreney, funds, eounter elaims or offsets other than legal tender eurreney of the United States. Sealed with our seals and dated this 1st: day of September in the year one thousand eight hundred and eighty-eighth, and in the 113th: year of the Commonwealth.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound John B. Pinner,

who ~~has this day qualified before~~ was, by a Decree of the Circuit Court of Nansemond County, pronounced on the 10th: day of April, 1888, in the Chancery Cause, pending in said Court, between Wm: H. Carstarphen, Jr: & others Complainants, and David C. Jones & others Defendants, appointed a Special Commissioner to make sale of certain Real Estate in said Cause described, shall faithfully discharge his duties as such Commissioner under said Decree, and all other Decrees he may be required to execute in said Cause.

~~shall faithfully discharge the duties of his said trust,~~ then the above obligation to be void, or else to remain in full foree and virtue.

Executed in presenee of ~~the Court.~~
Peter B. Peeples,
Clerk of the said Circuit Court.

John B. Pinner SEAL
John F. Pinner SEAL
SEAL
SEAL
SEAL

John B. Pinner, Shf. Comm.

To

Jo Z Bard.

Commonwealth.

Sept: 1 sh: 1888 Executed & filed

At Rules held in the Clerk's Office of the Circuit Court for the County of Nansemond on the 6th day of September 1887.

Wm H Carstarphen Jr
David C Jones and
Harriett A E Jones his
wife and Margaret O
R. Carstarphen — Complainants

vs. — In Chancery

David C Jones Charles D
Carstarphen and Mary Belle
Carstarphen, the last two
named being infants under the
age of twenty-one years. — Defendants

On the motion of the complainants by
counsel Peter B. Prentis is assigned
Guardian ad Litem to the infant
defendants Charles D Carstarphen and
Mary Belle Carstarphen to defend them in this suit.

Teste:

Peter B. Prentis. Clerk

Wm H Carstarphen Jr
and others
vs
David C. Jones
and others

} In Chy.

Order appointing
guardian ad litem
to infant defendants.

No. 75.—Letters of Guardianship.—Printed and for sale by Edwards & Broughton, Printers and Binders, Raleigh, N. C.

County:—In the Superior Court.

The State of North Carolina,

To all whom these Presents shall come—GREETING:

It being Certified to the Undersigned, *Clerk of the Superior Court for* Martin *County, that* Charles L. Carstarphen & Mary B. Carstarphen

minor ~~orphan~~ , without Guardian, and W. H. Carstarphen Jun'r

having applied for the guardianship of said minor children, and having been duly qualified as such:

Now, these are therefore to Authorize and Empower *the said Guardian to enter in and upon all and singular, the goods and chattels, rights and credits of said minor orphan wheresoever to be found, and the same to take into possession, secure and improve, and further to manage said estate and every part thereof, for the benefit and advantage of the said minor orphan , and according to law.*

Witness, *my hand and the seal of said Court, this the* 1st

day of January 1890

W. T. Crawford

Clerk Superior Court.

Every executor, administrator and collector, within three months after his qualification, shall return to the Clerk on oath, a just, true and perfect inventory of all the real estate, goods and chattels of the deceased, which have come to his hands, or to the hands of any person for him, which inventory shall be signed by him and recorded by the Clerk. He shall also return to the Clerk, on oath, within three months after each sale made by him, a full and itemized account thereof, which shall be signed by him and recorded by the Clerk.

Whenever further property of any kind not included in any previous return, shall come to the hands or knowledge of any executor, administrator or collector, he must cause the same to be returned as hereinbefore prescribed, within three months after the possession or discovery thereof.

Every guardian shall, within twelve months from the date of his qualification or appointment, and annually, so long as any of the estate remains in his control, file, in the office of the Clerk of the Superior Court, an inventory and account, under oath, of the amount of property received by him, or invested by him, and the manner and nature of such investment, and his receipts and disbursements for the past year in the form of debit and credit. He must produce vouchers for all payments. The Clerk may examine on oath such accounting party, or any other person, concerning the receipts, disbursements, or any other matters relating to the estate; and having carefully revised and audited such account, if he approves the same, he must endorse his approval thereon, which shall be deemed *prima facie* evidence of correctness.—*The Code, Sections* 1396, 1398, 1617.

State of North Carolina
Martin County

I. W. T. Crawford Clerk superior Court of Martin County do hereby certify that the foregoing is a true copy of the Letters of Guardianship this day issued to W. H. Carstarphen Jun'r. Witness my hand and Official Seal

At office in Williamston this 1st day of January 1890

W. T. Crawford
Clerk superior Court

Wm H. Carstarphen Jr et als Pltfs

vs. } In Chancery

D. C. Jones et als. Dfts

In the Circuit Court of Nansemond County, Virginia —— April Term 1890.

Your Commissioner respectfully reports to Court that in pursuance of the decree entered in this cause on the 17th day of February, 1890 he has made deed to the land in the said cause mentioned to the purchaser therein named he having paid the amount of the purchase money in full and that he your said Commissioner has distributed the amount of such purchase money after having paid the costs in said cause among the parties thereto entitled as directed in and by said decree of the 17th day of February, 1890 as follows herein, and herewith returns receipts from all parties for the amounts paid, The amounts due the infants in said cause named having been paid unto their guardian a copy of whose appointment and quali-

cation is herewith returned.

Gross proceeds of sale	$1605.00
Paid,	
Costs to Clerk & Writ tax.	8.50
" " Sheriff, W.S.Howell,	50
" " Attorney, J.B.Rinner	15.00
Special Commissioner's commission 5% on first $300	
2% on remainder $1305	41.10
Advertising, to J. E Booker	9.50
Auctioneer's fee to R.H. Brinkley	15.00
Commissioner's fee in re Report of Mch 26th 1888 to Wilbur J. Kilby	12.00
Commissioner's fee in re Report of Mch 26th 1888 to Rob. R. Prentis	3.00
Sheriff's fee in re Report of Mch 26th 1888 to W.S. Howell	.60
D. C. Jones	612.20
W.H. Carstarphen, Jr.	177.52
Harriett A. E. Jones	177.52
Margaret P. R. Carstarphen	177.52
Wm H. Carstarphen Jr. Guardian for Charles D Carstarphen	177.52.
Wm H. Carstarphen Jr. Guardian for Mary Belle Carstarphen	177.52
	$1605.00 $1605.00

Wm. H. Carstarphen Jr et als

vs. } In Chy.

D. C. Jones et als

Special Commissioner's

Report.

Wm H Carstarphen Jr et als
D. C. Jones et als
} In Chancery

To the Circuit Court of Nansemond County Virginia,

In pursuance of a decree of said Court pronounced on the 10th day of April 1888 at the April Term thereof in a cause in chancery in said Court depending between Wm H Carstarphen Jr and others Plaintiffs and David C. Jones and others Defendants a copy of said decree being hereunto annexed: The undersigned appointed Special Commissioner for the purposes named in said decree respectfully reports to Court that after advertising the time, place and terms of sale by printed notices for twenty days and by publication of such notice in the "Suffolk Herald" a newspaper published in the Town of Suffolk in the County of Nansemond, Virginia for three successive weeks prior to sale, copies of the said notice and publication in said newspaper being returned herewith annexed hereunto he the said Special Commissioner did expose to sale by public auction before the Court-house door of the County of Nansemond on the 11th day of November 1889 the land in the bill in the said cause mentioned at which sale Mr J. H. Owens a reliable party being the highest bidder became the purchaser of said land

in said cause named in the sum of Six-teen Hundred and Five (1605) Dollars. The undersigned Special Commissioner reports that the sale is a fair one and that of the said amount of purchase-money the purchaser has paid the sum of Seven Hundred and Sixty (760) Dol-lars which is now in the hands of the Special Commissioner and that the purchaser stands ready to pay the remain-der of said purchase money to-wit the sum of Eight Hundred and Forty-five (845) Dollars so soon as a deed of con-veyance of said land be made to him. The said Special Commissioner reports further that when said sum is fully collected that after the payment of the costs of this suit as stated below that the remainder will be distributable and due the parties in interest in this suit in the specific amounts set opposite their names The interest of D. C. Jones ~~the Life tenant~~ being computed in accor-dance with the statute found in the Co-de 1887 Chap. 102 § 2287 - Annuity-table upon the age of W. H. Carstarphen Dr the life tenant in said land who convey-ed his interest therein to D.C. Jones as stated

in these proceedings. The age of the said W.H. Carstarphen Jr being Dixty-seven years.

Amount of purchase price		$1605.00
Costs to Clerk	7.00	
" " Sheriff	50	
" " Attorney	15.00	
Int. tax	1.50	
Special Commissioner's commission		
5% on first $300 of purchase price.	15.00	
2% on remainder $1305	26.10	
Advertising	9.50	
Auctioneer's fee	15.00	
Commissioner's fee in Report Mch 26. 88	12.00	
" " " " " "	3.00	
Sheriff's fee " " " "	.60	
D. C. Jones's interest	612.20	
W.H. Carstarphen Jr's "	177.52	
Harriett A. E. Jones's "	177.52	
Margaret P.R. Carstarphen's "	177.52	
Charles D. Carstarphen's "	177.52	
Mary Belle Carstarphen's "	177.52	
	$1605.00	$1605.00

Wm N. Carethers Jr et als
vs
D.C. Jones et als
} In Ch'y.

Special Commissioner's
Report.

1899. Jany 27th Filed
A.P. Gomez Clerk

To the Circuit Court of Nansemond County, Virginia:

In pursuance of the decree of the Circuit Court of Nansemond County, Virginia, pronounced on the 15th. day of October A.D. 1887 in the cause in Chancery in said Court depending between William H. Carstarphen Jr. David C. Jones and others, Complainants and David C. Jones, Charles D. Carstarphen and others, Defendants; the undersigned, one of the Commissioners in Chancery of said Court, respectfully reports to Court,

That on the 16th. day of November A.D. 1887, after the papers in said Cause had been referred to him for the purpose specified in said decree, he gave notice to the parties to said Cause that on this first day of December A.D. 1887 he would proceed at his office in Suffolk, Va. to ascertain whether the land in the Bill in said cause mentioned and described could be conveniently

divided among the parties thereto entitled in any of the modes prescribed by law, and, if the same could not be conveniently divided in any of the modes prescribed by law, whether the interests of those who are entitled to the said property, or its proceeds would be promoted by a sale of the whole property, or allotment of part and sale of the residue and distribution of the proceeds of sale according to the respective rights of those entitled to the said land, together with any matters specially stated deemed pertinent by himself, or required by any party to be specially stated, as will appear by the original of said notice with the endorsements thereon, herewith filed;

That on the day named in said notice he proceeded to examine Mills Rogers Jr. E. C. Ramsay, John F. Pinner and John B. Pinner as witnesses to enable him to ascertain what said decree directs should be ascer-

tained and reported to Court, the depositions of which witnesses are herewith filed as part of this Report.

That the following facts have been ascertained to be true;

The said land consists of one hundred acres more or less, and is in the shape of a long, narrow, strip with the woodland part nearly all at one end and the cleared or arable part at the other end, and with a small part of it bordering on Chuckatuck Creek, thus making it inconvenient to so divide the land as to give each share part woodland and part cleared land in one body. In the Country all cleared land without woodland conveniently located to supply it with fire wood and timber for fences, is of but little value. It is certainly not desirable and not so saleable as land consisting of both woodland and arable land. The parties entitled to the land herein referred to are five in number and the land is subject to the estate therein of David C. Jones

during the life-time of William H. Carstarphen Sr. If the land were divided equally among these parties each party would have a parcel of twenty acres subject to said estate of David C. Jones. A parcel of land so small would be of no practicable value or benefit for agricultural purposes; and this land could not be used for any other purpose. If the land were divided so as to make some of the shares consist entirely of woodland and others entirely of cleared or arable land, it would be diffcult to equalise the value of the respective shares and no one of the parties is willing to contribute any money to that end.

Partition of said land in kind cannot, therefore, be conveniently made and no one of the parties is willing to accept it or any part of it and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

The interests of those who are

entitled to said land or its proceeds will be promoted by a sale of the entire subject or parcel and distribution of the proceeds of sale according to the respective rights of those entitled. and in this view of the matter the Commissioner is sustained by the annexed depositions, by his own knowledge of the facts in connection with the matter and the information obtained by oral inquiries made by him of those having information on the subject.

The land is now in fair or medium condition and would now sell for more than at any time hereafter.

If not sold, the land will have to be let for rent for none of the parties is in a position to occupy it, and if let for rent, it would no doubt depreciate in value, for the parties have not the money to keep it in good condition and tenants would not so keep it.

The parties in interest all live in the State of North Caro-

lina some distance away and have no use for land in this County.

Respectfully submitted this first day of December A. D. 1887.

Wilbur J. Kilby
Comr. in Chancery.

Charges

W. J. Kilby, Comr.		$12.00
Ro. R. Prentis "		3.00
W. H. Howell, Shff.		.60
		$15.60

To William H. Carstarphen Jr. David C. Jones and Harriett A. E. his wife and Margaret P. R. Carstarphen ---------- Complainants

and David C. Jones, Charles D. Carstarphen and Mary Belle Carstarphen, - the said Charles D. Carstarphen and Mary Belle Carstarphen being infants under the age of twenty-one years ---------- Defendants

You are hereby notified that on the first day of December 1887 at my office in Suffolk, Va., (at which time and place you are required to attend), I shall ~~take, state and settle the following accounts which are to be taken, stated and settled~~ proceed to ascertain and report to Court in pursuance of the decree of the Circuit Court of Nansemond County, Va., rendered the 15th day of October 1887 in the suit in chancery pending in said Court to which you are parties plaintiffs and defendants, ~~to wit~~:

Whether the land in the Bill in said suit mentioned and described can be conveniently divided among the parties thereto entitled in any of the modes prescribed by law, and if the same cannot be conveniently divided in any of the modes prescribed by law, whether the interests of those who are entitled to the said property, or its proceeds, will be promoted by a sale of the whole property, or allottment of part and sale of the residue and distribution of the proceeds of sale according to the respective rights of those entitled to the said land, together with any matters specially stated deemed pertinent by myself, or required by any party to be specially stated.

Given under my hand, as Commissioner in Chancery of said Court, this 16th day of November 1887

WILBUR J. KILBY,
Commissioner in Chancery.

Sufficient and legal service of this notice is hereby acknowledged and accepted by us severally. This 18th. day of November 1887.

Peter B. Provost. Guardian ad litem for the infant defendants ~~Henry Ball~~ Charles D. Carstarphen and Mary Belle Carstarphen.

Wm H Carstarphen Jr
David C. Jones
Harriett A E Jones
Margaret P. R Carstarphen

by
John B Skinner
their Attorney

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON E. W. Phillips, Miles Rogers, Jr. and E. C. Ramsey,

Wilbur J. Kilby, Commissioner in Chancery

to appear before the Judge of the Circuit Court of Nansemond County, at the ~~Courthouse~~ office of said Commissioner in Suffolk between the hours of 10. a.m. and 3. P.M. County, on the 1st day of December next, to testify and the truth to say on behalf of

Wm. H. Carstarphen Jr and others

in a certain matter of controversy in our said Court depending and undetermined between said

Wm. H. Carstarphen Jr and others Plaintiffs

and

David C. Jones and others Defendants

And this the witnesses shall in no wise omit, under the penalty of $100 each. And have then and there this summons.

WITNESS, PETER B. PRENTIS, Clerk of our said Court, at his office, this 25th day of November 1887, in the 112th year of the Commonwealth.

Peter B. Prentis CLERK.

I have this the 30th day of November 1887.
Served a copy of this process in writing upon
Each of the within named witness

Wm H Howell
Sheff

Wm H. Carolan, Jr. Atty.

vs

S. S. Sta:

David C. Jones, Jr. Atty.

= 18th day of Dec. 1887 at
10 o'clock A. M. at Court
House door, Wilkes Co. Ga.
as follows

Cr. C.

The depositions of Mills Rogers Jr. and others taken by consent before the undersigned N.B.R. Prentis Commissioner in Chancery of the Circuit Court of Nansemond County, to be read as evidence in behalf of the complainants in the chancery cause of William R. Carstarphen Jr. and others against David C. Jones and others now pending in the Circuit Court of Nansemond County. - Taken in Suffolk Virginia at the request of Wilbur J. Kirby Commissioner this 1st. day of December 1887. -

Present. John B. Tanner Esquire, Counsel. -

Mills Rogers Jr. being first duly sworn in answer to questions deposes and says:

Q 1. State your age, residence, occupation and do you know the parties to this suit? -

A. I am 53 years old, live in Isle of Wight County, very close to the Nansemond line and in the immediate neighborhood of the Carstarphen farm. I do not know the parties to this suit -

2. Q. How far do you live from the Exam Carstarphen farm in the bill described?

A. I suppose between a mile and a mile and a quarter.

3. Q. Can the said farm be conveniently divided in kind among the parties entitled thereto, in any of the modes prescribed by law?

A. I do not see how it would be possible to divide it without destroying the value of the shares. The farm has only 100 acres and is a long narrow strip of land. Only a narrow strip of it touches the creek. The woodland is nearly all at one end of the farm and the cleared land at the other. It would be impossible to divide it so as to give each share an equal quantity in value of arable and timbered land, and if it were possible to do so the respective shares would be so small as to be of very little value for agricultural purposes.

4 Q. Would the interests of those who are entitled to the said property

be promoted by a sale of the whole property, and a division of the proceeds or by a sale of part, and the allotment in kind of part, according to the respective rights of the owners thereof?

A. Their interests would be promoted by a sale of the whole property and a division of the proceeds among those entitled. — No other division of the property could be made without seriously depreciating the value of the interests of the owners thereof. —

Further this deponent saith not. —

Mills Rogers

Capt. C. C. Ramsey, being first duly sworn in answer to questions deposes and says:

1. Q. State your age, residence, occupation and do you know the parties to this suit?

A. I am 49 years old, live in Chuckatuck Nansemond County, Va. about four miles from the Carstarphen farm in the Bill described. — I do not

know the parties to this suit - I am a merchant and farmer -

2. Q. Can the land in the bill described, the Castarphen farm be conveniently divided in kind between the parties entitled thereto in any of the modes prescribed by law?

A. I do not think that it is possible to divide it in kind without destroying the value of the respective shares - It is a long, narrow farm, only a small part of it touching on the creek; the cleared land is at one end and the timbered land at the other, and across the County road which runs through the upper end of the farm. - It would be impossible to so divide the farm as to give to each share an equal proportion of arable and timbered land without destroying the value of the farm for agricultural purposes because the shares would be so small. -

3. Q. Would the interests of those who are entitled to the property be more promoted by a sale of part of the farm and division of the residue in kind, or by a sale

of the whole farm and a division of the proceeds of sale?

A. I should think by a sale of the whole farm and division of the proceeds of sale. No other division of the property could be made without seriously depreciating the value of the interests of the owners thereof. If it should be rented out it would almost certainly depreciate in value, and hence the interests of the owners will be promoted by a speedy sale thereof.

Further this deponent saith not.

E. L. Ramsay

John F. Pinner being first duly sworn, in answer to questions deposed and says:

Q. 1. State your age, residence, occupation and do you know the parties to this suit?

A. I am 71 years old, live in Suffolk Va. I have retired from active business, I know the parties to this suit, and

am the Guardian of Charles D. Carstarphen and Mary Belle Carstarphen the infant defendants. –

2. Q. State whether or not the land in the bill described can be conveniently divided in kind, and if not whether the interests of your wards and the other persons interested in said farm will be promoted by a sale of the same and a division of the proceeds of sale?

A. I do not think it can, because of its size – about 100 acres – ~~its~~ shape – a long narrow strip – and because the arable land is at one end and the woodland at the other and across the County road which runs through the farm. –
I think that the interests of the owners will be promoted by a sale of the farm, because if it should be rented out it will depreciate in value every year and if sold now is likely to bring more than if the sale should be delayed. – The farm is now I think in fair condition. –
Further this deponent saith not.

John H. Pinner

John B. Pinner, being first duly sworn in answer to questions deposes and says:

1. Q. State your age, residence, occupation and do you know the parties to this suit?

A. I am 26 years old, live in Suffolk, am an attorney at law, and I know all the parties except David C. Jones and the two infant defendants.-

2. Q. Are any of the parties willing to take the land in the proceedings described and pay the other persons interested the value of their respective interests in the Carstarphen farm?

A. The adults are not, as they have themselves informed me, and the infants cannot.-

Further this deponent saith not.-

John B. Pinner

State of Virginia,
County of Nansemond, to wit:

I Rob. R. Prentis a Commissioner in Chancery of the Circuit Court of Nansemond County, do certify that the foregoing depositions of Wilks Rogers Jr., E. Ramsey, John S. Pinner and John B. Pinner were taken sworn to and subscribed before me at the time and place mentioned in the caption hereto.-

Given under my hand this 1st. day of December 1887.-

Fee $3.-

Rob. R. Prentis
Commissioner in Chancery.-

Wm. H. Cowlesham &
and others
Dan'l Jones and others
Deposition

In Chy.

Carstarphen & als.

vs. } In Chy.

Jones & als.

Report as to Partition of land.

1 Dec. 1887

1888. March 26th. Filed

VALUABLE REAL ESTATE FOR SALE!

By authority of a decree of the Circuit Court of Nansemond county, Va., entered the 10th day of April, 1888, in the cause in chancery depending between Wm. H. Carstarphen, Jr., complainant, and David C. Jones and others, defendants, I shall offer for sale at public auction, before the Courthouse door of said county, on court day,

MONDAY, NOVEMBER 11, 1889,

all that certain tract of land lying and being in the county of Nansemond, State of Virginia, containing one hundred acres, more or less (the same to be sold in gross, however, and not by the acre), and bounded by the farm known as "Cherry Grove," on the east by Chuckatuck creek, and on the south and west by the land of Aaron Pruden and the land known as the "Williams land," it being the same tract of land formerly owned and occupied by Exum Carstarphen, deceased.

☞ This farm is one of the most desirable places in the county, and has on it a comfortable dwelling, with all necessary outbuildings; is situated on navigable waters of Chuckatuck creek, and has good oyster-planting grounds. Inspection of the place is invited.

TERMS OF SALE.—Enough of the purchase-money in cash to meet the costs of suit and expenses of sale and a sum equal to one-third of the residue of purchase-money after payment of said costs and expenses, and remainder in two equal instalments payable at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security; title to property to be retained until the further order of Court—with the privilege, however, of entire payment of purchase price.

JOHN B. PINNER,
Special Commissioner.

R. H. BRINKLEY, Crier.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.—William H. Carstarphen, Jr., complainant, vs. David C. Jones and others, defendants—In chancery.

I, W. B. Causey, Clerk of said Court, do certify that the bond required of John B. Pinner, special commissioner appointed by said Court by its decree on the 10th day of April, 1888, in the above entitled suit, to sell the parcel of real estate of which Exum Carstarphen died seised and possessed, mentioned in the said decree, has been executed with security deemed sufficient by me.

Given under my hand this 21st day of of October, 1889.

oc25 W. B. CAUSEY, Clerk.

VALUABLE

REAL ESTATE FOR SALE!

By authority of a decree of the Circuit Court of Nansemond county, Va., entered the 10th day of April, 1888, in the cause in chancery depending between Wm. H. Carstarphen, Jr., complainant, and David C. Jones and others, defendants, I shall offer for sale at public auction, before the Courthouse door of said county, on court day,

Monday, November 11th '89.

all that certain tract of land lying and being in the county of Nansemond, State of Virginia, containing one hundred acres, more or less (the same to be sold in gross, however, and not by the acre), and bounded by the farm known as "Cherry Grove," on the east by Chuckatuck creek, and on the south and west by the land of Aaron Pruden and the land known as the "Williams land," it being the same tract of land formerly owned and occupied by Exum Carstarphen, deceased.

☞ This farm is one of the most desirable places in the county, and has on it a comfortable dwelling, with all necessary outbuildings; is situated on navigable waters of Chuckatuck creek, and has good oyster-planting grounds. Inspection of the place is invited.

TERMS OF SALE:

Enough of the purchase-money in cash to meet the costs of suit and expenses of sale and a sum equal to one-third of the residue of purchase-money after payment of said costs and expenses, and remainder in two equal instalments payable at the end of one and two years, respectively, with interest from the day of sale; the purchaser to execute bonds in evidence of the deferred payments, with good personal security; title to property to be retained until the further order of Court—with the privilege, however, of entire payment of purchase price.

JOHN B. PINNER,

R. H. BRINKLEY, Crier. Special Commissioner.

In the Circuit Court of Nansemond County, Virginia:

Wm. H. Carstarphen, Jr.----------Complainant,
vs.
David C. Jones and others----------Defendants.
} In Chancery.

I, Peter B. Prentis, Clerk of said Court, do certify that the bond required of John B. Pinner, special commissioner, appointed by said Court by its decree on the 10th day of April, 1888, in the above entitled suit, to sell the parcel of real estate of which Exum Carstarphen died seised and possessed, mentioned in said decree, has been executed with security deemed sufficient by me.

Given under my hand this 5th 21st day of October, 1889.

Wm B Causey

~~PETER B. PRENTIS~~, CLERK.

Wm H. Carstarphen Jr et als.

Vereus. } In Chancery.

D. C. Jones et als.

In the Circuit Court of Nansemund County, Virginia. In Vacation.

This cause came on this day to be further heard upon the papers formerly read and the report of the sale made by John B. Pinner, Special Commissioner on the 15th day of January 1890 and filed the 27th day of January 1890 pursuant to the decretal order of the 10th day of April 1888 to which there is no exception and was argued by counsel.

On consideration whereof the Court approving and confirming the said report doth adjudge, order and decree that upon the payment by J. H. Owens of the sum of Eight Hundred and Forty-five (845) Dollars in the report mentioned as due by him, for the purchase of the land directed to be sold by said decretal order, the said commissioner do convey to the said J. H. Owens with special

warranty the said land: and it is further ordered that when the said Commissioner shall have received payment of the said sum of Eight Hundred and Forty-five (845) Dollars mentioned in the said report as being due by said J. H. Owens he shall forthwith proceed to make distribution of the entire amount of the purchase money as stated in said report to-wit the sum of Sixteen Hundred and Five (1605) Dollars among the several parties in interest having first paid the costs in the suit such distribution and payment of costs to be made as set forth in said report. And the said Commissioner is hereby required to take all proper vouchers for said payments and return the same together with a report of his proceedings under this decree to this Court.

Wm H Carstarphen Jr et als
vs. } In Chy
D.C. Jones

Decree

To be entered
Feb. 17th 1890.
C Motte

Entered Chancery
Order Book No 2
page 341

At a Circuit Court held for Nansemond County the 10th. day of April 1888.

Wm.H.Carstarphen,Jr. et als.

versus In Chancery.

David C.Jones et als.

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner Wilbur J.Kilby filed the 26th. day of March A.D.1888,being a report in pursuance of the decree herein made on the fifteenth day of October A.D.1887 and on the examination of witnesses filed with said report and was argued by counsel.On consideration whereof the Court doth confirm the said report to which no exception has been filed,and it appearing that the land mentioned and described in said bill cannot be conveniently divided in kind between the several parties entitled to share therein,and that no one of the parties is willing to accept the entire property and pay the other parties for their interests and that the interest of all parties will be promoted by a sale of the entire property and distribution of the proceeds of sale among the parties according to their respective rights and interests the Court doth judge,order and decree that John B.Pinner who is appointed Special Commissioner for that purpose,do proceed to sell the said land by public auction on the premises or before the Court-house door of this County on some Court-day on the terms of payment by the purchaser of enough of the purchase money in cash to meet the costs of this suit and the expenses of sale and a sum equal to one-third of the residue of said purchase money

after the payment of said costs and expenses in cash and the remainder of said purchase money in two equal payments at the end of twelve and twenty-four months respectively from the date of sale, the purchaser to execute to said Commisioner separate bonds in evidence of the deferred payments with good personal security with the privelege, if he shuld so prefer, of paying the entire purchase money in cash on the day of sale and the title to be retained until the further order of court. But before proceeding to make sale of said land said Special Commissioner will advertise the time, place and terms thereof by printed notices for twenty days at least prior to the day of sale and by publication of the notice in a newspaper published in the Town of Suffolk for three successive weeks and will execute before the Clerk of this Court in his office a bond in the penalty of Five Thousand dollars with good personal security payable to the Commonwealth of Virginia and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause and will obtain of said clerk a certificate that said bond has been executed as required by law and append the same or a copy thereof to the advertisements of the sale.

And the said Special Commissioner will make report to Court of his proceedings under this decree.

A copy

Teste:

A. P. Gomey Clerk

Wm.H.Carstarphen, Jr *et al.*

vs.

David C.Jones et al.

This cause came on this day to be again heard on the papers formerly read and on the report of Commissioner Wilbur J. Kilby filed the [redacted] *26th* day of [redacted] *March* A.D.1888, being a report in pursuance of the decree herein made on the fifteenth day of October A.D.1887 and on the examination of witnesses filed with said report and was argued by counsel On consideration whereof the Court doth confirm the said report to which no exception has been filed, and it appearing that the land mentioned and described in the bill cannot be conveniently divided in kindbetween the several parties entitled to share therein, and that no one of the parties is willing to accept the entire property and pay the other parties for their interests and that the interest of all parties will be promoted by a sale of the entire property and distribution of the proceeds of sale among the parties according to their respective rights and interests the Court doth judge, order and decree that John B.Pinner, who is hereby appointed Special Commissioner for that purpose, do proceed to sell the said land by public auction on the premises or before the Court-house door of this County on some County Court-day on the terms of payment by the purchaser of enough of the purchase money in cash to meet the costs of this suit and the expenses of sale and a sum equal to one third of the residue of said purchase

money after the payment of the said costs and expenses in ~~ex~~ cash and the remainder of said purchase money in two equal payments at the end of twelve and twenty-four months respectively with interest from the date of sale, the purchaser to execute to said Commissioner separate bonds in evidence of the deferred payments with good personal security with the privelege, if he should so prefer, of paying the entire purchase money in cash on the day of sale and the title to the land to be retained until the further order of Court. But before proceeding to make sale of said land said Special Commissioner will advertise the time, place and terms thereof by printed notices for twenty days at least prior to the day of sale and by publication of the notice in a ~~new~~ newspaper published in the Town of Suffolk for three successive weeks and will execute before the Clerk of this Court in his office a bond in the penalty of Five Thousand dollars with good personal security payable to the Commonwealth of Virginai and conditioned for the faithful discharge of his duties under this decree and all other decrees he may be required to execute in this cause and will obtain of said clerk a certificate that said bond has been executed as required by law and append the same or a copy thereof to the advertisements of the sale. And the said Special Commissioner will make report to Court of his proceedings under this decree.

Wm. H. Carsharphen Jr and others
vs.
David C. Jones
} In Chy.

DECREE.

To be entered Apl 10th 1888

C. H. Test

Entered Chy order Book
No 2. P. 191

Virginia:

In the Circuit Court of Nansemond County
Virginia November 1887

William H Caretarphen Jr
and others Complainants

vs.

David C. Jones and others Defendants

With consent of parties by their attorney given in open Court and hereby entered of record it is ordered that this cause may be submitted to the judge of this Court in vacation for decision or decree to be made therein in vacation.

W. H. Carstarphen Jr
and others
vs. } In Chy.
David C. Jones and
others

To be entered Nov. 2 1887.
C McKie

Entered in Chancery order
Book No: 2. page 170.

In The Circuit Court of Nansemond County.

October 1887 Term

William H. Carstarphen, Jr and others. Complainants

vs. } In Chancery

David C. Jones and others Defendants

This cause came on this day to be heard upon the Bill of the Complainants, and the exhibits therewith filed, and on the answer of the adult defendants, the answer of the infant defendants by their Guardian ad Litem, Peter B. Prentis, and of the said Guardian ad Litem, and of the infant defendant over the age of fourteen years of age, with general replications thereto and was argued by counsel.

On consideration whereof the Court doth order, judge and decree, that the papers in this cause be referred to one of the Commissioners of this Court, who is hereby directed to ascer-

tain and report to Court, whether the land in said cause mentioned and described can be conveniently divided among the parties thereto entitled in any of the modes prescribed by law, and if the same cannot be conveniently divided in any of the modes prescribed by law, whether the interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the whole property or allotment of part and sale of the residue and distribution of the proceeds of sale, according to the respective rights of those entitled to the said land, which several inquiries the said Commissioner will make and report to the Court together with any matters specially stated, deemed pertinent by himself, or required by any party to be specially stated.

Wm H Carstarphen Jr
and others
vs
David L Jones and others
} In Chy.

Decree.

To be entered 15 Oct 1887
C W Hill

Entered Chancery Order
Book No: 2 page 160

Wm. H. Carstarphen et als — Plaintiffs

vs. — In Chancery

D. C. Jones et als — Defendants

In the Circuit Court of Nansemond County, Virginia — April Term 1890.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of distribution made by Special Commissioner John B. Sinnet to which report there are no exceptions and was argued by counsel. On consideration whereof the Court doth ratify and confirm said report and it appearing to the Court that there is nothing further to dispose of in this cause and that the costs of same have been paid, doth order, adjudge and decree that the same be removed from the docket.

Wm. H. Carstarphen Jr et als
vs
D.C. Jones et als.
} In Chy.

Final Decree.

To be entered.

April 15th 1890.

Entered Chancery
Order Book No: 2
Page 330.

In the Circuit Court of Nansemond County Virginia.

Wm H. Carstarphen Jr and others — Complainants

vs } In Chancery

David C. Jones and others — Defendants.

The joint and several answers of Peter B. Prentis, Guardian ad Litem, assigned to defend the infant defendants Chas D Carstarphen and Mary Belle Carstarphen in this suit and of said infants by their said Guardian ad Litem to the Bill of Complaint exhibited against them in the Circuit Court for the County of Nansemond by Wm H. Carstarphen Jr and others.

These respondents reserving to themselves the benefit of all just exceptions to the said bill for answer thereto the said infants by their said guardian ad litem and said guardian ad litem in his proper person say,

That the matters stated in said Bill in so far as they are informed are true and that the land mentioned in said bill cannot be conveniently divided in kind among the parties in interest and that the interest of all parties will be promoted by a sale of the said land and a distribution of the proceeds of the sale among the parties according to their respective rights, but being by reason of their infancy and tender years incapable of understanding or taking care of their rights and interests, the said infants commit themselves and their rights and interests to the protection of the Court and pray that no decree may be pronounced to their prejudice.

And now having fully answered these respondents pray to be hence dismissed with their reasonable costs in this behalf expended.

And they will ever pray etc.

Peter B. Pearles,

Edmund Peters

State of Virginia
Nansemond County } Sct.

This day personally appeared before me John B Pinner a Notary Public in and for said County Peter B. Prentis Guardian ad litem and made oath that the several statements made in the above answer are true to the best of his knowledge and belief.

Given under my hand this 6 day of Sept 1887

John B Pinner
Notary Public.

Wm H Carstarphen Jr
and others
vs
David C Jones and others
} In Chy

Answer of infant
defendants and
guardian ad litem

In the Circuit Court of Nansemond County Virginia

October Term.

Wm H Carstarphen Jr and others Complainants

vs

David C Jones and others Defendants

In Chancery.

The answer of David C. Jones defendant to the Bill of Complaint exhibited against him and others in the Circuit Court of Nansemond County Virginia by Wm H Carstarphen Jr and others.

For answer thereto or to so much as he is advised it is material or necessary for him to answer this defendant answering saith,

That it is true as alleged in said Bill that he became the purchaser of all right Title and interest of the said Wm H Carstarphen Jr in and to the land named in said bill and

that the same was conveyed unto him by deed of conveyance dated 14 July 1887 which deed was duly executed to him Wm H Carstarphen Jr and duly recorded,

That believing that the interest of himself and all parties interested in the said land would be promoted by a sale of the same and a division of the proceeds thereof he consents and hereby expresses his willingness to commute his interest therein and accept a gross amount in lieu thereof according to law in such case provided.

And now having fully answered the complainants bill this respondent prays hence to be dismissed with his reasonable costs in this behalf expended and he will ever pray etc.

D C. Jones

Sworn & subscribed
before me this 19th
day Sept 1887
J. L. Ewell Justice
of the Peace of
Martin Co. N.C.

10½.—PROBATE—CERTIFYING JUSTICE OF THE PEACE TO ANOTHER COUNTY.—EDWARDS, BROUGHTON & CO., PRINTERS, BINDERS & STATIONERS, RALEIGH.

STATE OF NORTH CAROLINA,
Martin COUNTY. } ss.

The foregoing certificate of J. L. Ewell, a Justice of the Peace of Martin County, is adjudged to be correct; and I, W. T. Crawford Clerk of the Superior Court of said County, do hereby certify that J. L. Ewell was at the time of signing the foregoing certificate, a Justice of the Peace in and for the County of Martin, and State of North Carolina, and that his signature thereto is in his own proper handwriting.

In Witness Whereof, I hereunto subscribe my name and affix my official seal, this 19th day of September A. D. 1887

W. T. Crawford
Clerk Superior Court.

Wm. H. Carstarphen Jr and others
vs
David C. Jones and others
} In Chy

Answer of
David C Jones

Wm H. Carstarphen Jr and others. Complainants

vs

David L Jones and others Defendants

In Chancery.

The answer of Charles D. Carstarphen an infant defendant over the age of fourteen years to a Bill of Complaint exhibited against him and others in the Circuit Court of Nansemond County by William H Carstarphen Jr and others.

For answer to the said bill the said Charles D. Carstarphen answers and says that although under full age he believes he knows what are his interests in the matters referred to in the bill; he believes the statements in the said bill are true and that the land mentioned in the said bill cannot be conveniently divided in kind among the parties in interest and that the interests of himself and all parties will be promoted by a sale of the said

land and a distribution of the proceeds of the sale among the parties according to their respective rights.

And now having fully answered her prayer hence to be dismissed &c.

Charles D. Carstarphen

North Carolina
County of Martin } To-wit

This day personally appeared before me, the undersigned, a justice of the peace for the County aforesaid Charles D. Carstarphen and made oath that the statements made in the foregoing answer, so far as made of his own knowledge, are true, and so far as made upon knowledge or information derived from others, he believes them to be true

Given under my hand this 21st day of September 1887

Sworn to & Charles D. Carstarphen
Subscribed before me
Sept 21st 1887
J L Ewell Justice of the
Peace of Martin Co—

10½.—PROBATE—CERTIFYING JUSTICE OF THE PEACE TO ANOTHER COUNTY.—EDWARDS, BROUGHTON & CO., PRINTERS, BINDERS & STATIONERS RALEIGH.

STATE OF NORTH CAROLINA, } SS.
Martin COUNTY. }

The foregoing certificate of J. L. Ewell, a Justice of the Peace of Martin County, is adjudged to be correct; and I, W. T. Crawford Clerk of the Superior Court of said County, do hereby certify that J. L. Ewell was at the time of signing the foregoing certificate, a Justice of the Peace in and for the County of Martin, and State of North Carolina, and that his signature thereto is in his own proper handwriting.

In Witness Whereof, I hereunto subscribe my name and affix my official seal, this 21st day of September A. D. 1887.

W. T. Crawford
Clerk Superior Court.

Wm H Carstarphen
and others
vs.
David Jones & others
} In Chy

Answer of Charles D
Carstarphen Infant
Defendant over the
age of 14 years

This Deed, MADE this, the 14 th: day of July in the year eighteen hundred and eighty- seven between William H. Carstaphen and Mary E. his wife

of the County of Martin in the State of North Carolina parties of the first part, and David C. Jones of the same County and State —

party of the second part.

Witnesseth, THAT IN CONSIDERATION OF THE SUM OF Four Hundred ——— dollars, the said parties of the first part do grant, with general warranty, unto the said party of the second part, ~~the following property, to wit~~: all their right title and interest of every character in and to the following property to wit: a certain tract of land lying and being in the County of Nansemond, State of Virginia and containing One Hundred (100) acres more or less, though the same is sold in gross and not by the acre, and bounded by the plantation or farm known as "Cherry Grove", on the East by Chuckatuck Creek and on the South and west by the land of Aaron Pruden and the land known as the Williams' land. It being the same tract of land formerly owned and occupied by Exum Carstaphen

The said grantor s covenant that they have the right to convey the said land to the grantee; that the grantee shall have quiet possession of the said land, free from all incumbrances; that they, the said parties of the first part, will execute such further assurances of the said land as may be requisite; that they have done no act to encumber the said land.

WITNESS the following signatures and seals

W. H. Carstarphen [SEAL.]

M. E. Carstarphen [SEAL.]

[SEAL.]

[SEAL.]

North Carolina
State of ~~Virginia~~, } To-Wit:
COUNTY OF ~~NANSEMOND~~.

I, J. L. Ewell Martin a Justice of the peace of Martin a ~~Notary Public~~ for the County ~~aforesaid~~, in the State of ~~Virginia~~ North Carolina, do certify that William H. Carstarphen

whose name is signed to the writing above, bearing date on the 14th day of July in the year eighteen hundred and eighty- seven have acknowledged the same before me, in my County aforesaid.

Given under my hand, this 14 day of July in the year 1887.

J. L. Ewell
Justice of the Peace
~~Notary Public~~.

North Carolina
State of ~~Virginia~~, } To-Wit:
COUNTY OF ~~NANSEMOND~~.

I, J. L. Ewell Martin a Justice of the Peace ~~a Notary Public~~ for the County of Martin ~~Nansemond~~, in the State of ~~Virginia~~ North Carolina, do certify that Mary E. Carstarphen

the wife of William H. Carstarphen whose names are signed to the writing above, bearing date on the 14 day of July, in the year eighteen hundred and eighty- seven, personally appeared before me, in the County aforesaid, and being examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said Mary E. Carstarphen 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 14 day of July in the year 1887.

J. L. Ewell
Justice of the Peace

~~Notary Public~~.

State of North Carolina } S.S.
Martin County }

The foregoing certificates of J. L. Ewell, a Justice of the Peace of Martin County, is adjudged to be correct and I, W. F. Crawford, Clerk of the Superior Court of said County, do hereby certify that J. L. Ewell was at the time of signing the foregoing certificate a Justice of the Peace in and for the County of Martin and State of North Carolina, and

that his signature thereto is in his own proper handwriting.

Martin Superior Court North Carolina

In Witness Whereof, I hereunto subscribe my name and affix my official seal, this 14th day of July A. D. 1887.

W. T. Crawford
Clerk Superior Court.

In the Clerk's office of Rutherford County Court, the 16th day of July 1887.

This Deed was presented with the certificates annexed, and admitted to record.

Teste:
Peter B. Pruett's Clerk

A copy
Teste:

Peter B. Pruett's Clerk.

"EXHIBIT C"
A copy

N. C. Rail Road Co.
and wife
To } Deed of Bargain and Sale.
Davis & Graves.

ADMITTED TO RECORD.

July 16th, 1887.

Book No. 18,

Page 577,

Peter B. Pruett's Clerk.

Tax $

Fee

Total, $

In the name of God, Amen:

I, Exum Eastaphen of Nansemond County Virginia do make this my last will and testament.

1 First. I desire that my body may be decently buried without needless expense in a manner corresponding to my estate and my situation in life.

2 Secondly I direct that all my just debts be paid as soon after my decease as conveniently may be and to that end charge my whole estate real and personal with the same.

3 Thirdly I give and devise unto my brother William H. Eastaphen of Martin County North Carolina all my real estate situate in Nansemond County Virginia and Martin County Northcarolina for his life and all the rents which may issue out of the same during his life from all debts due or owing now or hereafter by my said brother William H. Eastaphen and under like condition all the rents which may be due and owing to me at my decease issuing out of the said realestate.

4 Fourthly I give and devise in the event that I shall be the survivor of my brother William H. Eastaphen or at his death all my realestate situate in the County of Nansemond Virginia and the County of Martin North Carolina unto the following named children of my brother William H. Eastaphen

Williams & Charlie D. Margaret P.R. Harriett A. E. and Mary Belle share and share alike in fee simple.

5 Fifthly I direct the executor in this my last will and testament hereinafter named as soon after my decease as can be conveniently done to sell to the best advantage and in the best of his judgment determining the way of sale all my chattel or personal estate of every description wherever found for cash and to distribute the proceeds thereof to the legatees hereinafter named and in the priority named.

6 Sixthly I give and bequeath from the proceeds of sale named in section 5 or from any monies I may be in possession of at the time of my decease in fee simple Fifty (50) Dollars to Mrs. Mary Bruce a like sum to Mrs. Julia Baylor a like sum to Chas. P. Howard a like sum to Catherine E Howard a like sum to Ellen Howard a like sum to R. Addie Howard all of Virginia and the children of my esteemed friend Philip Howard of Charlotte County Virginia.

7 Seventhly I give and bequeath from the proceeds of sale named in Section 5 or from any monies I maybe in possession of at the time of my decease in fee simple Fifty (50) Dollars and a like sum of Fifty (50) Dollars in addition thereto making One Hundred (100) Dollars to Nancy Butler

of Nansemond County Virginia.
& Eighthly. As to all the residue of the
proceeds named in Section 5 or any monies
I may be in possession of at the time of
my decease I give and bequeath the same
share and share alike in fee simple
unto the Children of my brother William H.
Eastarphen named in Section 4.
& Ninthly I appoint John B. Pinner
of Suffolk Virginia executor of this
my will and testament and desire that
no security shall be required of him as
such.

Witness my hand this 16th: day of June 1886.

his
Eqeum X Eastarphen
Mark

Signed and published by Eqeum Eastarphen
as and for his last will in the presence
of us who in his presence and in the
presence of each other have hereunto
subscribed our names as witnesses.

Ed. D. Phillips
J. W. Daughtrey

At a monthly Court held for Nansemond County
the 14th: day of March, 1887.

This Last Will and Testament of Eqeum Eastarphen, late of this County, deceased was
this day produced in Court for probat and J. W.
Daughtrey one of the subscribing witnesses
thereto being at this time absent from the
County Thereupon came Edwd D Phillips the other

subscribing witness hereto, who being duly sworn declares that the signature of the said Exum Eastaphen to said will was made and the said Will acknowledged by him, the said Exum Eastaphen, in his presence and in the presence of the said J.D. Daughtry, the other subscribing witness hereto, present at the same time, and that he the said Edwd D. Phillips, and the said J.D. Daughtry subscribed their respective names as witnesses to said will, in the presence of the said Exum Eastaphen: and thereupon it is ordered, that the said Last Will and Testament be recorded as the true Last will and Testament of the said Exum Eastaphen, deceased.

And on the motion of John B. Pinner, the only Executor named in the said Will, who made oath as the law directs, and entered into a bond in the penalty of One Thousand Dollars, conditioned according to law (but without security, the will directing that none should be required of him and which said bond being acknowledged by the obligor therein, is ordered to be recorded) certificate is granted the said John B. Pinner for obtaining a probat of the said Will in due form.

Teste

Peter B. Prentis, Clerk

A copy.

Teste:

Peter B. Prentis. Clerk

Will of Xmid
Expunclearstaphen

a copy

"EXHIBIT B"

Whereas Aaron Dunden and Mary his wife by their deed of bargain and sale dated sometime in the years 1860 or 1861 and duly recorded in the Clerk's Office of the Nansemond County Court (the said Mary before her intermarriage with the said Aaron being the widow of the late James Carstarphen) did convey and sell with general warranty unto Exum Carstarphen and his heirs and assigns forever for the sum of Six Hundred and Fifty dollars all their right Title and interest of every character in and to the following property to-wit: A tract of land in the County of Nansemond containing One Hundred acres more or less and bounded by the Plantation called Cherry Grove on the East by Huckatuck Creek, on the South and on the West by the said Aaron Dunden and Williams' land, Also all their right title and interest as aforesaid in a lot of land in the Town of Suffolk, and County aforesaid and bounded as follows beginning at the Southwest corner of James M Bailey's lot and running West up South Quay Road one hundred and ten feet to a Stake

then down said Ditch North to a white oak thence East to said Baileys line thence up said line to the beginning (the relinquishment of the said Mary Ponden having been taken in due form of law)

And whereas by fire on the 7th day of Febmary 1866 the Clerks Office of the said County and the records therein including the original of said deed were destroyed this writing is now made to declare the facts and make a new record of the same Now therefore this Writing made this 30th day of July 1866 between the said Aaron Ponden of the first part and the said Exum Carstarphen of the second part Witnesseth, that the said Aaron Ponden with the view to make a further assurance of said property does hereby make known the facts aforesaid and ratify and confirm the same

Witness the following signature and seal

Aaron Ponden (Seal)

In the Clerk's Office of Nansemond County Court the 30th Day of July 1866.
This Deed was acknowledged by Aaron Porter and thereupon admitted to record.
Teste
Peter B Prentis Clerk

A copy.
Teste:-
Peter B. Prentis. Clerk

Aarm Sonden } X-mk.
to } Deed declaring & confirming title
Ewen Carstarphen

1866.
July 30th Acknowledged in the Office by Aarm Sonden & A.R.

"EXHIBIT A"

A copy.

Recorded Deed Book No 1
p-110

In the Circuit Court of Nansemond County, Virginia.

Wm. N. Carstarphen Jr and others } Complainants

vs. } In Chancery

David C. Jones and others } Defendants

To the Hon. C. V. Hill Circuit Court Judge in and for the County of Nansemond in the State of Virginia.

Humbly complaining respectfully represent and show unto your Honor your Complainants Wm. N Carstarphen, Jr. David C. Jones and Harriett A.E. Jones his wife and Margaret P. R. Carstarphen,

That in the month of March 1887 Exum Carstarphen departed this life seized and possessed of the following real estate situate in the County of Nansemond State of Virginia to wit:- A certain Tract of land lying and being in the County

of Nansemond; State of Virginia and containing One Hundred acres more or less and bounded by the plantation or farm known as "Cherry Grove" on the East by Chuckatuck Creek and on the South and West by the land of Aaron Pruden and the land known as the Williams land it being the same Tract of land formerly owned and occupied by Exum Carstarphen and it being the same land conveyed unto Exum Carstarphen by Aaron Pruden by deed dated 30th July 1866 and duly recorded as will appear by copy of said deed herewith filed as part of this bill and marked "Exhibit A," That the said Exum Carstarphen left a will devising unto his brother Wm H Carstarphen Sr. the said real estate for his life and at his the said Wm H Carstarphen's death to his children William H. Carstarphen Jr Charles D. Carstarphen Margaret P. R. Carstarphen Harriett A E Jones and Mary Belle Carstarphen share and share alike in fee simple as will appear by a copy of said will herewith filed made a part of this bill and

marked "Exhibit B",
That the said Wm H. Carstarphen Sr.
did by his deed of conveyance dated 14
July 1887 and duly recorded as will ap-
pear by a copy of said deed herewith
filed made a part of this bill and marked
"Exhibit C" convey all his right title
and interest in and to the said land
above described unto David E. Jones a
party defendant in this cause.
That the said land in this cause men-
tioned is subject to partition and division
among the parties thereto entitled accord-
ing to their respective rights and inter-
ests and should be divided accordingly
or sold and the proceeds of the sale
divided among the parties
In consideration whereof your Complain-
ant being without remedy save in a
Court of Equity where such matters
are properly cognizable pray that the
said David E. Jones, Charles D Car-
starphen and Mary Belle Carstarphen
be made parties defendant to this
bill and required to answer all the
allegations thereof, the said Charles
D Carstarphen and Mary Belle Car-
starphen to answer by their guardian

ad litem to be appointed to defend them in this suit they being infants under the age of twenty-one years, That the said Tract of land may be divided among the parties entitled thereto in any one of the modes prescribed by law and if partition thereof cannot be conveniently made between the parties and if the interest of the parties entitled thereto will be promoted by a sale thereof that the said land be sold and the proceeds of such sale be distributed according to the rights of those entitled, That the said David C Jones be required to state in his answer to this bill whether or not he is willing to commute and to accept a gross sum in lieu of his interest in said land and that all proper orders and decrees may be made and inquiries be directed in the premises and all such other further and general relief granted your complainants as the nature of their case may require or equity may seem meet

And your Complainants will ever pray etc.

John B. Pinnell P.Q.

Wm H. Carshart Exrs of Wm H. Carshart dec'd
and others
vs.
David C. Jones
and others
} In Chancery

Bill

Nansemond Cir. Ct.

William H. Carstarphen, Jr:

vs

Chy: Notes

David C. Jones &al:

1887. Aug: 4th Summons in Chy: issued to Septr: Rules, 1887

" Septr: 5th: Bill & Exhibits (3) filed — Dem. in Sc. vs adult defts.

" " 6th: Peter B. Prentiss appointed guardian ad litem to the infant defendants, who filed their answer to which there was a general replication.

" Oct. 3rd: Answers of David C. Jones (Adalh.) and of Charles D. Carstarphen an infant over 14 years of age, filed. Send: Writen. & Cause set for hearing, on motion of Complainants' Counsel.

" " 15th: Decree for an inquiry.

" Nov: 2nd: Order making Cause, a vacation one

1888. March 26th: Report as to partition of land, filed

Chy: Notes