

1886-019 Chancery Cause: Thomas J. Clements, assignee of William A. Whitehead, for & c
Dele of Wight County vs Benjamin T. Carr & Solomon J. Carr, executors of
Solomon Carr's will

Will: 1855, Eli Joyner, Southampton County

other SURNAMES: Eley, Bradshaw,
Joyner, Hundley, Rowe

Know all Men by these Presents, That we Jno. H. Wright
R. S. Thomas & J. O. Thomas & H. T. Antman
are held and firmly bound unto the Commonwealth of Virginia in the sum of Two
Thousand to the payment whereof, well and truly to
be made, we bind ourselves, our Heirs, Executors and Administrators, jointly and
severally, firmly by these presents. As witness our Hands and Seals, this 17th day
of Novr in the year of our Lord, one thousand eight hundred and
eighty three

The Condition of the above Obligation is Such, That whereas, by a Decree of
the Circuit Court of Isle of Wight County, pronounced on the 22 day of Octo
1883 in a cause depending in the said Court, in which J. J.
Clements & Co are

Plaintiff, and
B. T. Carr & J. J. Carr exors of Sol. Carr & others
are Defendant, the above bound R. S. Thomas &

Jno. H. Wright was appointed a special Commissioner to sell the land
whereof said Solomon Carr died, seized & possessed,
& take bonds & make report to Court &c-

Now, if the above bound R. S. Thomas & Jno. H. Wright shall faithfully discharge
his duties as Commissioners under the said Decree, or any future Decree in said
cause, then the above Obligation to be void, otherwise to remain in full force and vir-
tue. And we waive the homestead as to this obligation.

Signed, Sealed and Delivered }
in the presence of

Jno. H. Wright (SEAL.)
R. S. Thomas (SEAL.)
J. O. Thomas (SEAL.)
H. T. Antman (SEAL.)

Phillips & Carter, Printers.

In the clerk's office of the circuit court of Isle
of Wight County the 17th day of Novr 1883,
this bond was executed & acknowledged by
the obligors & admitted to record.

Test, A. P. Young clk.

A copy

Elements.

vs. } Causus.
 } Mud.

Leavis ex. et als.

h

"Old py."

Teste
J. S. Quincy.

Recorded in civ. cl.
ms. B. 1. 98.

44
Commissioner's Office,

Isle of Wight Co. H., Va., June 1st 1879.

To *Thomas Clements* of *Walden* and
suing for himself + all other creditors of *Solomon*
Carr dec'd.

Plaintiffs,

and to *B. T. Carr* & *J. J. Carr* Executors of said
Solomon Carr dec'd; and in their own right; *Mary Jane*
Carr widow; *Daniel W. Carr*, *Samuel W. Carr*, *Andrew R.*
Carr & *Joseph C. Carr* the last four infants. Defendants:

You are hereby notified that I have fixed upon the *first* day
of *August*, 1879, to take and settle, at my office aforesaid.
the following accounts, to wit: *1st* An account of the transactions
of the said *B. T. Carr* & *J. J. Carr* as executors of said
Solomon Carr dec'd. *2nd* An account of plaintiffs
demands & of that of all other creditors of said *Solomon*
Carr who may choose to contribute to the costs of this suit
with their respective dignities, stating which of these
various homesteads, or are not certified there to.
3rd An account of the real estate of said
Solomon Carr dec'd seized, *hypothecated*, with the
for simple & annual values thereof.

Required to be taken by a decree of the Circuit Court of Isle of Wight County, ren-
dered on the *23rd* day of *April*, 1879, in a suit in
Chancery depending in the said Court, in which you are parties, plaintiffs and
defendants; at which time and place you are required to attend.

Given under my hand, as a Commissioner in Chancery of said Court, the day
and year first aforesaid.

A. B. Young

Commissioner.

257.93
 62.47
 327.40

26.09
 22.40
 3.69

Clements J. J.

vs. $\left\{ \begin{array}{l} \text{Cont.} \\ \text{Notes} \end{array} \right.$

Carrs Exam. et al

To S. Aug. 1879
 ✓

Executed on the
 within. Dec 16th
 1879.

J. B. Edwards
 Shff

453.24
 338.50
 114.74

753.34
 119.59
 333.75

At a Court held for the County of Southampton on the 20th day of May 1861.

Margaret Hundley and Edwards Joyner Plaintiffs
against
Jane Joyner, Jason & W^m F. Rowe infants by L. R. Edwards their guardian ad litem and Arrington Gardner administrator with the Will annexed of Eli Joyner dec^d. Defendants.

This cause this day came on again to be heard on the papers formerly read and was argued by Counsel. And it being suggested that the decree entered in this cause at the April Term 1861, was erroneous, the Court doth adjudge, that the same be set aside. And the cause now coming on to be heard on the papers formerly read and on the report of Commissioner Arrington Gardner made in pursuance of a decree entered in this cause at the December Term 1861 to which report there is no exception. And the Court confirming the same, doth adjudge, order and decree that Arrington Gardner Commissioner as aforesaid out of the amount collected by him under the decree of December Term last, pay to Margaret Hundley the sum of \$733.44, to Jeremiah E Joyner the sum of \$733.44 to Jason & W^m F. Rowe the sum of \$733.44 and Solomon Carr and Jane his wife formerly Jane Joyner the sum of \$733.44. But the said Solomon Carr shall not receive the amount directed to be paid to him under this decree, until he shall execute bond with good security in the Clerk's Office of this Court, payable to the Commonwealth of Virginia in the penalty of \$1,000.00 Conditioned that the said sum of \$733.44 without interest, directed to be paid to him under this decree, shall be paid and forthcoming to Josephine and Jethro Joyner the children of Jethro Joyner at the death of the wife of the said Solomon Carr, who before her intermarriage with him was Jane Joyner.

A Copy - Teste L. R. Edwards c.c

Hendley & Co
w } Copy done

Joyner & Co

(Ex:)

In the name of God Amen I Eli Joyner of the County of South
ampton and State of Virginia being old and feeble, health but of sound mind and
unfailing thanks be to God for the same I do now think proper to make this paper writing
my will and testament as follows.

Item 1st My will and desire first is that all my just debts shall be paid by my
Executors.

Item 2^d I give and bequeath unto my daughter in law Jane Joyner widow of
Elihu Joyner one fourth part of my chattle estate at my death to her and
her heirs forever. I also leave unto my daughter in law Jane Joyner all my negroes
and land during her single life. at her marriage my will and desire is that my
land and negroes shall be sold and one fourth part of the proceeds of said sale to
be given to my daughter in law Jane Joyner. Should she die and not marry
then I wish the said negroes and land to be sold and one fourth part of the proceeds
of said sale to be given to the children or child of Jane Joyner, to them and
their heirs forever.

Item 3^d I give and bequeath unto my daughter Margaret Handley wife of Percy
Handley, one fourth part of my chattle estate at my death and one fourth
part of the proceeds of sale of my negroes and land at the marriage or death
of my daughter in law Jane Joyner to her and her heirs forever.

Item 4th I give and bequeath unto my daughter Nancy Joyner wife of Edward Joyner
one fourth part of Chattle estate at my death. also one fourth part of the
proceeds of sale of ^{my} negroes and land at the marriage or death of my daughter
in law Jane Joyner, to her and her heirs forever.

Item 5th I give and bequeath to my two grandsons Viz. James E and William F.
Rame one fourth part of my chattle estate at my death. also one fourth part
of the proceeds of sale of my land and negroes at the marriage or death of my
daughter in law Jane Joyner, to them and their heirs forever.

Lastly I do hereby nominate, constitute and appoint my son in law Percy
Handley ... my whole and sole Executor to this my last will and testament
thereby revoking all other wills heretofore made by me. In Witness whereof
I the said Eli Joyner have hereunto set my hand and affixed my seal this twenty
fourth day of July 1833.

Signed, sealed, and delivered
in the presence of

Eli Joyner (S)

Jeremiah Joyner
Josephus Joyner
John Griffin

At a Great Court held for the County of Southampton on the 1st day of May 1859.

Jane Joyner

against

Jason & Wm. F. Rowe, Josephus Joyner & John Griffin vs. Jane Joyner
Plaintiffs
vs. Margaret Handley and Edwards
Defendants. 1855, purporting

to be the last will and testament of Eli Joyner dec'd to probate.

This day came the parties by their attorneys and thereupon came a jury consisting of James Cook, Wm. J. Cobb, John Paulson, James L. Jones, George W. Lawrence, Mansfield Ames, Wm. A. Chapman, Carlton W. S. W. Wesley Bradshaw, John Charles Coleman Ames, and Jos. W. Stark who being selected by lot, read and sworn the truth to speak upon the issue made up in this cause at the May Term 1856 of this Court.

Whether or no the said Eli Joyner died testate or intestate and whether the paper writing bearing date the 24th day of July 1855, purporting to be the last will and testament of said Joyner be the last will and testament of the said Eli Joyner.

Upon these calls returned a verdict in the following words and figures: "We the jury find that the testator Eli Joyner died testate and that the paper writing bearing date the 24th July 1855 purporting to be the last will and testament of said Joyner is the last will and testament of the said Eli Joyner." Whereupon it is considered by the Court that the paper writing bearing date the 24th day of July 1855 be established and the same is ordered to be recorded as the last will and testament of the said Eli Joyner dec'd and by consent of parties it is ordered that the proponent Jane Joyner and the contestants each pay their own costs. And by consent of parties the paper marked A, filed in the case and on the following words and figures:

"Whereas a suit is now pending in the Great Court of Southampton County with regard to the probate of the will of Eli Joyner dec'd in which Jane Joyner is the proponent and Margaret Handley, Edward Joyner and Mary his wife, & Jason & Wm. F. Rowe grand children of the testator are contestants. And whereas the parties being desirous of ending said controversy, being members of the same family, and to save further costs of litigation &c have by and through their undersigned their several Counsel settled and compromised the said controversy upon the following terms and conditions. Viz: First, that the jury by the advice and consent of said Counsel shall declare the said paper writing bearing date 24th July 1855 to be the last will and testament of Eli Joyner dec'd

at the said Jane Joyner. Shall receive from the representatives of the said Eli Joyner dec'd the sum of three hundred & twenty dollars out of the hires & rents of negroes & land of said deceased in lieu of her life interest in said negroes & land. And that the said land and negroes be sold so soon as may be convenient and the proceeds of same be divided into four parts, one of which parts shall be allotted to Jane Joyner during her life and at her death to the children of John Joyner. The part thereof to be allotted to Margaret Handley, one part to Edward Joyner & Mary his wife and the remaining part to Jason & Wm. F. Rowe. And the chattel estate, money &c be divided also into four parts, one of which part will be paid over to Jane Joyner, one part to Margaret Handley, one part to Edward Joyner & Mary his wife and the remaining part to Jason & Wm. F. Rowe. And as to the costs of the said suit it is further agreed that the said proponent Jane Joyner shall pay her costs and the contestants their costs. And this shall be entered of record & be forever binding on the parties. Witness our hands and seals this 1st of May 1859. Robt. H. Whitfield Counsel for Jane Joyner & children of John Joyner. Wm. W. Cobb & G. W. Chapman Counsel for Margaret Handley & others contestants. is ordered to be spread upon the record in this case. And also Handley the executor named in the said will and testament being dead on the motion of Arrington Gardner who made oath and together with John H. Davis and Jeremiah E. Joyner his security (who justified on oath as to their sufficiency) entered into and acknowledged a bond in the penalty of Ten thousand dollars conditioned according to law. Certificate the said Arrington Gardner for obtaining letters of administration on the said deceased's estate, with his will aforesaid annexed in due form.

Teste

L. H. Edwards Clk

A Copy

Teste

L. H. Edwards Clk

"A"

Ele. J. J. J.

Hill

copy

In Islesworth County Court of
Islesworth County. The 4th day
of December 1876.

On the motion of: Benj. O. Carr,
S. James Carr and Ann. Carr and
wife being at last of Galen Carr
deceased: who has departed
this life since the adoption
of the present Constitution of
Virginia without having
claimed or set apart the
homestead to which he was entitled
as a house holder head of a
family leaving his widow &
minor children Deceased: Mary J.
Carr widow, and Daniel W. Carr,
James M. Carr, Benjamin L. Carr
and Joseph L. Carr, it is ordered
that Stephen A. Carr, Thos. J. Clements,
Geo. W. Carr, Master H. Carr and
Leaves B. Cummings who are
appointed Commrs. for that purpose
any three or more of whom may
act do hereunto set off and assign
to the said widow minor children
a Homestead or personal property
not exceeding in value the sum
of Two Thousand Dollars in

The agreement out of the estate whereof
 the said Solomon has died
 seized and possessed to
 be held by them as their home
 stead in his said estate acc-
 ording to law, and make
 report of their proceedings
 to the Court.

A Copy
 Teste.

W. A. Edwards Deft
 W. P. Younger

Solomon's Estate
 Thomas. Appleby
 W. A. Edwards

W. A. Edwards and
 Children

A Copy

W. A. Edwards

W. P. Younger

W. A. Edwards

W. P. Younger

For Copy 25

In Schuylkill County Court, the
7th day of October 1848.

On motion of J. S. Jones one of the
creditors of Solomon Barr decd:
it is ordered that the report of
debt of Commr. Young filed in
the clerk's office of the County Court
be confirmed, and that the Exors
of said Solomon Barr be directed
to pay to the creditors entitled
there to the amounts shown by said
report to be due them accord-
ing to their respective priority.

A copy

Test.

W. A. Edwards De for
J. S. Jones

Some on Barnes Esq.
order to pay Credits
re.

"A Copy"

Warrant F. J.

vs. E. Chy.

Carro's Exors et al.

Ex. G. E.

De for Copy 159

In Acc't. with J. T. Larr + S. J. Larr Executors

1876.

Ucla

To spread 5/2 to one stick line. $\hat{P}_n$ 5 00

" " L. R. C. poles for 1/2 cent.
for his time for brandy &c in pro, the
other 1/2 p. d. by B. T. Carr 42 9%

" " picking up, pea. nuts 1/2 1 87

" " " off (under) 1/2 6 15

11 11 for 10. unit bags " 7 50

" 11 " *Twine* &c. " 60.

" " " labor in working crops
after death of his father's } 4 of 95

11 10 11 picking off p. nuts. 22 50

Deer. 14⁺

" " J. G. Melius, nursery +
Sundries advanced Texas.
Worries + some c. of after
death of his father. 1/2 80 78

" " B.T. Carr for muzzys + skins
6 Labours Do. Do. } 25 87

11 " Christiana Sea - for hand to - ice 1 1/2

18

July

11	C.B. C...	5	00
----	-----------	---	----

100 Do. ad affranchis	1	00
-----------------------	---	----

February

" " S. B. Edwards auctioneer 10 00

.. .. Rev. P. Cheves. Funeral services 10 00

" Alt. fees to Dr. of County 3

" "	Labels for 1896	"	"	"	55 02
-----	-----------------	---	---	---	-------

Appl

W. S. A. Coley, Appear. & Honor. 2.00

11	" "	T. J. Belmont	3 00
----	-----	---------------	------

Home Li

" B. R. Allowance for Office. 35 00

July 3

" " M. H. Barr Apprais. Hous. 2 06

" " 1/2 Cost of another tray & stamp	20	20
	360	360

Auct. Comm'd forward 260.00

1877.

July 3	Amst. bank. for war t	360	83
"	To paid. Res. 10. City app. serv.	3	00
"	" for 3 sides ble. for est.	1	05
"	" B. D. Lane for further amt.		
	disburse by him for labor		
	for est. saving & co. &c.	48	89
"	aid to pay mts. for this acct.		
	+ acct. of Ch. bl. for registered		
	Exors. Appmnt. acct. sales and		
	debt interest.	14	45
"	" Do. Ch. for recording & bl.		
	and acct. sales	3	50
"	" Do. Do. Do. for this acct. + acct.		
	of Ch. bl. & de. to pay acct.		
	and a pay order record		
	upon of payments to acct.		
	recording & same	4	82
Sept. 4	" balance per Amst.	338	50

1876.

Octo By Amst. for net sales of 40
bags of wheat made by est. &
B. D. Lane for mts. & contract
in life time of the latter

Decr. 12 Amst. of acct. sales of
Chatham est.

67 19

686 15

453 34 453 34

the acct. of debt and amounts of
the 3 blads, paid against Solomon
Lane debt: and his balance with
interest on each to 1st of
Jan'y 1878.

A balance due as Gen.
of Mrs. M. A. T. Cady w. of A. M.
Cady on acct. of legacy
from H. B. Powell of 100.⁰⁰ less
acct. pd. for sewing machine
44.⁰⁰, less acct. for bed \$16.⁵⁰ making 56.⁵⁰

Int. from 1st Jan'y 1878 to 12th Jan'y 1878.

A bal. due to John T. Jones
on settlement of the acct. of
his father & wife as Gen. of said
J. T. Jones on 1st Jan'y 1878.

Int. thereon to 12th Jan'y 1878

Totals deb'ts of 3rd class

44 00

14 52 58 52

319 16

33 20 352 36

\$ 310 88

An account of the debts and amounts
owed against Solomon Barr (decd):
in his estate of 4th class with int. on
each claim to 12th Jan'y 1878.

No. 1

Account due B. B. Barr for
Int. thereon from 1st Sept. 1876.

42 43

4 85 47 28

" 2.

Bon due same 1st Decr. 1874
Int. thereon

58 91

8 81 67 72

" 3

Acct. due same as Esor, being
amt. pd. by him to J. H. Bates
Int. from Octo 1st 1875.

9 60

1 08 10 68

" 4

Account due same being
amt. pd. by him to J. H. Bates
Int. from Octo 1st 1875

1 21

13 1 33

" 5

Account due same do.
do. from J. H. Bates
Int. from Octo 1st 1875.

5 61

63 6 24

"	6	Cash. due same Accts. 53	1	50		
		Sub. from 1 st Oct 1876.		84	8	34
"	7	Bond due B. J. Clements amount of W. A. Whitehead for	104	83		
		Sub. from date on 6 th Jan 1874.	28	41	133	24
"	8	Cash. due J. B. Jones for	6	65		
		Sub. from 1 st Oct 1876.	44		4	41
W. R.	9	A note made by John Carr payable to Caroline Britt & endorsed by said Britt & A. M. Eley & paid by Farmers Bk. of Madison dated Jan 20 th 1876. payable to do. after date for.	110	00		
		Sub. from 22 nd Sept 76	11	91	121	91
"	10	A bond made by A. M. Eley Adm. of E. S. Eley decd. and				
		19 th Jan 1876	14	15		
		Sub. from	11	25	85	96
"	11	A cash due Madison Johnson for a piece of land for 50 acres trace has worth	50	00		
		Sub. from - day of - 18 (the 1st)				
"	12	A Debt due John and John's former children of John's former decd. being the amt. recd. by John Carr and John's wife under a decree of the Co. Ct. of Southampton rendered May 20 th 1861. in the suit of Huntington vs.				

Room tax. to be paid by
 said Carr et al. during
 the life of the latter, & at her
 death to be paid to the
 said Josephine & John
 Jones without int. for
 which payment said John
 Carr executed his bond
 with H. D. Pomeroy Secretary
 in the penalty of \$1000.00 a
 copy of which decree and
 bond are herewith filed

An acct. due A. M. Eley for	9	90		
Sub. thereon from 12 Jan. 1876.	1	49	11	39
A bond due to Dr. W. J. Chap-				
man April 23 ^d 1874.	191	12		
Sub. thereon	44	42	238	54
Acct. due same at Sept. 46.	100	00		
Sub. thereon	10	15	111	15
			\$1584	65

Commr. Office I. O. W. A. B. C.
 Aug. 16th 1878.

To the Honorable Court of said County.
 Your Commr. reports to the Court that
 on the 30th day of May last D. C. Barr
 and S. J. Barr Executors of John
 Carr decd: exhibited before your
 Commr. a statement of all the
 monies they had recd. & were
 chargeable with, or had disbursed
 during the periods embraced

in the foregoing account of their
transactions as such Executors, together
with the vouchers for the disbursements.
That your Commr. included the said
Execs. in the list of fiduciaries whose
accounts were before him for
settlement which was posted at
the C. Ct. door on the first day of
June (now last, and on the date
of this report, made up and
completed the said account,
and on the 4th day of September
1877. finds a balance of \$ 338.50 due
from the said Executors to the said
Estate. Your Commr. reports further
that at the request of the said Execs.
on the first day of June and for
term of said Court he posted at
the C. Ct. door notice to the Creditors
of said testator Governor to say.
That he has by fixed return the 12th day
of July 1878. to take and send at his
office an account of the debts
and demands against the said
Governor his debt; or his estate
and requiring them to appear
and prove their respective demands.
That on the day so fixed before
some of the Creditors whose account
are allowed, appeared and
proved them; others leaving
claims not being proved

on that day to be made, the
taking of said account of
debts was continued until the
date of this report when the
remainder of the creditors
having proved their claims,
your Commr. made up and
completed the said account of
debts showing the total amount
of debts proved against said
testator's Estate to be \$1895 53 of which
\$310.⁸⁸ are of 3rd class and have
priority as per act. B. and the
balance of which are of the fourth
class. The Executors have given
such bonds as the law requires
in a personal and sufficient
manner and sufficient. Given
under my hand as the Commr.
of accounts of said County
the day and year first aforesaid
H. F. Young Commr

In the County Court of Des Moines
County this 1st day of October
1898. The foregoing Executorial
account and account of
debts of the transactions of B. F.
and S. J. Carr as Executors
of George W. Carr dead; having
been filed in the Clerk's Office
for one month and no

exceptions being a fine to either of them
were confirmed by the Court and
ordered to be paid.

Teste.

W. A. Edwards De for
M. P. Younger

A - Copy

Teste. W. A. Edwards De for
M. P. Younger

Documents Laminated.

In acc. with

P. J. & L. J. Larn, Treas.

and
Acct of Debit, or
his estate

"A Copy"

Clementine J.

or
Copy

Crossed & sealed

Edw. A.

Fee for Copy, \$1.45

In the County Court of Iscofer the
County, the 4th September 1876.

The last will and testament of Solomon
Barr die d: was proved by the oath
of Charles B. Cunniff and J. J. Jones
the subscribing witnesses, & ordered
to be recorded. And on the motion
of Bessie T. Barr and Solomon J. Barr
the Executor therein named who
made oath and together with
Alexander M. Clegg, Master H. C. C. C.
J. Clement and W. J. Chapman
their securities, who justified entered
into and acknowledged a bond
in the sum of six thousand dollars
certificate of probate is granted them
and said will in due form of law.
Ordered that said bond be recorded
and that Stephen T. Clegg, P. J.
Clement, W. H. Barr, Alex. Clegg &
Chas. B. Cunniff or any three of them
after being sworn as appraisers.
The estate both real and personal
of said Solomon Barr die d: and
return the appraisement under their
hands to the Comr. of accounts
Copy True.

W. A. Edwards Secy
J. F. Sprague

Solomon Larr & Co. Est.
Certificate of executorial
gratification re
"

an copy of order
of ex. re. ^{1st} Sep 1876

to
Clement J.

vs. ³/₃ Chap.

Carr's Exor. at ad

Edgt. C.

For Copy 208

In the name of God. Amos, I.
Solemnly and of this bounty
of God Almighty and State of Virginia
being a just and true heart, but of
disposing memory, do make
and ordain this writing to be
my last will and testament.
to wit:

It is my wish and desire that
my wife Mary Jane shall have
my Homestead Tract of Land
bounded north by the River
or side of water; East by the
lands of Henry Thomas; South
by line dividing my Homestead
Tract from the lands of J. J. J. J.
as conveyed to him by me on the
2^d day of October 1841. I mean
by Homestead Tract to include
all the lands owned by me
adjacent thereto, including a
portion of the "Bear Tract" and
a piece of woods land lying
East of the Bear Tract of land.
I desire that my wife Mary
Jane shall have all of this land,
and to hold the same as long
as she lives or remains my
widow; and at her death or

when she ceases to be my widow
it is my wish and desire that
all the lands mentioned in this
instrument shall be sold & equally
divided between my four sons
children viz: Darius W. James
M. Blandin S. and Joseph
B. Barr to them and their heirs
forever. And it is my desire
that if either of these four
children, Darius W. James M.
Blandin S. and Joseph B. Barr
shall die without a lawful
heir, the survivor or survivors of this
said four children herein before
named shall have the portion
of the deeds.

Item 2^d I give and bequeath unto my son
Solomon J. Barr the sum of five
dollars, which is in addition
to the 100 acres of the Gray tract
of land which I conveyed to
him by deeds dated the 2^d day
of October 18th. Darius and his
heirs forever.

Item 3^d I give and bequeath to my son
Benj. S. Barr the sum of Five
Dollars which is in addition
to an allowance made to him

in the purchase of my tract of
lands adjoining the land
adjoining the lands of H. F. Brown
Estate and other heirs and
his heirs forever.

Item 4th

I desire all of my Chancery property
to be sold except so much as
my wife is entitled to under
the law.

Item 5th

I give and bequeath unto my
daughter Willie A. V. Eley Three
hundred Dollars out of the
proceeds of my Chancery estate, and
I give and bequeath unto my
daughter Mary C. D. D. D. D.
the sum of One hundred and
fifty Dollars out of the proceeds
of my Chancery estate should
there be enough left. Of my
personal property I bequeath to them
and their heirs forever.

Item 6th

If there is any residue after paying
my just debts, I desire the same
to be equally divided between
my four youngest children,
Darius W. Johnson, Leonard
L. and Joseph B. Barr them and
their heirs forever, and in the
event of the death of either of these

own last married children & again
that the survivors or survivors of them
same from children shall have
the portions of the deeds.

June 9th

I hereby appoint my sons Benjamin
C. Barr and Solomon J. Barr, sole
executors of this my last will
and testament; and it is my
desire that there may execute
in the event they should want
any assistance in the transacting
of and settling up my estate, that
they shall have the assistance of Charles
F. Crumpler, and in the event of
the death of both of these my sons
Benjamin C. Barr and Solomon J. Barr
I do nominate and appoint
Charles F. Crumpler sole executor
of this my last will and testament
Signed sealed and delivered in
the presence of

B. Crumpler } wit.
J. T. Jones

Salomon Barr

In the Circuit Court of the County of
Washita, Oklahoma, The 4th day of September
1890. This will of Solomon Barr
deceased was proved by the oath

of which B. Baupier and J. P. Jones
the witnesses there and or used.
And on the motion of B. Baupier
and Solomon J. Barr the Executors
there named who made oath
and waives with H. C. May, Mat. &
Barr, J. J. Clements and W. J. Chapman
this Decree, entered into and
acknowledged a bond in the
presence of J. P. Jones with condition
according to law Certificate
of probate is granted there on
said will in due form of law.

Certi.

J. P. Young etc

Copy

Certi. W. A. Edwards Sec. for
J. P. Young etc

Solomon Barri
will

a Copy

12
Clemente J. F.

4. ^{1/2} copy

Carré Eder et al.

Eubt. B.

For Copy 10

\$ 104, 83 ¹⁰⁰/₁₀₀

On demand I promise to pay
unto W^m. A. Whitehead his heirs or assigns the
sum of one hundred & four dollars & eighty three
cents for value received, good and lawful money
of Virginia, for which payment well and truly to
be made I bind myself my heirs or assigns or
(I also waive the benefit of the homestead ex-
-emption) As witness my hand and seal this the
4th day January 1874

Test
S. James Carn

Solomon^{his} Carn Seal
mark

S. James Carn Seal

Am. 22^d 1875. Pay. The within
 note of bank & interest to be
 applied to my credit on a bond
 which P. J. Clum, Constable
 of W^m Atkinson on deed, holds
 for me, for the purchase of
 the Buffalo Farm.

\$115.61

Mr. J. Whitehead

E. L. H.

42/200

J. P. Clum
 Constable
 W. Atkinson

Clements

v

ban.

This cause came on this day
to be again heard on the papers formerly
sent and on the report of R. S. Thomas
and John H. Wright - Special Com-
missioners under the Decree herein of
the October Term 1883 to which no ex-
ceptions are filed and was argued by
Counsel: On consideration whereof
the Court - Confirming the said ~~Decree~~
report - doth adjudge order and decree
that the said R. S. Thomas and John H.
Wright ^{who are hereby appointed} - Special Commissioners, ^{for that purpose} do forthwith
draw from the papers in this
cause the two bonds of Mary J.
ban D. W. ban & S. J. ban
each for \$525; or bearing date De-
cember 3^d 1883 payable respectively
in one and two years from date on leav-
ing them ~~and~~ receipt - with the clerk of
this Court - for the same and collect-
them on maturity - or ~~if~~ before should
payment - be tendered and on payment -
of the same make a good and sufficient
deed in fee simple with special warranty
to Mary J. ban and D. W. ban ^{under the decree aforesaid}
the tract of land bought by them, Subject
to the dower of the said Mary J. ban
~~and the Court doth further adjudge, order~~

W Clements

V

Loan

Rough Decem

April Term 1884

20 be entered

W. B. B. B. B.

17

Excluded 6

~~and decree that when the said bonds
are paid they withdraw the Certificate
of Deposit of the Cashier of the Farmers
Bank of Tennessee for \$340.00 return-
ed with them when offered on leaving
with the clerk of this Court then receipt-
for the same and collect the same with
all interest thereon, and that after paying
out of the whole fund thus collected the
costs of this suit including an attorney
for W. R. S. Thomas~~

At a Circuit Court for the County
of Isle of Wight held at the Court
House on the 2nd day of April 1884.
Clements, T. J. assm. &.

Plff.

vs

Leann Salomons exors. et al. Defts.

This cause came on this day to
be again heard on the papers for-
merly read and on the report of
R. S. Thomas and John H. Wright
Special commissioners under the
decree herein of the October Term
1883, to which no exceptions are
filed and was argued by counsel.
On consideration whereof the Court
confirming the said report doth ad-
judge, order and decree that the said
R. S. Thomas and John H. Wright, who
are hereby appointed special commis-
sioners for that purpose withdraw
from the papers in this cause the
two bonds of Mary J. Leann, D. N. Leann
& S. J. J. Leann each for \$525.00
bearing date December 3rd, 1883, pay-
able respectively in one and two years
from date on leaving their receipts
with the Clerk of this Court for the
same and collect thereon

maturity or before should payment
 be tendered and on payment of
 the same make a good and sufficient
 deed in fee simple with special war-
 ranty to Mary J. Larr and L. H. Larr
 for the tract of land bought by them
 under the order aforesaid Subject
 to the Dower of the said Mary J. Larr
 as per

Wm. S. L. Larr

Clemente, et al.,
 v. B. G. Larr.

Carr's Exor. et al.

Copy rec. of G. L.
 1887

For copy
 Thomas & Wright
 attn.

J. J. Clements

20

Solomon Carr's Ex^{ors} & al.

This cause came on this day to be again heard upon the papers formerly read, and upon the report of J. A. Eley, E. C. Dowden, Geo. W. Eley, M. J. Morris and J. A. Bennett, commissioners appointed under a decree herein of April 21st 1883, to assign Dower to Mary J. Carr the widow of Solomon Carr, Dec^d, to which report no exception has been filed, and was argued by Counsel.

On consideration whereof the Court, approving and confirming the said report of assignment of Dower, both adjudge, order and decree that R. S. Thomas & Geo. W. Wright, who are hereby appointed Special Commissioners for that purpose, do proceed on some Court Day, before the Court House Door of Isle of Wight County, to sell the Real Estate of which Solomon Carr died seized, subject to the Dower of Mary J. Carr, his widow, after first giving notice of the time, place and terms of such sale, by advertisement in the "Suffolk Herald" once a week for

three successive weeks before the day of
sale, and also by hand bills posted at the
Court House Door of Isle of Wight County
and at two or more public places in the
vicinity of said land, and upon the fol-
lowing terms, to wit: One fourth of the
purchase money in cash, and the resi-
due in ~~three~~ ^{two} equal payments, at one, ~~two~~
~~and three~~ years from the day of sale
with interest, taking from the purcha-
ser bonds, with good personal security,
for the deferred payments, which they
will file with the papers in the cause, and
withholding the title until the further order
of the Court; and the cash payment on
said land they will deposit in the Far-
mer's Bank of Newsummers to their cred-
it as Commissioners in this cause, filing
with the papers a certificate of such deposit.
But before proceeding to execute this order
the said Commissioners will execute
before the Clerk of this Court a bond with
approved security, in the penalty of Two
thousand Dollars, containing waiver of
Homestead and conditions according to
law for the faithful discharge of their
duties under this or any subsequent order

to be entered herein, and they will report
to Court their proceedings hereunder.

Chancery
v { Chancery-
Caris Ex'ls

Decees for Sale
of land -
(Oct 1883

To be entered

Geo: Blow,

Entered No 14.

Clements

vs

Carr's Ex^{rs} & als -

This cause came on this day to be again heard upon the papers formerly read and upon the answer of the Defendant Mary J. Carr and was argued by counsel. On consideration whereof, the Court deciding that the said defendant Mary J. Carr is not entitled to hold the land in the bill and proceedings mentioned, as devised to her in the will of her late husband, Solomon Carr Decd, but that she is entitled to Dower in the said land, doth adjudge, order and decree that Stephen A. Eley, E. E. Bowdoin, Geo W. Eley, H. J. Morris and Joseph A. Bennett, who are hereby appointed Commissioners for that purpose, any three or more of whom may act, do proceed to lay off and assign to the said Mary J. Carr, widow of Solomon Carr Decd, one third part in value (having due regard to quality and quantity) of the land in the bill and proceedings mentioned, as and for her Dower in the same, the said Commissioners being authorized to employ, if necessary a competent Surveyor; and they will report to Court their proceedings under this Order.

Clements & als
w { In chg

Carr's Exrs & als

April 21 st 1883

Decree appointing
Commissioners to as-
sign Doves.

To be entered.

Geo. T. Blow.

Enclosed B2

Clements Pltff

vs.

Baris Executors & als.

This cause came on this day, and the defendant Mary Jane Carr having filed her answer, in obedience to a decree herein of the October Term 1879 it is ordered that the cause be continued.

Elements

40

Caris Executors & als -

April 21st 1880.

Order for Continuance.

To be entered.

Geo. H. W.

Contd 24

In the Circuit Court of Sol. of
Wigles County - October 20th, 1849.

J. J. Clements assignee of W. A. White.
made, suing on his own behalf
and that of all other creditors of
Solomon Carr decd: who may choose
to contribute to the costs of this suit. Plffs
v. Judges.

B. T. Carr and S. James Carr
Exrs. of Solomon Carr decd: The
said B. T. Carr and S. James Carr
in their own right, Mary Jane
Carr, widow of said Solomon Carr,
A. M. Eley, and Millie A. E. his wife,
Luther F. Bradshaw and Mary E. his
wife, Darin W. Carr, James Carr,
Claudius L. Carr, and Joseph, C. Carr
the last four infants. Defts.

This cause came on this day
to be again heard on the papers
formerly read, and on the report
of N. P. M'farring Attorney. under

the decree herein of April term
 1879, and was argued by Cummings,
 on considerations whereof. The
 Court confirming the said report
 to which no exceptions were filed,
 doth hereby order and
 decree that the Defendant Mary
 Jane Carr widow of Solomon Carr
 be summoned to the next term
 of this Court to show cause
 if any she can why the land
 devised her by the said Solomon
 Carr will should not be sold
 to pay the Debts reported as due
 by said Solomon Carr. or his
 estate reported by Commr. Young
 in his said report.

Copy

Filed.

W. H. Edwards D. C.

Comm. ex ar.

v. { Copy of
Decree

Lami Exrs. et al

Decr. cir. Ct. 1879

To Appe. cir. Ct. 1880

Executed by delivery
to Mrs Mary Jane
Carr a true copy
of the decree
Decr. Nov. 90
1879

W. H. Edwards
D. C.

Clements & al.

101

Carr's claim set

This cause this
day came on to be again heard
on the paper formerly read & on the
report of Commissioner A. C.
Boring under the decree hereof of
April Term 1874 it was agreed by
counsel, on consideration whereof the
court confirming said report to
which the respective parties
both adjudge and decree that the
defendant Mary Jane Carr widow
of Solomon Carr be removed
to the next term of this Court to
show cause if any she can why
she should be sold her by the said
Solomon Carr will should
not be sold to pay the debt reported
as due of said Solomon Carr
to his estate reported of Commissioner
Boring in his said
report -

Clement
M
Cam, adms
et al

Roughly
Oct 1899
To be entered
George D. Low.

Ento. 14,
X.

Chambers's

Carroll

An account of the transactions of
said B. F. Carr, & S. J. Carr
Executors of Solomon Carr on the estate
of said testator

Homestead as are not entitled thereto -
 in taking which account the said Com-
 missioner shall take as prima facie evidence
 subject to be rebutted & satisfied further
 by the expenditure account & of
 debts filed with the complainant, till -
 an account of the real estate of which
 said Solomon (an died seized & possessed
 with the fee simple & annual value
 the said -

And the Court doth further adjudge order
 & decree that the widow of said Solomon
 (now is not entitled to Homestead as to the
 Plaintiff's demand -

Clerk only at only

as

Solomon (an)

Etc. et al -

Benjamin

April 1879

John

David

Blow.

Entered 50

In the Circuit Court of Suffolk
County - April 23rd 1899.

Thos. J. Clements assignee of W. A.
Whitehead suing in behalf of
himself & all other Creditors of
Goluma Carr who may choose
to contribute to the costs of this suit. Defts.
vs $\frac{3}{4}$ In Chancery

B. T. Carr & S. J. Carr Executors of
Goluma Carr the said B. T. Carr & S. J. Carr
in their own right, Mary Jane
Carr widow of Goluma Carr
Darius W. Carr, Jas. M. Carr, Claudius
L. Carr and Joseph L. Carr the last
four infants. Defts.

This cause came on this day
to be heard on the Complaints
brought for confessed ^{the defendants} debts, Am.
Eley & M. A. V. Eley his wife, Suther T.
Bradshaw, Mary C. his wife, B. T.
Carr, S. J. Carr Executors of Goluma
Carr, and the said B. T. Carr

and S. Junius Barr in their
own right & Mary Jane Barr
on whom process has been duly
served - they still failing to appear,
plead, answer, or demur, on the
answer of the infant defendants
Darius W. Barr, Jas. M. Barr, Leander
D. Barr by M. P. Young their Geo.
ad litem, general applications
therein, exhibits filed and was
argued by counsel, on
consideration whereof the
Court doth adjudge, order &
decree that, a Commr. of this
Court take the following acts,
1st An account of the transactions
of said B. P. Barr and S. Junius
Barr as Executors of Solomon
Barr on the estate of said testator
2^d An account of the plaintiff's
demands, & of that of all other
creditors of said Solomon
Barr who may choose to sue

tribute to the costs of this suit with
their respective dignity, stating
which of them waive the home-
stead, or are not entitled thereto,
in taking which accounts the
said Commr. shall take a
prima facie correct notice
to be changed or falsified
by either party the executorial
account & account of debts
filed with the complainants
vice.

3^d An account of the real estate of
which said Solomon Barr died
seized and possessed with
the fee simple and annual
value thereof. And the Court
doth further adjudge, order
and decree that the widow
of the said Solomon Barr is not
entitled to home-stead against
the plaintiffs demand.

A Copy Teste - W. A. Edwards Clerk
M. P. H. H. H. H. H.

Le... Arrigon
 re,
 to } In Any Copy
 De...

2.87	12.25
1.15	9.60
.13	1.26
.63	5.61
.72	7.52
7.50	66.25

Lo arri En...

Apr. 21. 1849

June 7th 1849.
 Notice to...

Cont in the of
 Accts.

Deposited with

Farmers Bank of Nansemond

By *Geo. H. Wright*

To Cr. of *R. S. Thomas & Co.*
Geo. H. Wright com^{rs}
Dec 19th 1883

	Dollars.	Cts.
Currency.....		
Notes.....		
Drafts.....		
Checks.....	340	00
<i>W. H. Jones & Co.</i>		
Total.....	340	00

Recd of A. P. Young, Clerk, the two bonds of
Mary J. Carr, D. W. Carr & S. James Carr,
for \$526⁰⁰ each dat^d Dec 3^d 1883 bear-
ing interest from their date, given for the
deferred payments on land sold under se-
cure in the Chancery Cause of Clements
& als vs Carrs Ex^rs & others

Jan 5th 1885

Jas. H. Wright Sp^l Com^r

To Hon Geo Blows Judge of the Circuit
Court of Isle of Wight County.

The
undersigned Special Commission-
ers, in the Suit of Clements and al. vs
Carr's Executors & al. pursuant to a
decree entered therein at the October
term 1883, offered for sale the Real Es-
tate in the bill of proceedings mentioned,
at Isle of Wight Ct on Monday the
3^d day of December 1883, having ad-
mitted the time, place and terms of
sale as directed by said decree and
the said Real Estate was purchased
by Mrs Mary J. Carr & S. M. Can joint-
ly, at the price of \$1400 that being
the highest bid for the same. The cash
payment was made and deposited
in the Farmers Bank of Gloucester
& the bond for deferred payments all
correctly filed.

Respectfully submitted

R. S. Thomas } Special
Jas. H. Wright } Comm^{rs}

Clements

v

Baris Exivatae

Reput. of

R. S. Thumert

J. H. Wright

Sale under the
cur of October
1883.

Apr. 1884
confirmed

//

11c
The Commissioners appointed by the Circuit Court of April Term 1883 to set apart the dower of Mrs Mary J. Carr in the lands of her late husband Solomon Carr met and after viewing the premises have established the line as follows:-

Commencing at a Cypress at County Road cornering on Wm H. Lezell and Henry Thorne thence southward along County Road to a small Sassafras Tree, thence a straight line westward to a wild Cherry Tree in ditch at a ground bridge, thence along said ditch to a willow Tree at outlet from S. A. Eley's thence westward, a straight line to a small forked Pine, thence to a small Sassafras Tree cornering on S. A. Eley, thence northward along said S. A. Eley's line to Swamp, thence up said Swamp at commencing point.

And in consideration of scarcity of Wood, Rail Timber & Topsoil on dower we have set apart we grant her the privilege of getting the same on the other portion of Wood land outside of fence belonging to estate of Solomon Carr senr.

Respectfully Submitted

This 31st day of August 1883:

The above dower as marked
out estimated to be about
Thirty six Acres -

S. A. Eley
E. E. Bowden
Geo W Eley
H. J. Morris
J. A. Barrett

Documents et al.

-v- ⁴/₇ ch. ch.

Carro's Ex. et al.

Report of assent
of dower to the
widow of Sds. Carro

Filed Octo. 8th
1883.

Confirmed Oct. 22^d 1883.

Recorded in Deed
Book No. 49 p. 97

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING:

WE COMMAND YOU TO SUMMON

John Elzy Kellum A.V.
his wife, and Luther A. Traskaw & Mary
E. his wife

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in *March* next to answer

the Bill in
chancery of Thomas Clements suing on his
own behalf and that of all other creditors of
Edmond Carr demand

of a plea of *non* for \$ *1000* Damages \$ *1000* And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *10th*

day of *February* 1879, in the *10^{3^d}*

N. P. Young clk.

P. J. Clements

Deed to

Ans. Bill

vs.

in sup.

Solo. Carro Egon. tal,

To March 18. 1849.

Maydunfy

Exhibited by deposing to
the within named A. M.
Clegg & M. A. V. his wife
and Luther H. Bradshaw
and May E. his wife
each a true copy
of the within Deed
Filed 27. 1849

L. B. Edward Shiff

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING:

WE COMMAND YOU TO SUMMON, *B. F. Carr & J. J. Carr Executors of*
Solomon Carr; the said B. F. Carr & J. J. Carr in their own right; Mary Jane Carr
widow of said Solomon Carr; Marius W. Carr, James M. Carr, Cassius L. Carr,
and Joseph C. Carr, the last four infants.

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the

said Court, on the first Monday in *February* next to answer *the Bill in*

chancery of Thomas Clements assignee of A. S.

Whitaker suing in & behalf himself & all

other creditors of Solomon Carr who may

choose to appear before the rules of this court

of *appeal* of *for* \$ *—* Damages \$ *—* And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court, at the Court House, the *20th*

day of *January* 187*9*, in the *22d* year of the Commonwealth.

N. P. Young

Expenditure by allowing to the within named
D. W. Berry S. J. Carr Good Group from Carr road
a limit of the within Government from 10, 1879

A. J. Edwards & Dept.
A. B. Edwards & Dept.

P. J. Clements

apex

✓

P. J. Carr & Jones

Carr & Jones

Edo. Carr & Co.

to July 1879

Payable for

Carr

The Accuser of Mary J. Cane, one of the defendants to a bill of Complaint of Tho: J. Clements & others, Exhibited in the Circuit Court of Isle of Wight County.

This defendant, now and at all times hereafter, saving & reserving to herself all manner of benefit & advantage of Exception to the Complainant's said bill of Complaint; for answer thereto or unto such parts thereof as she is advised it is material for her to make answer to, This defendant, answering saith; it is true that Solomon Cane at the time of making his Will was possessed of certain Real Estate mentioned in the said bill, which was devised by the Will of the said Solomon Cane to this defendant during her life, and after her death to the four children mentioned in the said Will; but this defendant also says that during the life time of the said Solomon Cane, he had sold and conveyed other Real Estate of which he was possessed & in which this defendant was entitled to Dower, but this defendant joined the said Solomon Cane, (her husband) in making the conveyances aforesaid, relinquishing her Dower therein, in consideration that other Real Estate should be settled upon her in lieu thereof, and that the devise to this defendant of the tract of land

mentioned in the said Solomon Caris will, and in the bill of the Complainant aforesaid, was only a just and proper consideration for her relinquishment of her power in other facts.

And this defendant, further answering saith That at the time of the said Solomon Caris death she supposed that his Estate was perfectly solvent and ample to pay all his debts & that she was entirely ignorant of the actual condition of his affairs, but supposing that the land devised to her in his said will was devised for her jointure, she was not advised that under any circumstances she could be required to elect between such jointure & her power, and that she has not held the said land since her said husband's death, under any assignment of Homestead, that Commissioners were appointed by the County Court of Isle of Wight County, as charged in the Complainant's said bill, to assign her a Homestead in her deceased husband's Estate, but that said Commissioners have never acted under said appointment & the order was afterwards revoked by the said County Court.

And now having fully answered the said Complainant's said bill, this defendant prays to be hence dismissed with her reasons over

costs in this behalf expended, and she will
soon pay &c.

Mary J. Carr

This day personally came before me, Mary
J. Carr, whose answer is above written & made
oath that the statements contained therein are
true, to the best of her knowledge, confidence &
belief.

Given under my hand this 20th day of April
1880

A. J. Young A.B. of
A. C. Court of Wright
County.

Clements et al.

vs. } Inaley.

Carr's Exrs. et al.

The answer of Mary
J. Carr widow of
Solo. Carr decd. —

April 20th 1880.

Filed.

To the Honorable George Blow, Judge of the
Circuit Court of Isle of Wight County in
Chancery sitting:

The joint and several Answers
of Darius M. Barr, James M. Barr, Elaudais
L. Barr and Joseph B. Barr, infant orphans
of Solomon Barr by N. P. Young, their
Guardian ad litem to the Bill of Complaint
in said court exhibited by T. J. Clements, and
others against them and others;

These Defendants jointly and severally
answering say; That they are infants under
twenty one years of age, and they submit
their interest in the premises to the protection
of this honorable Court, and having answered
they pray hence to be dismissed with their
costs in this behalf, most unreasonably expended
and they will ever pray &c

Signed

N. P. Young, *gdc. ad*
litem

Clements et al
vs In Chancery
Solomon Harris Ex et al

Infants Answer

rd
July, Rule 18/9. Filed

To the Honorable George Blow, Judge of the
Circuit Court of Isle of Wight County, in
Chancery sitting;

Humbly Complaining sheweth
to the Court, your Complainant, Thomas J.
Clements, assignee of Wm A. Whitehead, suing
on his own behalf and that of all other Creditors
of Solomon Carr, deceased, who may choose
to contribute to the costs of this suit;

1st

That on the 6th of January, 1874, the said
Solomon Carr in his lifetime with one
J. Junius Carr, as his surety made their
certain writing obligatory ^{sealed with their seals} whereby they
promised to pay on demand to the said
Wm A. Whitehead, the sum of \$104.83, in
which writing obligatory they waived their
Homestead Exemption as will appear from
said writing obligatory, marked "A", herewith
filed and prayed to be taken as a part of
this bill.

Exhibit "A"

2^d
2

That on the 22^d day of November, 1875, the
said William A. Whitehead for value received
assigned the said bond to your Complainant as
appears from the endorsement thereon, signed
by the said Wm A. Whitehead.

3^d
3

That afterwards to wit: on the day of ,
1876, the said Solomon Carr departed this
life, having previously made, and published
his last will and testament, which at the

Exhibit
B & C

4th

September term, 1876, of the County Court of Isle of Wight was admitted to probate in said Court, and Benjamin T. Carr and Solomon J. Carr nominated executors in said will, qualified as such, as will appear from an attested Copy of said will, with certificate of probate and said executorial qualification annexed,

respectively marked B & C, herewith filed and prayed to be taken as a part of this bill. That the said Solomon Carr left a widow, Mary Jane Carr, and the following children; Solomon J. Carr, Benjamin T. Carr, Millie A. W. Eley, the wife of A. M. Eley -

Mary E. Bradshaw, the wife of Luther T. Bradshaw - Darius M. Carr, James M. Carr, Claudius L. Carr and Joseph W. Carr, the last four of whom are infants. That said widow and Children were the heirs at law of said Solomon Carr, and beneficiaries under his said will.

5th

That the said testator left a small Chattel estate, of which the said executors have rendered an account of their executorial transactions showing a balance of only \$338.50, on the 4th day of September, 1877, after the payment of burial and administration expenses; that at the instance of said executors, an account of debts due by said testator, has been taken, showing the same to amount to

5th

\$1895.53, of which \$310.88, are of the B^d Clap and of first dignity; that said account of debts, included your Complainant's said demand; that said executorial account and account of debts have been regularly taken and confirmed; that at the October term, 1878, of the County Court aforesaid, the said executors were directed to pay the said balance in their hands to the creditors reported in said account according to their dignity; that said balance will not be more than sufficient to pay the debts of first dignity and the costs of said account and will leave as per said account \$1584.65, still due by said testators estate; that certified copies of said executorial account; account of debts and orders of confirmation and payment are herewith filed, marked respectively D & E and prayed to be taken as a part of this bill.

Exhibit
D & E

6th

That at the December term, 1876, of the County Court of said County, Commissioners were appointed to assign to the said widow and minor children of said testator a Homestead out of the testators personal estate; that your Complainant is not informed whether such assignment was made or not; a certified copy of said order of assignment, marked "F" is herewith filed and prayed to be taken

Exhibit
"F"

as a part of this bill.

7th

That the personal ^{and real} estate of said testator are insufficient to pay his debts and that as said testator waived his Homestead exemption in your Complainants debt aforesaid, the said widow and infant children are not entitled to claim Homestead, either out of the testators personal or real estate as to your Complainants said debt and your Complainant charges that if any assignment of Homestead was made under said order, the same is void and should be set aside;

8th

That the said testator died seized and possessed of a tract of land, lying in said County of Isle of Wight, described in his will as the Homestead tract, with two other tracts adjacent thereto, which by his said will, the testator devised to his said wife for life, on widowhood with remainder to said infant children, or the survivor or survivors of them should either die without lawful heir.

9th

That your Complainants said bond is wholly unpaid, no portion thereof having been paid to the said Mrs. A. Whitehead before, or to your said Complainant, after said assignment to him, either by said Solomon Barr or E. Junius Barr, in the lifetime of the former or by his administrator or the said E. Junius Barr.

Since his death.

10th V

That the personal assets, and the profits of said land for five years are insufficient to pay the testator's debts, and your Complainant is informed and so charges that the said land devised by the said testator as aforesaid may be sold for the payment of his debts, and that it may be for that purpose sold free of incumbrance of the dower therein of the testator's said widow, if as your Complainant charges to be true, the said land subject to said dower with the personal assets is insufficient for the payment of the testator's debts; because although the said will of the testator bears no date, it was executed after the enactment of February 2^d, 1866, amending sections 4th & 5th of Chapter 110 of the Code of Virginia of 1860, (now sections 4 & 5th of Chapter 106, page 854, of the Code of Virginia, of 1873,) and the said widow did not, within one year after the probate of said will renounce its provisions;

In tender consideration whereof, and forasmuch as your Complainant is without remedy at law, and can only be relieved by the aid of this honorable Court of Chancery where matters of this sort are cognizable; to this end your Complainant prays that the said

Benjamin F. Carr and Solomon J. Carr, in their own right and as executors of Solomon Carr, Mary Jane Carr, widow of said Solomon Carr, A. M. Eley and Millie A. V. Eley, his wife, Luther J. Bradshaw & Mary E. his wife Darius M. Carr, James M. Carr, Claudius L. Carr and Joseph B. Carr, the last four infant Children of said testator by some one appointed their guardian ad litem to defend their interest in this suit may be made parties defendant to this bill and be required to answer the same; That accounts may be taken of the transactions of the said executors, and of your Complainants said debt and of all other debts due by the said testator or his estate to such creditors as may choose to contribute to the cost of this suit; that the said land may be sold; that the personal and real assets of the testator may be applied to the payment ^{after first paying thereout the costs of this suit, inclusive of a reasonable fee to the complainants attorney for his services in this cause} of his debts; That payment of your Complainants said debt may be decreed against the said surety, F. J. Carr, a party to this suit by the name of Solomon J. Carr as aforesaid,

And that such other and further relief may be granted in the premises as to the Court may

seem meet, and may suit the equity of
the case, and your Complainant will
ever pray &c

Hayden p q

Clements et al
vs 3 In Chancery
Solomon Lewis's Exr et al

Complainants Bill

Feb. Reels 1879.
Bill & Expts. filed - Sund.
Exps. on adults & de. nisi
is. then - R. P. Henry app.
gives addition to the inf.
Expts. & this ant. filed.
And sund. and. m. m.
parties to March Reels.

March Reels. Bill taken for conf.
as to adults m. colson de. nisi
was entered at last reels & de.
nisi m. a. m. Ely & m. a. v.
his wife, & L. T. Braden and
m. e. his wife, and parties.
April Reels. Bill taken for
conf. as to above named
parties & set for hearing

Apr. 1879. De. for
accounts re
" "

Act. 1879. Summ. answered to. Mary
Jane Carr to appear at next term
re. to show cause why land
should not be sold. & Rept. Anst.
"

Apr. 1880. Order to be heard in vacation
& April 1883. Re appt. Court to assign Dower.

" Oct. 1883. Rept. of Court to assign Dower conf. & decree for sale
of land, apaid &c.

" April 1884. Rept. conf. De. to collect bond
made and &c.

April 25. 1886. De to receive proceeds of Bond,
and bonds of self. Carr & de. Carr, & distribute