

1799-214

Chancery

Chancery Cause

Robert Carter ^{vs}
a. MARTIN CARTER, JR

VS

RICHARD CARTER, EIC
MARY CARTER, EXV

John Carter, Dec

Theodore M. Carter

WILL: 1781
JOHN CARTER
HALIFAX COUNTY

the name of God the Father and Son and Holy Spirit Amen I praise God for the same
being in body but of perfect mind and memory I praise God for the same
to make Constitute and Ordain this and none but this to be my last
Will and Testament in form and manner following Viz
I order will and desire for all my Lawful debts to be paid by my Executors
I Give and bequeath to my well beloved wife Mary Carter during her Widowhood
For her use and the bringing up and Educating my Children the Land
And plantation whereon I now live with the use benefit and Labour
Of the following Slaves - Jack - Christy - James - Butler - James
With my Stock of all kinds whatever household furniture &c
I Give and bequeath to my daughter Ann Wadell Twenty five shillings
I Give and bequeath to my daughter Elizabeth Carter one Negro boy
Name Sam also one feather bed and furniture to my said
Daughter and to her heirs and assigns forever
I Give and bequeath to my daughter Mary Carter one Negro boy
Name Crofford also one feather bed and furniture to her my said
Daughter and to her heirs and assigns forever
I Give and bequeath to my daughter Judith Carter one Negro girl
Name Hannah also one feather bed and furniture to her my said
Daughter and to her heirs and assigns forever
I Give and bequeath to my daughter Sally Carter Twenty five pounds
Specie in gold or silver - also a feather bed and some furniture to her my
Daughter and to her heirs and assigns forever
I Give and bequeath to my three eldest sons Rich^d Thos - and
Robert Carter my Cuck Land I purchased of George Chiding
Containing 400 Acres which I desire may be equally divided between
The three Brothers also a good feather bed and furniture a piece
And means either of the 3^d three boys should die before they come
Of Age for the surviving 2^d Brother to inherit the Land of the dec^d
Unlucky division. To them my 3^d three sons and their heirs and assigns
I Give and bequeath to my son Francis Carter Two hundred and
Ninety Acres of Land Lying out on the Road adjoining the Land of
Mr Hobson also a good feather bed and furniture to be given to
of him my 2^d son and to his heirs and assigns forever
I Give and bequeath to my son James Carter the Land whereon
I now live - also a good feather bed and furniture to be given
To him my said son and to his heirs and assigns forever
I Mean either of the My two youngest sons James or James Carter
Should die before they come to the Age of 21 years the surviving of them
To have the dec^d Brothers Share of Land
My Will and desire is that I mean either of my Daughters that is Elizabeth
Mary - Judith - or Sally Carter Should die before they come of Age or marry
that their Nigars bequeathed them should be equally divided Among
The surviving Sisters Above mentioned Continued - over

Now My will and desire is that at the coming of Age of my youngest
 Son that the Above mentioned Slaves To M^r. Charles. Darnel. Baker
 James with the future incense Lithuan With all the Rest Residue
 and Remainder of My personal estate be it of whatever Nature
 Kind or Quality should be equally divided Among my beloved
 Wife and Children as aforesaid Mentioned and Described. My
 Daughter Ann Widdill excepted -

And Lastly I do appoint constitute and ordain my beloved
Wife Mary Carter Executrix also Capt James Turner Mr.
William Boyde with my Brothers Rich^d and Theo. Carter
Ex^{rs} of this my Last Will and Testament hoping they will
see the same duly performed as my trust is in them Repos^d
Confirming this and none other but this to be my Last Will
and Testament In Witness whereof I have hereunto set my
Hand and affixed my Seal this 28th day of June 1731—
Signed Sealed Published and declared, D

To be his Last will & Testament

A Copy of
John Casper will duet

~~Wm. H. & Co.~~
 E. Noel Maddill
 Mary E. Hobson
 David Maitles
 Chas. Easter

Karter
in 2 Copy
Carlin will

Se. Chy brotly
be ment on
tho.

~~Wm. H. Hunt & Son
No. 51 N. 2nd St.
New York City
Export of 100 Cents
Cents 8 1/2 of 100 Cents
Banking 500 -
8 Cents of 100 Cents
No. 100 Cents
2 Cents of 100 Cents~~

18th June 1781 -

Ed. Cough of voice

the end of year 1990. The 1990
 have been moved out to west by
 1/2 ft. from North station to the
 year 1990 when the 1990
 age, and the 1990
 year 1990. The 1990
 and 1/2 ft. of 1990.

To the Worshipful Court of Halifax County -
Sitting in Chancery.

Humbly Complaining -
sheweth unto your Worships your Orators Rich^d
Carter jr, Robert Carter & Theodorick ^{Carters} ~~Carter~~ ^{the}
that in the year of our Lord One thousand Seven
hundred & Eighty One, your Orators father, John
Carter, ^{decd} made his last will & Testament which has
been duly proved & recorded in the County Court of
Halifax. And the said John Carter Dec^d
by his last will & Testament devised to your Orators
450 Acres of Land, which bequest is in the following
words "Then, I give and bequeath to my three -
" eldest sons Rich^d The. & Robert Carter, my Creek
" land that I purchased of George Ridgely containing
" 450 Acres, which I desire may be equally divided
" between the three brothers, to them my said three
" sons & to their heirs & assigns for ever," as will more
fully and particularly appear by reference
to the said Will which is prayed to be taken
as a part of this Bill.

And your Orators further beg leave to shew in
that Richard Carter Sen and Mary Carter, (whom
your Orators pray may be made Defts hereto) being
appointed Executors of the said Will, shortly after
the death of the said John Carter and in the
minority of your Orators, took possession of the
said 450 Acres of Land, so as ap^rs^d devised to
your Orators, and the s^d Defts have rented, & are

Lands, and enjoyed the profits arising from the same —
Land ever since the death of the said John Carter dec:
1741, from the year, until the year —
when on the coming of age of your Orators
the said Lands were delivered up to the Compt^s And
your Orators will hoped that the Defts would have —
rendered to your Orators an Account of the rents & profits
of the said Land, & paid the same to your Orators
but which has not been done, And your Orators further
shew that the personal estate of their deceased
father was fully sufficient to discharge all the claims
against the said Estate, And that all the Debt of —
the said John Carter dec:^d have been fully discharged
by his executors. And further your Orators are advised
that Defts as executors of John Carter dec:^d were not —
authorized to take into their possession the Landed
estate of their Testator, but are accountable to your —
Orators for the rents and profits of the same: But
the Defts have refused to pay to your Orators any part of
the profits of said Land, or to give to your Orators
(who were infants at that time) an account of the rents
and profits of said Land, which have been rec^d. by
the Defts All which Actions and doings of the Defts
are contrary to equity and tend manifestly to injure
and oppress your Orators, In tender consideration
whereof and for as much as your Orators are without
complaint redress at common Law and can only
and properly be relieved in a Court of equity where
facts resting in the knowledge of the parties are —
revealed & set forth, To the end therefore that the

said Def^{ts} may upon their corporate, oaths, full
true and perfect answer make to all ~~the~~
singular the premises as fully as if the same
were again repeated and interrogated, and more
especially that ~~that~~ they may set forth and
discover, how long they the s^d Def^{ts} were in possession
of the said Land, what were the annual
rents and profits of the same. And that
by a Decree of this Worshipful Court the said
Def^{ts} may be compelled to render an Account
of the rents and profits of the s^d 400 Acres of Land
while in their possession or in the possession of persons
renting the said Land of them, And that the
s^d Def^{ts} may be Decreed to pay to each of the
Comp^{rs} one third parts of the s^d Rents & profits
together with Interest on the same from the
times they were received ^{by each of the Complainants} by the Def^{ts}, or such
other Decree in the premises as may be consistent
with equity. May it please the

R. N. V. & Comp^{rs}

To the Worshipful Court of Halifax County Settlement
Chancery

Humbly Complaining Sheweth
unto your Worship your Prators Rich^d Carter of
Robert Carter & Thedrick Carter that in the year
of our Lord one Thousand Seven hundred & Eighty
one your Prators father John Carter dec^d made
his last will & Testament which has been duly Pro-
ved & recorded in the County Court of Halifax

and the said John Carter dec^d by his last
will and Testament devised to your Prators 450
acres of land which bequest is in the following
words Item I give and bequeath to my three eldest
sons Rich^d The & Robert Carter my Creek land
that I purchased of George Ridley containing 450
acres which I devise may be equally divided between
~~the three~~ ^{to them} my said three sons & to their
heirs & assigns forever as well more fully and particu-
larly appear by reference to the said will which is pray-
ed to be taken as a part of this Bill

and your Prators further Beg leave to shew that
Richard Carter Senr and Mary Carter whom
your Prators pray may be made Def^ts hereto being
appointed Executors of the said will shortly after
the Death of the said John Carter and in the morning
of your Prators took possession of the said 450
acres of land so as afores^d devised to your Prators and
and the s^d Def^ts have rented out the said land
and enjoyed the profits arising from the same
ever since the Death of the said John Carter dec^d
viz from the year

your Prators the said lands were ^{when on the coming of age of} delivered up
to the Comple^t and your Prators well hope that

The Deft^s would have rendered to your orators an account
of the rents & profits of the said Land & paid the same
to your orators but which has not been done and your
orators further shew that the personal estate of the
deceased father was fully sufficient to discharge
all the debts against the said Estate and that all
the debt of the said John Carter de^d have been fully
discharged by his Executors and further your orators
are advised that Deft^s as executors of John Carter
de^d were not authorised to take into their posses-
sion the landed estate of their Testator but are
accountable to your orators for the rents & profits
of the same But the Deft^s have refused to pay
to your orators any part of the profits of said
Land or to give to your orators who were informed
at that time any account of the rents and profits
of said Land which have been received by the Deft^s
all which acting and doing of the Deft^s are contrary
to equity and so manifestly to enquire and
disprove your orators in tender consideration
whereof and for as much as your orators are well
and completely advised at common Law and
can only and properly be relieved in a Court
of equity where facts resting in the knowledge of the
parties are revealed & set forth To the end there-
fore that the said Deft^s may upon their corporate oath
full true and perfect answer make to all &
singular the premises as fully as if the same were
again repeated and inquired and more
especially that they may set forth and discover
how long they the s^d Deft^s were in possession of
the said Land what were the annually rents and
profits of the same and that by a Decree of this
worshipful Court the said Deft^s may be compelled

A. N. V. J. Campbell

To the Worshipful Court of Halifax County in Chancery
 sitting.

Humbly Complaining sheweth unto your
 Worships your Orator Rich^d Carter jr Robt. & Thos: Carter
 that since the inclosed & within Bill was filed in
 this Court, & was answered by Rich^d Carter dec^d &
 sundry steps taken ~~off~~ in the s^c Cause, ~~that~~ as
 will appear by Reference to the Records, the s^c Rich^d
 Carter sent the Copy in the inclosed Bill hath departed
 this life, & Susannah his wife ~~has~~ now
 his widow hath administered on the Estate of the
 said Rich^d Carter dec^d. And your Orator prays that
 the s^c Suit may be revived ag^t the s^c Susannah
 Adm^r of Rich^d Carter dec^d dec^d & that the s^c Suit
 may stand revived in the same plight & condition
~~in which it was at the s^c Court in which it stood ag^t~~
~~the s^c Rich^d Carter dec^d & the s^c Susannah~~ — And that the s^c
 Susannah may be summoned for that purpose

Carter

of Bill

Carter

Cogswell

2nd PG

ans. of Rich^d Carter
 answered & inclosed
 to her
 1796

JAMES MARY CARTERS

Amesfield

July 1796

Ans. Bill of Discovery

to Rich^d and Carter's Debt

Nov. 1796

Dec. 1796

1797

Feb. Same

Apr. Same

2nd PG

Carter's

Ans. of

Carter's

Stafford County Set

The Commonwealth of Virginia To James Legrand
Daniel Wilson Gentlemen Justices of the County
aforesaid Greeting Know ye that we trusting to your fidelity
and prudent Circumspection in diligently examining whatsoever
Witnesses may be called, as well on behalf of Richard Carter
Jnr. Robert Carter and Theodorick Carter, Complainants, as
also on the behalf of Mary Carter Executrix, and Susanah
of John Carter dec. E. and Susanah Carter Administratrix
of Robert Carter dec. E. who was Executor of the said John Carter
dec. E. Defendants, in our said Court of Stafford in Chancery
depending and undetermined - Do give unto you or any
two of you full Power & Authority, to call and cause to come
before you at such certain days & places as you shall appoint
the Witnesses aforesaid, and them diligently examine on the
help & exhibits of Writings &c. touching the same. And
then your matter touching them, your discretion and plainly
Certify to our Justices of our said County Court at the Court
house of the said County without delay (Sending them there
this Writ also) - under your Hands & Seals. - Witness
George Harrington Clerk of our said Court at the Court house
the 8.th day of May 1797. in the 21st year of the
Commonwealth -

Geo: Harrington

the labour of the said Slaves on the plantations
afraid than the rest of the children; & then
respondent the 1st of 1789 continued thus to tend
alternately the said three tracts of land until
the year 1789 or thereabouts as well as this respondent
at present can recollect, when the Tract of 450
acres was rented out ^{part of three} years for the sum
of £20.1. in the whole, & after the Term expired was
expired, the said Complainants took possession
of their Land themselves: which afraid even
of £20.1. altho this respondent hath not as
yet received the same, yet he is willing
to account for the same. That this respondent
is well satisfied that the board, cloathing & schooling
of the said Complainants which were afforded
them from the cultivation of other Tracts of land
afraid as well as the said ^{Tract of} 450 acres were
of considerable more value than the value of
the rent of their own Tract only: & that it
would have been difficult (if not impossible)

to have discharged the board, cloathing & schooling
of said Complainants with the profits of their own
estate, without the aid & equal assistance which
was granted them from the profits of the estate
devised to the said Mary by the said Testator;
So that the said Complainants in the opinion
of this respondent have not the smallest cause
of complaint agt the said Defendants for the
rent of their Tract of Land during the term
that the Slaves cultivated the said three Tracts
successively, but on the contrary derived
greater benefit by the afo^{re} management of
the defendants than if the Land had been
annually leased out; This respondent
prays to be hence discharged with his costs &c.
Hartford County &c. This day Richard Carter personally
appeared before me & made oath that the contents
of this answer as far as relate to his own knowledge
are true & as far as relate to any one else he believes to
be true. Given under my hand this 25. Aug. 1795.
J. Williams Junr.

W. Carter
ad. J. Carter
Carter

The separate answer of Richard Carter of the Testator
had will of John Carter died & one of the defendants to the
bill in Chancery exhibited against him & Mary Carter
in the Worshipful Court of Highgate County, by Richard
Carter, Robt Carter & Theodorick Carter Complainants,
The respondent was and at all times hereafter seeing
and reserving to himself all benefit of exception
to the many errors & imperfections in the said bill
mentioned, for answer thereto, he this
respondent saith, that he doth admit the decree
of the said John Carter happened in the year
1781. after which his respondent & the said Mary
qualified as ex^{rs} of the said will
& continued the slaves of the said Testator which were
four working hands on the lands of said Testator &
cultivated each tract mentioned in the will
alternately, the crops whereof were scarcely
sufficient to support the family, That at
that time the said Complainants were very young
& your Respondent & the P. ex^{rs} clothed & schooled
the said Complainants, whereby the said
Complainants enjoyed greater benefit from

At the Court house of Halifax County on the — day of May in
the year of our Lord Christ One thousand seven hundred & thirty seven, and in
the 23rd year of the Commonwealth before the Worshipful the Justices of the said
County Court in Chancery. —
Whereas herebefore that is to say, at a Court held for the said County
on the — day of March which was in the year of
our Lord 1795, and in the 19th year of the Commonwealth, Richard Carter Sen^r
Plaintiff in fact and The said Carter by his then Petitioner Complainant, with this
Worshipful Court against Richard Carter Sen^r and Mary Carter & which said
Bill fallideth in this wise to wit, "To the Worshipful Court of Halifax &c"
Sheweth that the said being married and the said and Richard by said
the said dependant appeared and answered the said Bill as followeth
to wit "The said of Mary Carter &c" "The answer of Richard Carter"
to which answers these Petitions. At Court held in the Clerk's Office of the said
County Court on Tuesday the 28th day of — the year of our Lord 1796.
And, At Court again held in the said Office on Monday the 14th day of July
and the next following, paragra and has been given them to reply in the
next State to be held for the said County. And afterwards to wit, At
a Court held for the said County on Monday the 22nd day of August then next
following came on the Petitions and here to wit, the following Bill
in support thereof, "To the Worshipful Court &c" And Sheweth that of
the said being awarded against the said Susanna at her Administration
of the said Richard Sen^r the Court was ordered to judge that the said Sen^r should
stand in the said County. And afterwards to wit, At Court held in the
Clerk's Office for the said County on Tuesday the — day of November then next
following, the said Defendant Susanna being duly served with the said Bill

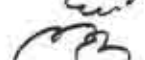
the Plaintiff, replied generally, and thereupon by consent of the Parties,
Compromise, was awarded them to examine & take the depositions of the Witnesses
~~according to law~~ - which depositions being taken and filed according to the
usual course of the Court, to which said depositions the Parties mutually
waived all exceptions and agreed that the same should and ought to be
read as evidence at the hearing of the Cause, ~~which deposition~~ follow, in
the words: [I have inserted them one after another in the best order possible]
As by the said Bill, Answer, Bill of Discovery, Replication, ~~Compromise~~
depositions and proceedings remaining upon Record in this Honorable Court
may more at large appear. - And this Cause thus standing in
Court on Tuesday the 23rd day of May in the year of our Lord 1777. At
Ruler told in the Clerk's Office for the said County the same was set
down for hearing, at the next ^{Court of General Sessions} ~~term of the Court of Sessions~~ to be held
for the said County. - And afterwards to wit; At a Court of
Quarterly Sessions ^{Conferred and} held for the said County on Tuesday the 27th day of November
~~in the year of our Lord 1778~~ ^{the Cause coming on to be heard}, By consent of the
Parties It was ordered & decreed that Samuel Hopson, James Chalmers
Joseph Sandford, Beverly Birkdale and Henry Cook or any three of them
should State & settle an Account of the Annual value of Rents of four
hundred fifty six Acres of Land in the Bill mentioned called Old Lys, being
the same devised by the Testator John Cartledge to the Complainants -
from the 1st day of December 1761 - until the 1st day of Dec^r 1770.
And that they return a fair Statement thereof to the same Court next
in order for a final decree. - And afterwards to wit, At a Court
of Quarterly Sessions ^{Court of} held for the said County on Wednesday the 27th day of
March in the year of our Lord 1779. The Complainants appeared under the

1
said decree having stated and filed on record, in the following words, &
"It is ordered, That in obedience to an order of the Worshipful Court of
and the cause again coming ~~under consideration~~, By consent of the Parties
It was ordered & decreed that the cause should in the said cause on the
27th day of November in the year 1798. and the Proceedings thereon
had should be set aside; And It was further ordered & decreed that
Samuel Henson, James Chalmer, Samuel Henson, Joseph Sandford,
B. Barchdale & H. took many of them and go on the lands
in the Billmunt. contg. 450. Acres called Rileys, which they had
first given to the Parties - and that they should settle the same
at the annual value of 1000. of the said lands from the 1st day of Dec^r
1781. till the 1st day of December 1790. and return a fair State
thereof to Court in aid of a final decree ~~between them~~. And now
at this day ~~before the said~~ - day of May 1799. before of
said Court 1799. first ~~had been considered~~ the Commissioners of said
having stated & settled an account as required by the last aforesaid
decree, & filed the same amongst the exhibits in the said cause, the
same came on to be finally heard & determined in presence of Counsel
learned on both sides - the Bills of the Plaintiffs and the Defendants
Answers, the deposition of the Witnesses & Exhibits appearing as appear
to be as herein before recited, whereupon and upon reading the proofs
& Exhibits aforesaid, and hearing what could be alleged on both sides
this Court did think fit to order & decree, And accordingly on this
present day, that is to say, this - day of May 1799. by this
Worshipful Court of Chancery, ordered, adjudged & decreed that the

Complain

Know all men by these presents that W^m David Powell and Susanah Powell, now Administrators and Administratrix of Richard Carter dec^d who was Executor of John Carter dec^d the said Susanah being late the Widow & Administratrix of the said Richard dec^d and since intermarried with the said David Powell - And John Carter of the County of Halifax one of the jointly bound unto Robert Carter Richard Carter and Theodore Carter in the Sum of One thousand Dollars to which Payment well and truly to be made to bind ourselves our heirs Executors & Administrators Jointly & Severally jointly by their Presidents Sealed with our Seals and dated this 14th day of June 1799th - That satisfaction of the above obligation is such that Whereas in a Suit on Chancery commenced & presented in the County Court of Halifax by the above named Robert Carter Richard Carter and Theodore Carter against Mary Carter Widow of John Carter and Richard Carter, now dec^d who was Executor of the said John - And since the death of the said Richard Carter revived against the above bound Susanah Powell then Susanah Carter Widow and Administratrix of the said Richard dec^d and since intermarried with the said David Powell - Judgment was on the 29th day of May last past, for the Plaintiffs that they should recover against the said Mary Carter, and the Administrator & Administratrix of the said Richard Carter dec^d aforesaid to be valued of the goods & Chattels of the s^d Richard dec^d in the hands of the said David Powell & the said Susanah his Wife as at once & as aforesaid the Sum of One hundred & thirty five pounds & costs. - by them about their Suit in that behalf Expended - From which Judgment the Defendants hath appealed to the next High Court of Chancery to be held in the City of Richmond - If therefore the said Mary Carter, David Powell, Susanah Powell his Wife, and John Carter or either of them shall effectually prosecute the s^d Appeal - And pay the Amount of the said Judgment & costs, and such other fees as may be awarded by the said Court of Chancery in case they shall be cast on the s^d Appeal - And the Judgment on Appeal shall be affirmed, And perform in all things the said ^{final order or} decree then this Obligation to be paid - else to remain in full force & Virtue. -

Signed, Sealed &c.
In Presence of
Benj. Green

David Powell 
Susanah Powell 


To wit Henry Hobson being asked by ~~my~~ Robert Carter Complainant what he thought a certain a certain plantation known by the name of Kidneys was worth ~~Wth~~ Year Answer by the s^d Depo^tant that he thinks it richly worth Thesby pounds —

Question the 2nd by Robert Carter do you not think the s^d tract of Land to be greatly Damaged from the Death of John Carter my Father whilst possession was Given to me —

Answer by said Hobson I think it was Greatly Damaged

Question the 3rd by Robert Carter was not Richard Carter Deed for & principally the Manager of the Estate of John Carter Dec^d and Rented out the Lands of Robert Carter Richard Carter Jun^r & Theoderick Carter

Answer by Henry Hobson I believe he was —

Question the 4th by Robert Carter Dec^d not Richard Carter Deed Conduct the sale of My Father John Carter Dec^d Estate as an E^xec^r and Did he not take the Bonds for the purchase of the said Estate in his name

Answer by Henry Hobson he took my bond as such and I believe he took the rest so —

Question the fifth by Robert Carter was not the River Plantation sufficient for the support of the family had it been Cultivated well —

Answer by Henry Hobson yes I think it was —

Question the 6th by Robert Carter was not the said River Plantation given to James Carter by John Carter Dec^d

his Father as much or more than the Slaves
belonging to the said Decedent could Outlive in a good
Manner

Answer by Henry Hobson I think it was

Question the 7th by Robert Carter was not the Estate
of John Carter Clear of Debt at the time of his Death

Answer by Henry Hobson I believe it was for I never heard
of any Demand against the Estate sufficient to Deman-
y it

Question the 8th by Robert Carter do you not think there
was more Money Due the Estate of John Carter at
the time of his Death than the Estate was owing

Answer by Henry Hobson I think there was

Question the 9th by Robert Carter what kind of Education
had the three Complainants Rich and Theodorick & Robert
Carter Did they have good Education or not

Answer by Henry Hobson I do not think they have an
Opportunity sufficient to obtain a good Education nor
Neither do I think they have an Expensive Education

Question the 10th by Robert Carter was there not tolerable
good Progress made on the plantation yearly

Answer by Henry Hobson there was one
year with another

Question the 11th by Robert Carter Did the 3^d Compla-
nants enjoy a greater share of the ~~Plantation~~
Slaves & Land of John Carter than his other Children

Answer by Henry Hobson no I don't think they
did.

Question 12th by Robert Carter was the land made
use off to a good Advantage for them? Complain-
ants as it might have been -

Answer by Henry Hobson no I don't think
it was -

Question 13th by Robert Carter was there not
considerable left Land willed to them? Complain-
ants than was left to the two other sons -

Answer by Henry Hobson I believe there was
and further this Depoant sayeth not

Henry Hobson

To wit Harmon Miller being asked by Robert
Carter Complainant what do you think the plantation
known by the name of Kidleys was worth $\frac{1}{2}$ Year from
the death of John Carter my Father untill it was
divided between Richard, Theodorick, & Robert Carter
Answer by the $\frac{1}{2}$ Depoant I think it was worth
Thirty pounds $\frac{1}{2}$ Year

Question the 2^d by the $\frac{1}{2}$ Complainant do
you not think the river plantation was sufficient
to employ the hands whereof My father Joh Carter
Died posset to advantage

Answer by Harmon Miller I think it was.

Question 3^d by Robert Carter was not the Tract
of Land and plantation known by the name of
Kidleys Considerably Damaged by Cutting Down
& Cultivating -

Answer by Harmon Miller it was, and further
this Depoant sayeth not -

Harmon Miller

To wit Francis Carter being asked by Robert
Carter Complainant Did not Richard Carter
Exor. of John Carter Dec. have the lands of Richard
Theodorick and Robert Carter in his possession as
an Exor. of John Carter Dec?

Answer by the s. Depoant I always considered
it so and further this Depoant sayeth not
Francis Carter

The foregoing Deposition was taken
The day and Year above Mentioned and
Place Given under our Hands and seals

Theo. Carter 
Hon. Wilson 

Carter
H. Little
of
at
Carter
6

Halifax

The Dep^d of Lipscombe Bagland of Lowfull age
Taken at the House of Isaac Turner in the
County afores^d on this twenty first Day of July
1797 seven in a Sute on Chancery now depending
in the Court of Halifax County in which Rich^d
Carter jun^r Robert Carter and The^r Carter are plaintiffs
a gainst Mary Carter Executrix of John Carter Des^d
and Susanah Carter Administratrix of Rich^d Carter
Des^d ~~Def^d~~ who was Executor of John Carter Des^d Def^d
This Dep^d Being first solemnly sworn on the Holy
Evangelies of Almighty God Deposeth and sayth the
questions by the Def^d.

Do^{you} believe the Widow and family of
John Carter Des^d could have supported without
makeing use of the plantation purchase
of Ridley

Answereth

that he Believes they could not

And further sayeth not

A Bagland

The Above Dep^d Taken Before the Subscribing
justices agreeable to and order of Court to us Directed
as also Notice Acknowledged by plaintiff

Thos^r Watson
Wm^r Wilson

He Halifax, &c

The Dep^d of Polly Powell of Lawfull age
taken at the house of Isaac Turner in
the County afores^d on this twenty first Day
of July 1697 sworn & in a Sute in Chancery now
Depending in the Court of Halifax County in which
Rich^d Carter p^r. Robert Carter & The^r Carter plaintiffs
a gainst the said Mary Carter Widow of John
Carter De^d and Susanah Carter Administratrix of
Rich^d Carter De^d who was Executor of said John
Carter De^d Def^t. This Dep^t being first solemnly
Sworn on the Holy Evangelist of Almighty God and
Sayeth that some time in the Last of March
of first of April past as well as she recollects
she the Dep^t hapne^d in Company with Robert Carter
and others when Susana Powell one of the Defendants
in this Sute Saye to Robert Carter one of the plaintiffs
in said Sute

Why Would you want to Distract
me and my Children so Dont you know you
have had the profits of that Land once.

When she said Robert Carter Replye^d
yes I have had it once. and Will have it
again if I Can get it Polly^{her} Powell
mark

The above Deposition taken before us the Subscribing
Justices Agreeable to an Order of Court and Notice
Acknowledged —

Tho^s. Watthins
Dan^l. Wilson

Halifax N.S.

The Dep^t of Nathaniel Waddell of Lawfull
age taken at the house of Isaac Dimes in the
County afores^d on this twenty first Day of July
1797 in a case in Chancery now depending
in the Court of Halifax County in which Rich^d Carter
Jr. Robert Carter and Tho^s Carter are plaintiff^s
against Mary Carter Exec^t of John Carter Dec^d and
Susanah Carter administrators of Rich^d Carter Dec^d
who was Executor of John Carter Dec^d Defen^d.

This Dep^t being first solemnly Sworn on the Holy
Evangelist of Almighty God Deposeth and Sayeth

1st Question by the Defendant what do you hear pass
in Conversation between Robert Carter one of the Com-
plainants and my self at the store of Jas^t Holmes

Answer by the Dep^t I heard you asked Robert
Carter why he did not get an Education who answered
he was not to be made, and further this Dep^t sayeth no more.

Nathaniel ^{his} Waddell

The above Deposition was Taken before us the subscrib^d
in Justice agreeable to an order of Court to us Directed
and Notice Acknowledged—

Tho^s Watkins

Wm^d Wilson



The Separate Answer of Mary Carter Executrix of
John Carter dec'd. to the Bill Exhibited against her in Halifax
by Rich^d Carter j^r Robert & Theodore Carter

This Respondent for Answer to so
much of the Compt^s Bill as she is advised is material for
her to answer saith, That she cannot deny the facts
stated in the Compt^s Bill, that the law arising upon
them this Respondent is willing to trust with, & submit
to the Judgment of this Court, That Rich^d Carter
the Executor of John Carter, had principally the manage-
ment of the estate of the said John Carter dec'd. -
& this Respondent begs leave to refer this worshipping
Court to the Answer of Richard Carter in this suit
for a more particular answer to the Compt^s Bill.
This Respondent denies all combination - Avows as
desires to do whatever the Court shall think
right between the parties - ~~affirms to be true~~
Dismissed &c

Halifax County &c

This day Mary Carter came before
me a Magistrate for the said County & made oath
to the truth of the above Answer, Given
under my hand this 4th day of June 1796

Wm. Carter

Agreeable to an Order of the County Court of Hallifax
to us Directed we have this day at the Dwelling House of
Daniel Wilson in the said County agreeable to Notice
Proceeded to take the Deposition of Wm Hubbell then
parties being present and said Wm Hubbell of Lawfull age
and first sworn Deposeth and sayeth —

Question the first by David Towel. Do you know
whether the plantation whereon John Carter Dec^d
Died was sufficient to support his Family without
the use of the Plantation known by the Name of
Midleys? Answer by the Depoant I know they
Tended the plantation by the name of Midleys, but
I am not very well acquainted with the plantation
whereon the Family of the S^r Carter lived —

Question 2nd who Hired your son, Answer Mary
Carter did to work on the plantation on Nan river where
on the Family of S^r John Carter Dec^d Lived —

Question 3rd Did you rent the plantation known
by the Name of Midleys? Answer I did the Year
178 seven Rent Ten thousand Corn hills and the
Family of S^r John Carter Tended ^{part} of the Plantation
and made use of the remaining part as a pasture, and
I rented a part of S^r Plantation for the Year 178 eight
for which I gave Ten Pounds and one shilling, and
four Pounds here shillings for the part I rented the Year
178 seven and Benjamin Jordan rented the Walla-
ne of the said Plantation for the Year 178 eight

for which he gave six Pounds and paid two pounds
eight shillings to Robert Carter one of the Complain-
ants. And I heard Benjamin Jordan say that he paid
the balance of his Rent to the S^r. Robert and Richard Carter an-
other of the Complainants. I also heard this S^r. Richard
Carter say that he did receive a part of S^r. Kent's

Question 4th what did you hear Robert Carter say
respecting his Education, Answer I heard him say
he would not go to school nor want to be made,
And further this Depo^{nt} saith that Edward Jor-
dan Tended a part of the tract of Land known by the
name of Kidleys the Year 1788 Eight for which sa-
Jordan paid said Complainants three pounds —

Question 5th by Robert Carter one of the Complainants,
who did you rent the plantation known by the name
of Kidleys? Answer by said Depo^{nt} I rented
said Plantation of Richard Carter Dec^r. who I saw
act as an Executor of the Estate of John Carter Dec^r.
for the years 178 seven & 178 eight and 1789
Depo^{nt} paid four Pound Ten shillings to James
Chalmers agreeable to an order of said Richard Carter
Dec^r. for the rent of S^r. Kidleys Plantation for the
Year 178 seven, and the rent for S^r. Plantation for
the Year 178 eight I paid them said Exp^{ts} Ten pounds
and one shilling, which money or a part thereof was
Paid to James Coleman for Property which —

Property Richard Carter applied to his own use —
Question 2^d Did Richard Carter Esq. of John Carter Dec. suffer
the Neighbouring people to trespass on the lands of John
Carter Dec. by Putting of it down and Tinding of it —
Answer The said lands was cut and bounded by Ransom
Colquett and Edward Jordan and I believe was a trespass
to the amount of four thousand Tobacco hill, but Richard
Carter the Executor aforesaid informed me the Deponent
that he the said Esq. knew nothing of it untill afterwards
Question 3^d Did Tho. Scott Direct you to rent the Plan-
tation Calid Kidley for four years beginning in the Year
1788 even for him as you was in the said Scotts employ
at that time as an Overseer, Answer Yes and Directed
me the Deponent to give Twenty five pounds for the
use of sd. Plantation 4th year which I the Deponent
thought was a good bargain at that rate, and that in
the Year 1788 I made Application to said Esq.
to rent the whole of the place aforesaid Calid Kidley
and he refused to rent the whole of the place to me said
Deponent but slept aside and rented a part to Wm
Jarrin Jordan by private Contract for nine pounds
and the Deponent saith he rented and gave ten
Pounds and one shilling for a part of sd. Plantation
the same Year which was set up at the highest bid
in Question 4th by said Complainant was the same
belonging to John Carter Dec. sufficient to bind more
Land than was contained in the River Plantation
where on the widow of Wm. lived,

Answer by said Depoant I have said before I was
not ^{will} acquainted with said plantation but well Remem-
ber one year they did not with the help of my son
two Months in the time of Crop and further this
Depoant sayeth not ~

William Nuttall

The above Deposition was taken before us this
18th day of August 1797 ~

J. H. Watkins

Dan. Wilson

Carters

8

ads 3 de po.

Carters

W^m Nuttall

Agreeable to a Dedimus Proterialum from the
County Court of Halifax to us Directed and Notice
filed we have this day met at the store house of
James Chalmer in Halifax County and Cause come
before us the following Deponents who being of Lawfull
Age and first sworn Depoeth and sayeth —
To wit Francis Carter Deponent being asked by Robert
Carter one of the Complainants was not the personall
Estate of John Carter Deceased full sufficient to
satisfy the Debt due from the said Estate —
Answer by the said Deponent it was

Question 2^d by S^d Robert Dand you think the
labour of the said Complainants were fully sufficient to main-
tain them from the death of their father untill they came
of Age —

Answer by the said Deponent I think it was —

Question the third by S^d Complainant Did the said
Complainants have an Education sufficient to do Com-
mon business Answer by S^d Deponent I do not
think all the Complainants had

Question by S^d Complainant Was there ever
any money laid out by id pecuniary and trade
in Clother for the said Complainants —

Answer by S^d Deponent I think there was not for they were gene-
rally clothed in home spun truck

Robert Dand
J. W. Carter
J. W. Carter

Question the fifth by J. Complainant Are you not
Convinced that the plantation known by the name of
Widley was never advertised by the Exor Richard
Carter to be rented out. Answer by J. Deponent
I never saw an advertisement nor heard of one for that
purpose untill the J. Complainants took the J. Land in
possession altho I lived in the Neighbourhood untill
J. Complainants took possession

Question the 6th by J. Complainant Did not my Father
John Carter will Considerable more Land to you and
James Carter than he did to J. Complainants -

Answer by J. Deponent, he did will more Land
to Jackson - and James the Deponent says he
not

James Carter

William Hubbill one of the Deponents being asked
by Robert Carter one of the Complainants Did not
you rent the plantation known by the name of Widley
Belonging to J. Complainants of Richard Carter Exor
of John Carter Dec^d Answer Yes I did Two Years
which I believe was 1788 and 89 -

Question by J. Complainant was it a private Con
tract between you and J. Richard Carter or was it
at a publick renting of J. Land ~~usually a High~~
~~price for the J. Land~~ Answer by J. Deponent
The first year was private hire for which I gave four pound ten
shillings a year - and of J. plantation

And the second Year was at the plantation where
was a small Company gathered and Friedrich
Miller offered Nine Pounds and I offered Ten pounds
and in bidding - for a part of S. plantation

Question the third by S. Complainant You lived
a Near Neighbor to the plantation did you. Answer by
S. Deponent I did

Question by S. Complainant Did you ever see or
hear of S. plantation being advertised to be rented
to the highest bidder Answer by S. Deponent I never
did

Question the fifth by S. Complainant - Did not
S. Exor Richard Carter tell you that you might
not repair the fences of S. plantation. That it would
do for a year or two and by that time the Owners
would take it in possession Answer by S. Deponent
he told me it would do for a year or two and by that
time he the S. Exor should give it up -

Question sixth by S. Complainant what do you
suppose the rent of the whole of the plantation to be
worth those two years you rented Answer by S.
Deponent ~~that~~ it was worth Twenty five
pounds per Year and further this Deponent saith
not -
William Hubill
made

Ironstead More one of the Deponents being asked
by Robert Carter one of the Complainants—
have you not ever lived a Neighbour to the
family of John Carter Dec^d I have for fourteen or
fifteen years past—

Question the 2^d by S^d Complainant. Are you not
well convinced that there never was any of the Estate
of John Carter Dec^d expended by his Heirs
for Clothings? Complainant Answer by S^d
Deponent I do not know there was for they Com-
monly wore Virginia Cloth—

Question 3^d by S^d Complainant ^{by S^d Deponent} Was their Educa-
tion expensive or not Answer I do not know

Question 4th by S^d ~~Deponent~~ ^{Complainant} Do you not think the
Labour of S^d Complainants was sufficient to maintain
them Answer by S^d Deponent I cannot tell

Question 5th by S^d ~~Deponent~~ ^{Complainant} Did you ever see or hear
that Richard Carter Heir of John Carter Dec^d Admitted
to be granted the plantation known by the Name
of Kidleys Answer by S^d Deponent he said that I remem-
ber off. And further this Deponent sayeth not—
Ironstead Moore

The within Deposition was taken before us the Under-
writing Justices of the Peace this 20th Day of May 1794—
James Hylton
David Wilson

Agreeable to a *Decimus Prohibition* from the
County Court of Halifax to us Directed and the with
in Notice we have this ~~day~~^{17th} day of April 1797 Affor-
weld at the dwelling House of the Jains in the count-
ry above Mentioned and caused to come before us the
following Deponents who being of Law full age and
first Sworn Depoeth and sayeth

To wit. Benjamin Hobson being asked by Robert
Carter Complainant What he thought a certain plantation
known by the name of Red Lugs was worth per Year
Answer by the s^d Deponent that he thinks it richly
worth ~~the sum of~~ *£100 per year*

Question the 2nd by Robert Carter do you not think
the s^d tract of Land to be greatly Damaged from the
Death of John Carter my Father whilst possession was
given to me

Answer by s^d Hobson I think it was greatly Dam-
aged

Question the 3rd by Robert Carter was not John
Carter Dec^d, principally the Manager of the Estate
of John Carter Dec^d, and Rinted out the Lands of
Robert Carter, Richard Carter Jun^r & Theodorick
Carter —

Answer by Benjamin Hobson I believe he was — the 1st

Question the 4th by Robert Carter Did not Michael Carter Dec^d Conduct the sale of My Father John Carter Dec^d Estate as an Exor and did he not take the Bonds for the purchase of S^d Estate in his name —

Answer by Benjamin Hobson he took nothing as such and I believe he took the rest as —

Question the 5th by Robert Carter was not the River Plantation sufficient for the support of the Family had it been cultivated well —

Answer by Benjamin Hobson Yes I think it was —

Question the 6th by Robert Carter was not Thos^d River Plantation willed to James Carter by John Carter Dec^d his Father as Much as More than the Slaves belonging to the S^d Decedent could cultivate in a good Manner —

Answer by Benjamin Hobson I think it was —

Question the 7th by Robert Carter was not the Estate of John Carter Clear of Debt at the time of his Death —

Answer by Benjamin Hobson I believe it was for I never heard of any Monies against —

was the Estate sufficient to pay age it

Question the 8th by Robert Carter Do you not think there was more Money due the Estate of John Carter at the time of his death than E. Estate was owing -

Answer by Benjamin Hobson I think there was

Question 9th by Robert Carter What kind of Education had the three complainants Richard, Theodorick & Robert Carter, Did they have good Education or not

Answer by Benjamin Hobson I do not think they had an opportunity sufficient to obtain a good Education nor neither do I think they had an expensive Education

Question 10th by Robert Carter was there not considerable good crops made on the plantation yearly

Answer by Benjamin Hobson there was one

Yours with another—

4

Question 11th By Robert Carter Did the S^d Complainants, enjoy a greater share of the S^d Slaves & Land of John Carter than his other Children

Answer by Benjamin Hobson no I do not think they did

Question 12th by Robert Carter was the Land made use of to as good Advantage for the S^d Complainants as it might have been—

Answer by Benjamin Hobson no I do not think it was

Question 13th By R. Carter was there not considerable Self Land willed to the S^d Complainants than was left to the two other sons—

Answer by Benjamin Hobson I believe there was and further this Depoant sayeth not Benjamin Hobson

Answer by Benjamin Hobson I think so

Question the 14th By Robert Carter was not the Estate of John Carter clear of Debt at the time of his Death—

Answer by Benjamin Hobson I believe it was for I never heard of any Debts against—

Hallifax ^{Justice of Halifax City} Theodorick Carter one of the
The Deposition of ~~Richard~~ of Lawfull age
Taken at the House of Jacob Turner in the County
aforesaid on this Twenty first Day of July 1797 seven
in a cause in Chancery now depending in the Court of
Halifax County in which Richard Carter vs Robert
Carter and Theodorick Carter are plaintiffs against
Mary Carter Exec^{tr} of John Carter dec^d and
Susannah Carter Administratrix of Richard Carter
dec^d who was Executor of John Carter dec^d Defen^t
This Depo^{nt} being first sworn on the Holy Evangel-
list of Almighty God Depoth and sayeth

That he wrote the last Will and Testament of John
Carter dec^d Dated the Eighteenth Day of June 1780
that he dec^d Willed to his three Eldest Sons Theodorick and
Rich^d and Robert Carter a Certain Tract of Land
which he purchased of George Reddy containing
four hundred and fifty Acres to be Equally Divide^d
Between the above ~~Widow~~ Theodorick Rich^d and
Robert Carter but that the said dec^d was at the
same time possessor of two other plantations besides
the above but the Dep^t sayeth the plantation purch-
ased of Reddy was the principal plantation he dec^d
lived with by which the family was to be
supported and that the dep^t further sayeth that
the Widow of said dec^d was by the Desire of John
Carter dec^d ^{Desire} not only to have the plantation purchased
of Reddy but the other two above mentioned for the
support of the family and that he the Dep^t was directed
to write the Will in that manner and that the
Dep^t sayeth it was an oversight in him in not
writing the said Will as he was directed by dec^d

in this Instance

9

And this Dep^t further sayeth
That the said Rich^d Threlkirk and Robert Carter
was not to be posse with these Land or any part
thereof till they and each of them arrive to the
Age of twenty one Years but the said Land and
plantations was to remain for the use of the Widows
in Educating and Bringing up the Children of
Des^d and that the Dep^t sayeth if otherwise Directed
in the Will of John Carter Des it is an omission
in him the Writer

This Dep^t further sayeth there
was other Sons of said Des^d to Whom Lands were
Wile in the same Situation as the above

- 1 question by the ~~father~~ Dep^t do you believe
the Family of John Carter ^{Des} could be supported
without the plantation and Land purchased
of Ridley

Answer they ^{Carter} could not

~~Doth the Dep^t sayeth not~~

- 2 by the Dep^t

^{Thos Carter}

do you know the Reason Why Robert Carter
was not Educated

Answer

I know he was Entere to Sundry Different
Teachers the Last he was Entere to was Mr. Geddes
Carter but Through Disorderly Behaviour in Robert
Carter he was Expell'd from School neither could
Rich^d Carter or his Mother prevail on him to Continue
in the School of Geddes Carter

and further sayeth not

Thos. Carter

The Above Deposition taken before us the Subscribing Just.
ice Agreeable to an Order of Court and Notice Acknowledged

Thos. Halliday
Dan. Wilson

Answer by S. Deponent I cannot tell —

Question 3rd by S. Complainant was on the River Plantation as much as the slaves belonging to the Estate of John Carter Dec^d could cultivate in a good manner
Answer by S. Deponent he thinks it was not —

Question 2nd by the Defendant do you think that the labour of the slaves where of John Carter Dec^d possessed was sufficient to support the widow and Children of S. Dec^d without making use of his ^{own} Plantation —
Answer by S. Deponent I do not think that they were —

Question 4th by the Defendant did not Mary Carter & Act generally in the Estate of S. Dec^d as far as employing ^{the} slaves to carry crops made on S. Plantation to Inspections —
Answer by S. Deponent that he has been employed by Theodorick Carter one of the North Carverts to carry part of the crops made on S. Plantation and further this Deponent says nothing —

William Boyd

The above Deposition taken before us the the undersigned Justice Agreeable to an order of Court and Notice Acknowledged —

Thomas Watkins

Wm. Wilson

Chas. W. Wilson
S. J. W. Wilson
S. J. W. Wilson

Hallifax of the Dep^y of William Mould of Lawfull age
taken at the house of Isaac Turner in the County of Essex on
this twenty first day of July 1774 sworn in a suite of
in Chancery now depending in the Court of Hallifax
County in which Richard Carter J^r. Robert Carter
& Theodorick Carter Plaintiffs against Mary Carter
Executrix of John Carter Dec^d. and Susannah Carter
Administratrix of Richard Carter Dec^d. she was born
of v^d. John Carter Dec^d. Defendants. This Defendant being
first sworn on the Evangelist of Almighty God
Depoith and sayeth—

Question 1st by the Defendant. Do you know
that Mary Carter Relict of John Cart Dec^d.
Could have supported her Family without the use of
~~all three of the plantations that J^r. Dec^d. Did poss^{ess}~~
~~out of~~—

Answer ~~by~~ ^{by} Defendant. I now live
a near Neighbour to S^d. Plantations and did at the
time of the S^d. John Carter Death and that he does
not believe the widow could support without the
use of S^d. Plantations known by the name Kidneys

Question 2nd by the Plaintiff. Do you believe that Rich^d.
Carter Thos^r. Carter & Robert Carter enjoyed a greater
proportion of the estate in their share than
their other Brothers did

Answer by S^d. Defendant
he can not say—

Question 3rd by S^d. Plaintiff. Do you think that the
Labour of S^d. Defendants was sufficient to support their
selves in their Non age whilst with their Mother or not—

Hallifax ^{Sc}. This day personally appeared before
me Thomas Carter and made oath that he deliver-
ed a true copy of the within Notice Ten days
previous to this day, ^{to Robert Carter} July 21st 1794 —

Wm. & Wilson

Wth Robert Carter of Halifax County please take
Notice we shall proceed to take the ~~depos~~ ^{depos} of William
Newbell and others at the house of Mr. Daniel Wilsons on
the third sater day of this Instant to be used as Evidence in
the sute in Chancery now depending in the Court of Halifax
County in which you are plaintiff and our selves as admini-
strators of Rich^d Carter ~~De~~ ^{De}

th
9 August 1794

We are yours
David Howell
Susana Howell

Wth
Robert Carter

Hallifax. This day Person a^{ly} Appeared
Before me Caled Townes and made Oath that
the within is a true Copy of a Notice by him
Delivered to Robert Carter on the Ninth Day of
this present Month

Dan: Wilson
19th 1797

Hallifax. This day Appeared Before me John Moller
and Made Oath that the within is a true copy of a
Notice given by him to Mollay Carter

Dan: Wilson
19th April 1797

25
Jno Moller
Sister to

Hallifax County 3rd March 1797

Mrs & Mr

Susanna & David Powell please to take Notes I shall
take the Depositions of Benjamin Hobson and others,
in the Suit Depending between you and me in
the ^{County} of Halifax County on Wednesday the twelfth
of April next between the Hours of Eight
o'clock in the Morning and five in the after
noon at the dwelling house of Thomas Gaines
in Halifax County

I am yours &c

Robert Carter

Hallifax: This day personally appeared before
me Thomas Carter and made oath that he deliver-
ed a true copy of the within Notice Ten days
previous to this day, July 21st 1794 —
to Robert Carter

Wm. Wilson

W^t Robert Carter of Halifax County please take
Notice we shall proceed to take the Deeds of William
Newbell and others at the house of Mr. Daniel Wilsons on
the third sater day of this Instant to be used as Evidence in
the sute in Chancery now depending in the Court of Halifax
County in which you are Plaintiff and our selves as admini-
strators of Rich^d Carter Deft^s

9 August 1794

We are yours

David Howell
Susana Howell

W^t
Robert Carter