1880-002
Nansemond Co. (Suffolk)

Chancery Causes: Sherman White, infant et al vs Warren White et al

Johnson, Pearce

Plat

Oversized

-1 Plat

Map Case OS-1-D-Drawer 8

1161465

Sherman White & al.
vs.
Warren White & al
Taxed costs

Clerk			$ 10 00
Atto. for defendants			15 00
Wilbur J. Kilby. Comr.			8 00
"Suffolk Herald" Printer's Bill			10 50
Geo. M. Stever, Surveyor,			20 00
Benj. Riddick. Comr.			2 00
Solo. Hodges "			2 00
Robt. H. Herring "			2 00
Josiah & Warren White chain-carriers &c. for surveyor			10 50
Atto. for Plaintiffs 1 writ tax.			16 50
Sheff. Nansemond County.			1 00
" Norfolk County.			50
Total =			$ 98 00
Paid by Warren White	$ 24 50		
" " Josiah White	24 50		
" " Josiah White for Quilla White	24 50		
Sherman White	3 00	76 50	
Balance due by Sherman White =			$ 21 50

The above sum paid by Sherman, Warren, Josiah, & Quilla White of = $ 76 50
has been paid out as follows:

To P. B. Prentis Clerk.	$ 10	00
" W. J. Kilby Atto. for defendants.	15	00
" " Comr. in Chy.	8	00
" D. G. Elam, proprietor of Suffolk Herald printer's Bill	10	50
" Geo. M. Stever. Surveyor	20	00
" Benj. Riddick Comr.	2	00
" Solo. Hodges "	2	00
" R. H. Herring "	2	00
" Chain-carriers in part of $10.50	7	00
	$ 76	50

76 50

(over)

The Balance of costs due
by Sherman White of
is due as follows:

			$21 50
To J. F. Crocker, Atty. for Plff. & Tax	$ 16	50	
" J. L. Fulgham Shff.	1	00	
" Norfolk Co "		50	
" Chain-carriers balance	3	50	
	$ 21	50	

24 Dec. 1881 Wilbur J. Kilby
Atty. for defendants

Sherman White et al
vs. } In Chy
Warren White et al

Taxed costs

The Commonwealth of Virginia,

Norfolk

As at another time we have commanded you, To the Sheriff of ~~Nansemond~~ County---Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Warren White, Joe White, Zuilla White and Lillie Ann Pence, an infant under twenty-one years of age

to appear at the Clerk's Office of our Circuit Court, for the County of Nansemond, on the first Monday in March next, 1877, being rule day, to answer a bill in chancery, exhibited against them in the said Court by Sherman White, an infant under twenty-one years of age suing by Mahala White, his next friend, and the said Mahala White, in her own right, as widow of Madison White deceased.

~~and unless shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.~~

And have then and there this writ. *Witness*, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 20th day of March 1877, and in the 101st year of the Commonwealth.

Peter B. Prentis Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

Godwin & Crocker. p.q

Sherman White, an infant
&c:

Pltf
vs
Alias Summons in Chy

Green White Defdt
= To March Rules - 1877

Hanover Cir: Co

Executed Feby 28th 1877 by
serving a copy on Lucy Boyd
for Della White, the said
Lucy Boyd being over 16 yrs
of age & a member of the
family of Della White

John. Lesner
S.H.C.

Pro. B. No: 1. Page 73
Cir. Co:

CHANCERY SUMMONS.

The Commonwealth of Virginia, Norfolk

To the SHERIFF OF ~~NANSEMOND~~ COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Warren White, Joe White, Zuilla White and Lillie Ann Pearce, an infant, under twenty-one years of age,

to appear at the Clerk's Office of the Circuit *Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in* February *next, to answer a Bill in Chancery, exhibited against them in the said Court by* Sherman White, an infant, under twenty-one years of age, suing by Mahala White, his next friend, and the said Mahala White, in her own right, as widow of Madison White deceased,

and have then and there this Summons.

Witness, Peter B. Prentis, *Clerk of our said Court, at his office, this* 20th *day of* January *1877, in the* 101st *year of the Commonwealth.*

Teste: Peter B. Prentis **Clerk of the Court.**

Copy for
Zuilla White

Not found
Jas. T. Saunders, D'Sy.
for John Lesner, Shff.

CHANCERY SUMMONS.

The Commonwealth of Virginia, Norfolk

To the SHERIFF OF ~~NANSEMOND~~ COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Warren White, Joe White, Dulla White and Lillie Ann Pearce, an infant, under twenty-one years of age

to appear at the Clerk's Office of the Circuit *Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in* February *next, to answer a Bill in Chancery, exhibited against them in the said Court by* Sherman White, an infant, under twenty-one years of age, suing by Mahala White, his next friend; and the said Mahala White, in her own right, as widow of Madison White deceased.

and have then and there this Summons. Witness, Peter B. Prentis, *Clerk of our said Court, at his office, this* 20th *day of* January *1877, in the* 101st *year of the Commonwealth.*

Teste: Peter B. Prentis **Clerk of the Court.**

Godwin & Crocker pg

Sherman White, an infant
&c.

vs } Sum.s in Chancery

Warren White &al.

To Feby: Rules, 1877

Nansemond Cir: Co:

Not found
Jas. T. Saunders, D.Sy.
for John. Lesner, Shff.

Pro: B. No. 1. page 93.

Cir: Co:

CHANCERY SUMMONS.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON Warren White, Joe White, Zuilla White, and Sallie Ann Pearce, an infant, under twenty-one years of age.

to appear at the Clerk's Office of the Circuit *Court of Nansemond County, at the Rules to be held for the said Court, on the first Monday in* February *next, to answer a Bill in Chancery, exhibited against* them *in the said Court by* Sherman White, an infant under twenty-one years of age, suing by Mahala White, his next friend, and the said Mahala White, in her own right, as widow of Madison White deceased

and have then and there this Summons. Witness, ~~WILLIS E. COLLINS~~ Peter B. Prentis, *Clerk of our said Court, at his office, this* 20th *day of* January *1877, in the* 101st *year of the Commonwealth.*

Teste: Peter B. Prentis **Clerk of the Court.**

Executed & copy delivered to Warren White & Jno White each, on 10th day Feby 1877

J. L. Pickens Sheriff

Godwin & Crocker. p.q.

Sherman W. White, an infant &c

Pltf
vs
Defts

Summons in Chy:

Warren White & al

To Feby: Rules, 1877.

1-20-1877

Pro: B. No: 1. page 93

Cir: Co:

Joseph White

in care of Marine White Co

Hospt

Suffolk Va

Virginia:

At Rules held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday the 5th. day of February, 1877

Sherman White, an infant, under twenty-one years of age, suing by Mahala White, his next friend; and the said Mahala White in her own right, as widow of Madison White, deceased . . . . . Complainants.

against } In Chancery

Warren White, Joe White, Zuilla White, and Lillie Ann Pearce, an infant, under twenty-one years of age . . . . . Defendants.

On the Motion of the Complainants, by Counsel: Peter B. Prentis, is appointed guardian ad litem, to defend the infant Defendant, in this suit; and it is ordered, that notice be given the said guardian of his appointment, by serving on him, a Copy of this order.

Teste,

Peter B. Prentis. Clerk

1877. Feby: 5th: I acknowledge service of the foregoing order, and that I have received a Copy thereof.

Peter B. Prentis

g.n: ad litem

Sherman White, an
infant &c Def

Order appointing guardian ad
litem to infant defts.

Warren White Def

2-5-1877

Dec 8 Taxes of Warren White —

50.18

Mr. Hardy White C

To GEORGE W. SKINNER, Dr.

1872 CLERK AND TREASURER OF CYPRESS TOWNSHIP.

To 1 Capitation Tax, 50 cts., to defray Township expenses..... 50

To $ 312.50 worth land, at 5 cts. on the $100, to defray Township expenses..... 16

To $———— worth personal property at 5 cts., on $100 do do.....

To Assessor's Fees..... .....

Received Payment,

$ 0,16

Wm F. Mullen Collector.

Dec 8 Burial Expences of my farther

45.50

Paid By Warren White

Mr. Hardy White — Cypress Township,

1873. — To Nansemond County Treasurer.

To State Tax on 62½ acres land, value $ 312.50 at 50 cts. on $100	1	56		
To State Tax on Personal Property, value $ at 50 cts. on $100				
To State Capitation Tax on persons, at $1.00 each				
Total State Tax			1	56
To County Levy, 75 per cent. on State Tax	1	17		
To County Capitation Tax on persons, at 50 cts. each				
Total County Tax			1	17
To Parish Levy, 12½ per cent. on State Tax		31		
To County School Tax on Property, 3 cts. on $100		09		
Total County School Tax				40
To District School Tax (on property) 4p cts. on $100				12
Total Tax			3	25
December 1st, five per cent. added				16
				66
				32
			4	98
				24
			4	74

Received Payment,

Treasurer

Wm. F. Miller Collector

White Hardy

$3.25

Settled By Harvey Phelps and H.G.

Mr. Hardy White (col)

To GEORGE W. SKINNER, Dr.

1872. CLERK AND TREASURER OF CYPRESS TOWNSHIP.

To 1 Capitation Tax, 50 cts., to defray Township expenses.....		50
To $312,50 worth land, at 5 cts. on the $100, to defray Township expenses.....		16
To $——— worth personal property at 5 cts., on $100 do do.....		
To Assessor's Fees.....		
		166

Received Payment,

Wm F Mclain

Collector.

Mr Hardy White (Col) Cypress Township,

1872. To Nansemond County Treasurer. Dr

To State Tax on 62 1/2 acres land, value $ 312.50 at 50 cts. on $100	1 56		
To State Tax on Personal Property, value $ at 50 cts. on $100			
To State Capitation Tax on persons, at $1.00 each			
Total State Tax		1 56	
To County Levy, 25 per cent. on State Tax	" 39		
To County Capitation Tax on persons, at 50 cts. each			
Total County Tax		" 39	
To Parish Levy, 12½ per cent. on State Tax		" 20	
To County School Tax on Property, 3 cts. on $100	" 09		
To County School Tax on Dogs, at 50 cts. each			
Total County School Tax		" 09	
To District School Tax (on property) 5 cts. on $100	" 16		
" " " " (" ") 10 " " " for 1871	.31		
Total Tax		2 71	
December 1st, five per cent. added		66	
		3 37	

RECEIVED PAYMENT.

Wm R. Ellis Treasurer

Collector

White Hardy (Col.)

2.71

Mr. Hardy White cold

To GEORGE T. PARKER, Dr.

Clerk and Treasurer of Cypress Township,

1871.

To 1 Capitation Tax, 50 cts., to defray Township expenses.....

To $ 312 50 worth land, at 10 cts. on the $100, to defray Township expenses 31 2

To $.....worth personal property, at 10 cts. on the $100, "

To Assessor's Fees.....

$ 31 2

RECEIVED PAYMENT,

Wm T. Miller Collector.

C.

Hardy White

32

Mr. Hardy White Est., District No. 1,

1876. *To WM. ELEY, Treasurer of Nansemond County.*

	Dols.	Cts.
To State Tax on 62½ acres Land, value $ 312.50/100, at 50 cts. on $100...	1	56
To State Tax on Personal Property, value $, at 50 cts. on $100...		
Total State Tax on Land and Property	1	56
To County Levy, 50 per cent. on State Tax		28
To Parish Levy, 20 per cent. on State Tax		32
To County and District School Tax on Property 6¼ cts on $100		20
State Capitation $1, County Capitation 50 cts		
Total Tax on all subjects	2	86
December 1st, five per cent. added		14
		$ 3.00

RECEIVED PAYMENT.

Wm Eley, Treasurer.

THOMAS A. HOWELL, *Assessor.*

....., Deputy.

Hardy White Est (col)

$2.86
14

300

Mr. White

Largest Circulation of Any Paper in Nansemond, Isle of Wight, Southampton and Gates Counties.

Suffolk, Va., May 1st 1878

Mr Wilbur J Kilby Courr

THOS. G. ELAM,
Editor & Prop'r.

To SUFFOLK HERALD, Dr.

NEWSPAPER AND JOB PRINTING OFFICE

WASHINGTON SQUARE, NEAR MAIN STREET.

1878

Jany	30	To Pub: Card 14 F notice to Sherman White + Others of o/c to be taken		10 50

COMMISSIONER'S OFFICE,
Suffolk, Va.

To Sherman White, an infant under twenty-one years of age, suing by Mahala White his next friend, and the said Mahala White in her own right as widow of Madison White, deceased.—*Plaintiffs.*

And Warren White, Joe White, Quilla White, William Eley, late Sheriff, committee of the Estate of Hardy White, deceased, and Lillie Ann Pearce, an infant under twenty-one years of age by Peter B. Prentis Guardian *ad litem* —*Defendants.*

You are hereby notified, in lieu of personal notice, that, as required by a decree of the Circuit Court of Nansemond County, pronounced on the 11th day of April, 1877, in a cause in chancery depending in said court, to which you are parties, Plaintiff and Defendant, I have fixed upon the 28th day of February, 1878, at my office (at which time and place you are required to attend,) to take and settle the following accounts:

1. An account of the transactions of said Wm. Eley, late Sheriff, committee of the Estate of Hardy White, deceased.

2. An account of the claims of the defendant, Warren White, and all creditors of said Hardy White, deceased, against his estate.

3. An account of the real estate of which said Hardy White, died, seised and possessed, showing its fee-simple and annual values, and whether partition thereof can be conveniently made in any of the ways provided by chapter 120 of the Code of Virginia, and, if said partition cannot be conveniently made, whether the interests of those entitled thereto or to its proceeds, will be promoted by a sale, thereof, or allotment of part and sale of the residue.

4. An account, showing who the heirs of said Hardy White, deceased, are.

Given under my hand as Commissioner in Chancery of said Court this 30th day of January, 1878.

WILBUR J. KILBY,
Commissioner.

jan 30-4t.

Suffolk, Va., Jan 30 1878

Mr W. J. Kilby

To SUFFOLK HERALD, Dr.

Book and Job Printing Neatly Executed.

HE HERALD, $1.50 A YEAR. Orders Solicited.

To Pub Legal Notice Sherman White & others 6 in 4 t		$ 10 80

All Available Text Successfully Captured

Amt of Sales of Hardy whites Estate was $46.78
and the whole amt was disbursed by Del-
ivery to the Executrix

Portsmouth Ohio
Dec 6th 1874

My Dear Mother I take
pen in my left hand to inform you
these lines to let you know
that I am well at this time
and I hope when these few lines
to you that they may find you
the same and all your family
and what I have to tell you is
this I need money very much
indeed and is no use to keep me
part of the land and if you
able to come to it I and
sister children is made our mind
to go if you can and I want
you to let it for me and see
how much you can get for it and
let me know as soon as you
can I want to do better I do
want them children to have any
thing to do with it

and the man that buys it
let him keep it cut
off and pay him out of the
money after words and not sell
the grave yard

Madge A White Ruland H White
Ruland Sivey

Wright as soon as you can

and let me know
what to do

Mr. J. Hardy White Esq.

1869. **To A. S. ELEY, Sheriff of Nansemond Co., Dr.**

To	Capitation Tax, 60 cts.,		
" 62½	Acres Land, value $ 3 00	at 30 cts.	1 50.
"	Ditto for County, 50 per cent on revenue tax,		75
"	Ditto for Parish, 12½ " " " " "		19
"	County Levies at $1 50, Parish do 60 cts.		
"	Rev. on personal property, bonds, &c.	at 30 cts	
"	Ditto for County, 50 per cent on revenue tax,		
"	Ditto for Parish, 12½ " " " " "		
"	Clerk's fees,		
"	Commissioner's fees,		
	Received payment,	$	2 44

Wm Eley Sheriff.

Handy White Est.

$2,44

73

The Estate of
1863

Hornby White To
E. Arnold Dr.

To furnishing Coffin .20 .
Plank to Cover 1 30
£1 5 0

Received of Warran Johnson
the full of the within. E. Arnold

Received of ~~Hartley~~ Arnold
twenty dollars in part of his Salary
Coffin Clerk
Arnold

$1.30 Rec'd of Warren White One Dollar & fifty cts. in
paym't. of Tax on 62½ acres of Land, purchased
by the Commonwealth in 1873 Charged to
Hardy White, and was sold by W. S. Reddick
to Thomas

Wm Ely to Treas

Jany 8th. 1875

Hardy White's Estate

To

Warren White. Dr.

To paid E. Arnold for coffin in part.	$ 20	00
" int. for 11 years.	13	20
" paid E. Arnold balance	21	50
" Int. for 9 years	11	61
" paid taxes for 1869	2	44
" int. for 6 years.		87
" paid township taxes for 1871		32
" " taxes for 1872	3	37
" Int. for 3 years		30
" paid taxes for 1873	4	61
" Int. for 2 years		54
	$ 78.	76
" paid taxes for 1875	1	50
	$ 80.	26

All Available Text Successfully Captured

No. 3

Hardy White's Estate

to

Warren White

$80.26

To the Circuit Court of Nansemond County, Virginia

The undersigned, your commissioners, to whom by decree of the October term of said Court in the year 1878 in a cause in Chancery in said Court depending between Sherman White &c plaintiff and Warren White & others, defendants, their report of partition was referred back, respectfully report to Court that they have not allotted the land referred to in the papers in said cause as the lands of Hardy White deceased to the respective parties named as required by said decree, and that they did not do so in the first instance in pursuance of the said decree of the April term of said Court in the year 1878 in said cause under which they made their said report for the following reasons:

1st Because it was for the mutual benefit of said parties as well as to the benefit of each without injury to another, not to allot, but to assign the respective shares to the parties specifically as your commissioners did as set forth in their said report, and this is made to appear as follows:

1st Joseph White had built a house on the one forth part assigned him and the land of this one forth without the improvments put upon it by said Joseph White being of no greater value than each of the other three parts respectively. Your commissioners deemed it best & right to assign said one forth to him and not to subject him to a chance of losing it by allotment, or another party to the necessity of paying him for the improvments if the same should be drawn by another party.

2nd Warren White owned land on the West of the one forth apigned to him so that by apigning To him the one forth next to his land he was able to unite the same with his land in one body, whereas by allotment he might have gotten a one forth cut off from his land by an intervening small parcel and conseguently of less value to him and difficult of access by him. The one forth assigned to him, although not so valuable as the other parts, he was willing to accept as it joined his other lands. The one forth apigned to Joseph White, like Warren Whites part if any thing less valuable than the rest, he was willing to accept as he had built his house on the same and otherwise improved it.

3rd The one forth apigned to Sherman White is the most valuable and duirable part of the land and he being the infant, Your commissioners deemed it right and their duty to give him the advantage if any thing, & hence apigned the said best one forth to him rather than subject him to a chance by allottment of drawing another part not so valuable or of having to pay something to the rest to make his share equal with the rest. His one forth as well as that apigned to Luilla and Lucy Ann White is of full equal value with the rest of the land, and this is based upon a long and intimate acquaintance and familiarity on the part of your commissioners with said land, they being old citizens of the neighborhood

Your commissioners state that they deem the fees charged by them and their Surveyor, whose services were necessary owing to the shape of the land to be divided, as not too large, but only adequate compensation.

Your commissioners, say that although it is usual to determine portions by lot, yet in the discretion of commissioners in view of such facts as stated above, that course may be abandoned and portions assigned as your commissioners have done in the above case.

See 14 Grat. 91-2.

Your commissioners therefore report to Court, that they have not allotted said Lands as directed by said decree of October term of said Court 1878, but would respectfully submit that their assignment of said land heretofore made as per their report in said cause, is the best, fairest & most equitable mode of partition of said land, the interests of all parties having been fully considered and best adjusted by said assignment, and the same is respectfully submitted for confirmation, as the best they can do with their knowledge of all the circumstances and facts. Respectfully submitted this 5th day of April 1879.

Benjn Riddick

Wm. Hodges

N. H. Herring

Comrs.

White

vs. } In Chy.

White

Comrs Report

5 April 1879

1879. April 11th Filed
Clk

At a circuit Court held for Nansemond County, the 12th. day of April 1878.

Sherman White, an infant under twenty-one years of age, suing by Mahala White, his next friend; and the said Mahala White, in her own right, as widow of Madison White, deceased. . . . . Plaintiffs.

Against { In Chancery

Warren White, Joseph White, Lillie Ann Pearce, and Zailla Pearce and William Exley late Sheriff of Nansemond County and Committee of the Estate of Hardy White deceased. . . . . Defendants.

This cause came on this day to be again heard upon the papers formerly read, the report of Commissioner Wilbur J. Kelby made pursuant to the decree entered herein on the 11th day of April 1877 to which report there are no exceptions, the petition and answer of Zailla White asking to be made a party defendant to this cause which is accordingly allowed with general replication to said answer, and was argued by counsel. On consideration whereof the court doth adjudge, order and decree that Solomon Hodges, Wm. J. Cohoon, Benjamin Riddick and Ro: W. Herring who are appointed special commissioners for that purpose, any three of ~~which~~ whom may act after being first duly sworn, do proceed to divide the ~~tract~~ land of which Hardy White and Roda his wife died seized and possessed, mentioned in the bill as described in the said report

of Commissioner Kilby as situate in Nansemond Coun-
ty about three fourths of a mile ~~South~~ East of Suffolk on the
Seaboard and Roanoke Rail Road. containing Sixty Eight acres
more or less and bounded as follows: by Shingle creek of
Nansemond River, the Land of Dempsey Reed, Richard
Quillen and Warren White and by said Rail Road, into
four equal parts having regard to quantity and quality and
allot one of said parts to Sherman White, one part to War-
ren White, one part to Joseph White, and the other part to
Lula Pearce and Lucy Ann Pearce. And in making said parti-
tion the said Commissioners are hereby authorized to employ
some competent surveyor if they deem his services neces-
sary. And the said commissioners will make report to
the Court of their proceedings under this decree.

A Copy:

Teste.

Peter B. Prentis. Clerk

x mid

Sherman White &c

25 } Copy Decree

Warren White Adl

We the undersigned commissioners appointed by a decree of the Circuit Court of Nansemond County on the 12th day of April 1878. this day met on land named in said decree, and after going over and examining the same, with the aid of a competent surveyor, proceeded to lay off and divide the land named in said decree, into four equal shares, having regard both to quality and quantity, and assigned to the heirs as follows. to Warren White ~~Lot~~ No 1. to Joseph White Lot 2, to Sherman White No 3 and to Luella Pearce and Lucy Ann Pearce Lot No 4 as marked on plat herewith returned, and as specified in the Report of Geo. M. Street. Surveyor, hereunto annexed each lot or piece containing eighteen acres, we also give unto lot No 4 a right of way of ten feet from where lot No 4 joins No 3, to the Seaboard and Roan Rail Road company's line running about a South course, and also a right of way of ten feet in front of No 3. 2 & 1 running about a west course or parallel with the Rail Road to the crossing on or over the Rail Road. all of which we respectfully submitted to the Circuit Court of Nansemond County.

Benjn Riddick
Solo Hodges
R. H. Haring
Commrs

Commissioners fee $2. each
Surveyors fee $20.00
Laborers fee 10.50
Sept. 27th 1878.

In addition to the above report we intend that Joseph White shall have the privilege of using the landing now on Warren White's land, which has been used as the creek landing for this farm

Benjn Riddick
Solo Hodges
R. H. Haring
Commissioners

Original Farm. Surveyed a tract of land known as the Hardy White's Farm about 3/4 of a Mile east of Suffolk, containing 102. Acres by Survey; it is bounded on the west by Wm P. Moore's land, on the north by the Shingle creek, east by a branch on the land of Dempsy Reed and R. H. Quillen and on the south by the Seaboard and Roanoke Railroad. Divided by the following described lines viz:

Part No 1. including 30 Acres previous own by Warren White. First dividing line: commencing at a chincapin stake 30 feet from the centre of th Railroad track and 4 chains 40 links from the southwest corner of the original Farm, thence N 0° 30' W, making a angle of 71° 45' with the Railroad to a chincapin stake about 10 feet west of a Pine on the bank of the marsh, thence on the same course across the marsh to the Shingle creek containing 48. Acres, this parts off the west part and includes 30 Acres own by Warren White and previous parted off by estimation.

Part No 2. Second dividing line, commencing at a chincapin stake 30 feet from the centre of the Railroad track and 2 chains 65 links from the first dividing line, thence N 6° 10' E making a angle of 65° 05' with the Railroad to a chincapin stake on the bank of the marsh, thence on the same course across the marsh and island, dividing the island about in the middle to a chincapin stake on the bank of the Shingle creek, containing 18. Acres.

Part No 3. Third dividing line, commencing at a chinca/pin stake 15 chains 50 links on the second dividing line counting from the Railroad, thence N 48° 54' E making a angle of 137° 16' with the second dividing line to a redoak near the edge of the Shingle creek, this parts off the northeast part and is bounded on the west by a part of the second Part; containing 18 Acres.

Part No 4. and part of Road Fourth dividing line, commencing at a chinca/pin stake 30 feet from the centre of Railroad track and 15½ links from the second dividing line; thence on a parallel with the second dividing line leaving 15½ links for a Road for the use of Part No 2, 3 & 4. 15 chains 66 links to a chinca/pin stake on the Third dividing line, thence along said Third dividing line N 48° 54' E to the same redoak near the edge of the Shingle creek, this parts off the East part and includes all lies east of the fourth described dividing line, containing 18 Acres

Continuance of the Road There is also 15½ links wide reserved for a Road across Part No 2 & 1 near the Railroad to a crossing over the Railroad.

Magnetic Variation 2° 20' west

Hansemond County Va October 14th 1878.

Respectfully submitted

Geo. M. Stever

Surveyor

Sherman White &c

vs. } Chy.

Warren White &al.

Report of Partition
of land

27 Sept. 1878

Filed 12 Oct. 1878

NEW ADVERTISEMENTS.

COMMISSIONER'S OFFICE,
Suffolk, Va.

To Sherman White, an infant under twenty-one years of age, suing by Mahala White his next friend, and the said Mahala White in her own right as widow of Madison White, deceased.—*Plaintiffs.*

And Warren White, Joe White, Quilla White, William Eley, late Sheriff, committee of the Estate of Hardy White, deceased, and Lillie Ann Pearce, an infant under twenty-one years of age by Peter B. Prentis Guardian *ad litem* —*Defendants.*

You are hereby notified, in lieu of personal notice, that, as required by a decree of the Circuit Court of Nansemond County, pronounced on the 11th day of April, 1877, in a cause in chancery depending in said court, to which you are parties, Plaintiff and Defendant, I have fixed upon the 28th day of February, 1878, at my office (at which time and place you are required to attend,) to take and settle the following accounts:

1. An account of the transactions of said Wm. Eley, late Sheriff, committee of the Estate of Hardy White, deceased.

2. An account of the claims of the defendant, Warren White, and all creditors of said Hardy White, deceased, against his estate.

3. An account of the real estate of which said Hardy White, died, seised and possessed, showing its fee-simple and annual values, and whether partition thereof can be conveniently made in any of the ways provided by chapter 120 of the Code of Virginia, and if [illegible] be conveniently made, whether the interests of those entitled thereto or to its proceeds, will be promoted by a sale, thereof, or allotment of part and sale of the residue.

4. An account, showing who the heirs of said Hardy White, deceased, are.

Given under my hand as Commissioner in Chancery of said Court this 30th day of January, 1878.

WILBUR J. KILBY,
Commissioner.

jan 30-4t.

Office of the Suffolk Herald,

Suffolk, Va., March 2nd 1878

We hereby certify that the order, of which the annexed is a copy, has been published in the SUFFOLK HERALD in the manner prescribed by law, once a week for four successive weeks.

Thos. G. Elam *ELAM & CAMPBELL, Eds. Herald.*

All Available Text Successfully Captured

At a Circuit Court held for Nansemond County, the 11th day of April, 1877.

Sherman White, an infant, under twenty-one years of age, suing by Mahala White, his next friend; and the said Mahala White, in her own right, as widow of Madison White, deceased. . . . . Plaintiffs.

against } In Chancery

Warren White, Joe White, Zuilla White, and Lillie Ann Pearce, and infant, under twenty-one years of age. . . . . Defendants.

On Motion of the Plaintiffs, P. B. Prentis is assigned guardian ad litem to the infant defendants, Lillie Ann Pearce and Zuilla Pearce to defend their interest in this suit, who, thereupon, by leave of the Court, files the answers of the said infant defendants. And this Cause came on this day to be heard upon the bill taken for confessed as to the defendant Zuilla White on whom process appears to have been duly served and he still failing to appear, answer or demur the joint and separate answers of Warren White and Joe White, the answers of Lillie Ann Pearce and Zuilla Pearce, by P. B. Prentis, their guardian ad litem: the answer of William Eley, Sheriff of Nansemond County and Committee of the Estate of Hardy White, deceased, who, by consent is made a party defendant to this suit, with general replications to said answers, and the Exhibits, and was argued by Counsel; On Consideration whereof, the Court doth adjudge, order and decree, that one of the Commissioners of this Court, do ascertain and report

what real estate Hardy White died seized and possessed, of the fee simple and annual values, and who are entitled to the same, as the heirs at law of the said Hardy White, and whether partition of the said Real Estate can be conveniently made in any of the ways provided by Chapter 120. of the Code of Virginia, and if the said partition cannot be conveniently made, then whether the interests of those entitled to the said real estate or its proceeds will be promoted by a sale of the entire land or allotment of part, and sale of the residue. And the Court doth further adjudge, order and decree, that the said Commissioner will take, state and report the following accounts: An account of the transactions of William Eley, Sheriff of Nansemond County, and Committee of the Estate of Hardy White deceased, and also an account of the claims of the defendant, Warren White, and the claims of all other Creditors of Hardy White deceased. And the said Commissioner will further report any other matter deemed pertinent by himself or specially requested by any of the parties.

And it is ordered that publication by the said Commissioner of the notice of the time and place of taking said accounts, once a week for four successive weeks, in one of the newspapers published in the Town of Suffolk, shall be taken as equivalent to personal service of said notice on the parties.

A Copy.

Teste

Peter B. Prentis. Clerk

Xmd

Sherman White. an
infant &c
Do } Copy Decree
Warren White &als:

Benj. Riddick
Sol. Vann
W. D. Cohoon
Co. Henry

Commissioner's Office
Suffolk. Va.
28 February 1878

To the Circuit Court of Nansemond County, Virginia:

In pursuance of a decree of the said Court pronounced on the 11th. day of April 1877 in a cause in Chancery in said Court depending between Sherman White, an infant, and Mahala White, Plaintiffs, and Warren White and others Defendants; a copy of said decree being hereunto annexed; the undersigned, Commissioner in Chancery of said Court, having given notice to the parties to said cause, as required by said decree, as will appear by a copy of said notice hereunto annexed, which was duly published once a week for four successive weeks in the "Suffolk Herald", a newspaper published in the Town of Suffolk. Va. proceeded this day to take and settle the accounts required by said decree to be taken and settled, and now herewith respectfully reports the result of the proceedings as follows, together with such facts, outside of

said accounts as he is also required to Report:

Account No. 1

Dr. The Estate of Hardy White deceased.
In account with Wm. Eley, Sheriff & Committee, Cr.

1869 Feb. 6	By proceeds of sale of chattel estate as per account of sales.			$	45	03
	" 1 Barrel short corn, sold, not on account of sales.				1	75
	To paid Clerk's fee, per ticket		1 00			
	" " tax accounts.		6 05			
	" 5 per cent comn. on $46.78		2 33			
	" amt. retained to pay Clerk's fees		2 00			
	" " " " " Comr's. fee		3 00			
June 1	" Balance due the estate		32 40			
		$	46 78	$	46	78
	By Balance due the Estate brought on.			$	32	40
	To paid the following creditors of Hardy White, the deceased:					
	" Solomn Hodges per rect.	$	12 84			
	" Jas. B. Norfleet "		2 01			
	" W. S. Riddick "		14 80			
	" Eley & Brinkley "		2 75			
		$	32 40	$	32	40

Your Commissioner reports that the foregoing settlement was made by said Wm. Eley, Sheriff, and Committee, as afore=

said of said Hardy White's Estate before Comr. John R. Kilby, on 1st. day of June 1869, and that the same was duly recorded in the Clerk's Office of Hanseamnd County Court on the 13th. day of September 1869, and that the foregoing is a copy of the orginal thereof. and that the same is the only account of the transactions of said Wm. Eley, as said Committee, of which Your Commissioner has any knowledge.

Account No. 2.

An Account of the debts due by said Hardy White deceased, or his estate, including that of Warren White.

Your Commissioner has no knowledge of any outstanding debts due by said Hardy White, or his estate, and unpaid, and is of opinion that all such debts were paid by said Committee as aforesaid, except that of $80.26 due to said Warren White, which has not been paid.

This debt of $80.26 Your Commissioner rejects and does not report as a legal or valid claim against said estate, because the same is barred by the

Statute of limitations, being an open account of more than five years' standing. See Exhibit No 3. filed with said Warren White's answer.

Account No. 3.

An Account shewing who the heirs at law of said Hardy White are.

Your Commissioner reports that said Hardy White and Rhoda, his wife, died leaving as their heirs at law, the following children: Warren White, Quilla White, Madison White, Jackson White, Ellenor and Joseph White. Warren and Joseph White are still living. Quilla and Jackson went to parts unknown more than twenty years ago, and have not been heard from since, and are supposed to be dead. They were single (unmarried) when they went away, and were never known to be married.

Madison White died about two years ago, leaving one child, Sherman White, an infant under twenty-one years of age, and a widow Mahala - both living.

Ellenor White married Sylvia Pierce and died leaving two children, now living and over twenty-one years of age, whose names are Quilla and Lilly Ann Pierce.

The heirs, then, at present living and known to your Comr. of said Hardy White, are: Warren White, Joseph White, Sherman White, and Quilla and Lilly Ann Pierce. The first three, each of 1/4 and the last two, each of 1/8 of said Hardy White's Estate.

Account No. 4

An Account of the real estate of which said Hardy White died seised and possessed and its feesimple and annual values.

Said Hardy White died seised and possessed of 68 acres of land, more or less, situated in Nansemond County, Va., about 3/4 of a mile East of Suffolk on the Seaboard and Roanoke Railroad, and bounded by Shingle Creek of Nansemond River, the lands of Dempsey Reed, Richard Quillen and Warren White, and by said Railroad.- the same being valued at $312.50 its annual value being nothing, as it is overgrown with young trees and cant, on that account be rented.

Your Commissioner reports specially that said Hardy White died seised and possessed of said land jointly with his wife Rhoda

who is also dead. But as the heirs of both said Hardy White and his wife Rhoda are the same, to wit. the heirs named aforesaid, the fact that said Hardy was so jointly seised and not alone, can have no effect in the premises.

Account No. 5

Your Commissioner reports that said land can very conveniently be divided among the parties entitled thereto. that said land in its present condition, overgrown with young woods, having no house on it, having been uncultivated for a long time, would sell for but a small sum of money, if it could be sold at all; that the interests of said parties would not therefore, be promoted by a sale thereof or of any part of it and an allotment of the residue; and that a partition of said land among the parties would be best for their interests; that two of said parties, at least, (Warren and Joseph White) prefer to have their interests in said land set apart to them for their own use, that they wish to im-

serve the same and make it profita=
ble to them. &c"

Respectfully submitted
Wilbur F. Kelly
Comr.

Comr's fee $8.00

At a Circuit Court continued and held for Nansemond County, the 11th day of April, 1877.

Sherman White, an infant under twenty-one years of age, suing by Mahala White, his next friend; and the said Mahala White, in her own right, as widow of Madison White deceased. Plaintiffs.

Against } In Chancery

Warren White, Joe White, Luella White and Lillie Ann Pearce, an infant under twenty-one years of age. . . . . Defendants.

On the motion of the plaintiffs P.B. Prentis is assigned guardian ad litem to the infant defendants Lillie Ann Pearce and Luella Pearce to defend their interest in this suit who thereupon by leave of the Court files the answers of the said infant defendants, and this cause came on this day to be heard upon the bill taken for confessed as to the defendants Luella White on whom process appears to have been duly served, and he still failing to appear, answer or demur, the joint and separate answers of Warren White and Joe White, the answers of Lillie Ann Pearce and Luella Pearce by P.B. Prentis their guardian ad litem, the answer of William Eley sheriff of Nansemond County and committee of the Estate of Henry White deceased who by consent is made a party defendant to this suit, sixth general replications to said answers, and the Exhibits, and was argued by counsel;

On consideration whereof the Court doth adjudge

order and decree that one of the commissioners of this Court do ascertain and report what real estate Hendy White died seized and possessed of the fee simple and annual values and who are entitled to the same as the heirs at law of the said Hendy White and whether partition of the said real estate can be conveniently made in any of the ways provided by Chapter 120 of the Code of Virginia, and if the said partition cannot be conveniently made, then whether the interests of those entitled to the said real estate or its proceeds, will be promoted by a sale of the entire land or allotment of part and sale of the residue. And the Court doth further adjudge, order and decree that the said commissioner will take, state and ~~settle~~ report the following accounts: An account of the transactions of William Eley, Sheriff of Nansemond County and committee of the estate of Hendy White deceased, and also an account of the claims of the defendant Warren White and the claims of all other creditors of Hendy White deceased.

And the said Commissioner will report any other matter deemed pertinent by himself or specially requested by any of the parties.

And it is ordered that publication by the said commissioner of the notice of the time and place of taking said accounts once a week for four successive weeks in one of the newspapers published in the town

of Suffolk shall be taken as equivalent to personal service of said notice on the parties.

A Copy:

Teste,

Peter B. Prentis. Clerk

Sherman White &c

vs Copy Decree

Warren White et al

Sherman White &c

vs

Warren White &c

This cause came on this day to be again heard upon the papers formerly read and the further report of Benjamin Riddick, Solo. Hodges and R. H. Herring three of the commissioners hitherto appointed to make partition of the real estate in the proceedings mentioned, to which report there are no exceptions, and was argued by counsel! On consideration whereof the court doth approve and confirm the report of partition made by special commissioners Benjamin Riddick, Solo Hodges and R. H. Herring returned and filed in this cause on the 12th day of October 1878; and it appearing by said report of partition that the said commissioners caused the said land to be surveyed and divided into four parcels of equal value, and designated in the said report, and in the said survey of Geo. W. Stever filed as a part of said report, respectively as lot No 1, No 2, No. 3 and No 4; and that they assigned to Warren White No 1, to Joseph White lot No 2, to Sherman White No 3, and to Luella Pearce and Lucy Anne Pearce No 4; and that they gave unto the owner of lot No 4 a right of way of Ten feet from where lot No 4 joins lot No 3 to the Seaboard and Roanoke Railroad Company's line, running about a South Course

and also a right of way of his foot in front of lots Nos 3, 2 and 1, running about a West Course as parallel with the Rail Road to the crossing on or over the rail road, and that they give to Joseph White to whom lot No 2 was assigned the privilege of using the landing now on Warren White's land, which is reputed to have been used as a creek landing for the farm purchased, the Court doth adjudge, order and decree that the said partition as made & reported be confirmed and that said Warren the parties to the same and manner and with the rights and privileges as aforesaid: and that the parties pay ratably the costs of this suit,

White
vs
White

Z. Cantey
Sept 1875

Exhibit 075. No. 1
P. 442

Warren White

Sherman White
vs
Warren White et al.

This cause came on this day to be again heard upon the papers formerly read, and the report of Benj Riddick Solo. Hodges and R. H. Harding three of the commissioners appointed to make partition of the land in the proceedings mentioned and exceptions to the said report taken by the plaintiffs, and was argued by Counsel: On consideration whereof the court doth adjudge order and decree that the report of the said commissioners be rejected back to them with instructions that they make said partition of the said land by allotment as directed by the former decree, and make report of their proceedings under this decree to the court.

Sherman White
&
Warren White

Deeds
Wm Sullivant
to
Oct 1798

Geo. Bond,

Copied

Entered D. B. No 1 p 419

act of the being first duly sworn, do proceed to divide the tract of land of Thos Hardy White and Rhoda his wife dec'd signed and possessed, mentioned in the bill and described in the said report of Commissioner Kelly as situate in Hanover County about three fourths of a mile East of Suffolk on the Seaboard and Roanoke Rail Road, containing fifty Eight acres more or less and bounded as follows: by Shingle creek of Hanover River, the lands of Geo Gay Dec'd, Richard Quidden and Warren White and by said rail road - into four Equal parts having regard to quantity and quality and allot one of said parts to Sherman White, one part to Warren White, one part to Joseph White and the other part to Quidden Deed and Lucy Ann Deed; and in making said partition the said Commrs. were hereby authorized to employ some competent surveyor if they deem his services necessary. And the said Commissioners will make report to the Court of their proceedings under this decree

Sherman White
et al
vs
Warren White

Decree
Feb'y 12 1878

Geo Gibbs

Enrolled O. B. No 1-
p. 397

Sherman White an infant under
twenty one years of age suing by
Mahala White his next friend and
the said Mahala White in her own
right as widow of Madison White.

Plaintiffs

vs

Warren White, Joseph White
Lilly Ann Pierce and Zuilla
Pierce, and William Eley late Sheriff
of Hancock County as Committee
of the estate of Hardy White deceased.

This cause came on this day to
be again heard upon the papers formerly
read, the report of Commission Wilbur
J. Killy made pursuant to the decree
entered herein on the 11th day of April
1877 to which report there are no exceptions,
the petition and answer of Zuilla White
asking to be made a party defendant to
which is pending and undisposed of
this cause; with several replications
to said answer, and was argued by counsel:
On consideration whereof the court doth
adjudge order and decree that Solomon
Hodges, Wm. J. Cohoon, Benjamin Riddick
and Ro. W. Herring
who are appointed special commissioners
for that purpose, any three of whom may

Sherman White an infant under twenty one years of age suing by Mahala White his mother as his next friend, and the said Mahala White in her own right as widow of Madison White —— Plaintiffs

v.

Warren White, Joe White, Quilla White, Lillie Ann Pearce and Quilla Pearce the two last named being infants under twenty one years of age —— Defendants

On motion of the plaintiffs P. B. Prentis is assigned guardian ad litem to the infant defendants Lillie Ann Pearce and Quilla Pearce to defend their interest in this suit, who thereupon by leave of the court files the answers of the said infant defendants, and this cause came on this day to be heard upon the bill taken for confessed as to the defendant Quilla White on whom process appears to have been duly served, and he still failing to appear, answer or demur, the joint and separate answers of Warren White and Joe White, the answers of Lillie Ann Pearce and Quilla Pearce by P. B. Prentis their guardian ad litem, the answer of William Eley sheriff of Hanover County and Commissioner of the Estate

of Hardy White deceased, ~~whose~~ who by consent is made a party defendant to this suit, with general replications to said answers, and the Exhibits, and was argued by Counsel; On Consideration whereof the Court doth adjudge order and decree that one of the Commissioners of this Court do ascertain and report what real estate Hardy White died seized and possessed of the fee simple and annual values and who are entitled to the same as the heirs at law of the said Hardy White; and whether the said real estate ~~in kind~~ can be conveniently made in any of the ways provided by chapter 120 of the Code of Virginia, and if the said partition cannot be conveniently made, then whether the interests of those entitled to the said real estate or its proceeds, will be promoted by a sale of the entire land or allotment of part and sale of the residue. And the Court doth further adjudge order and decree that the said Commissioner will take, state and report the following accounts: An account of the transactions of William Eley Sheriff of Nansemond County and Commissioner of the estate of Hardy White deceased, and also an account of the claims of the defendant Warren White and the claims of all other creditors of Hardy White deceased. And the said Commissioner will further report any other matter deemed pertinent by him ex officio or specially requested by any of the parties.

And it is ordered that publication by the said Commissioner of the notice of the time and place of taking said account once a week for four successive weeks in one of the News papers published in the County of Suffolk, shall be taken as equivalent to personal service of said notice on the parties.

White Sen friend

4 3

White Sen.

Leave

to be Enlisted

April 11th 1877

Geo. V. Blow.

Enlisted O.B. Vol-I-p 341

Sherman White &c.

vs.

Warren White &al.

Nothing more remaining to be done in this cause, the Court, on the motion of the Plaintiff by his counsel, doth order that the same be removed from the docket

Sherman White &c
vs. } In Chy
Warren White &al

Saund. Co. Cir. Ct.
October Term 1880
order
To be entered

Geo. T. Bond.

We consent to this order

J. H. [illegible]
atty. for Plaintiffs
Wilbur J. Kirby atty. for
defendants

Entered J. B. No 1
P. 490

Sherman White

v

Warren White &c

The plaintiff's motion to the report of the Com'r ruling pleadings, on the following grounds

1st That the petition original & the plaintiff is not a proper party with the others

2d That the report of the Com'r does not show that they alleged the same matters & the intervening petition.

3d To the fees charged.

White L

White L

Exceptions &
affidavits

1878 Oct. 12th. Filed.
JK.

Stevens White for next friend

vs

Warren White &c

To the Hon: Sa Blunt Judge of Circuit Court of Hancock County.

The plaintiff Quilla Pierce
respectfully states that he is the son of Elenor Pierce who was a child of Hardy White dec'd. That he and his sister Lucy Ann Pierce are entitled jointly to one fourth of the real estate in the proceedings of said suit mentioned and that he desires to be made a party defendant to said suit and be allowed to file his answer and that his part in of said real estate be assigned to him, and he will ever pray &c

The answer of Quilla Pierce to the bill of Stevens White suing for Warren White Stokes in the Circuit Court of the United States, against Warren White &c.

This defendant says he claims an undivided one eighth part of the land in the bill mentioned and he desires the said land to be divided & his share assigned to him and he will ever pray &c.

Quilla Pierce by
John R. Kelly Sol
attorneys

Sherman White

7 3

Warren White

Patrick + Ann

Patrick P

Dillon Price

The Answer of Lillie Ann Pierce, an infant under twenty-one years of age, by Peter B. Prentis, his guardian ad litem, to a Bill exhibited in the Circuit Court of Nansemond County, by Sherman White, an infant &c, &al: against Warren White &al: and herself:

This Respondent says that being an infant, and ignorant of her rights in the premises, she cannot admit any of the facts stated in the Bill. She submits her interests to the Court, and prays that no order or decree may be made in the premises, inconsistent with her rights.

(Signed)

Peter B. Prentis.

Gdn: ad litem

Sherman White, an infant &c
&al:

vs

Ans of infant Defendants

Warren White &al

2-5-1877

The answer

The joint and separate answers of Lillie Ann Pearce and Luella Pearce infant defendants by R. B. Pearce their guardian ad litem to a bill of complaint exhibited against them and others by Sherman White an infant suing by Mahala White his next friend in the Circuit Court of Hancock County.

These defendants say that they are under twenty one years of age, and beg to submit to the court the protection of their interest in the premises. And having answered

Peter B. Pearce
R. B. Pearce

White per pd

4 3

White pa

Ans. of infant
defendants

2-5-1877

This Indenture made and executed
this 27th day of March 1850 between Warren
of ~~Johnson~~ of the first part and Rhody
of Johnson and Hardy of White of
the other part all the parties residing
near the town of Suffolk, County of
Nansemond and State of Virginia;
Witnesseth that for and in consideration
of the first and ~~full~~ sum of Two
hundred dollars, to him in hand
paid by the said Rhody of Johnson ~~in hand paid~~ or secured to be paid (the
receipt whereof is hereby acknowledged)
he the said Warren of ~~Johnson~~ do by these
presence grant bargain and sell and
convey unto the said Rhody of Johnson,
her heirs and assigns forever, a certain
tract or parcel of land situate in the
said County, about one mile east of
the ~~the~~ town of Suffolk and is bounded
by the lands of Elisha Norfleet, the sea board
and Roanoak rail road, the lands of Mrs Allen,
and that portion of the tract now reserved by said Warren,
and is the largest portion of the same
tract or parcel of land which the said
Warren ~~Johnson~~ purchased from Hardy White
by deed on the 9th day of July 1844, the dividing
line of said tract commencing at a bend
in the shingle creek at a hickory, running
a straight ~~line~~ line to a large red oak
on Mrs Mary Allens ~~line~~ line, and contains
by estimation seventy acres, more or less,
together with all the privileges and appurte-
-nances, to the said land belonging or in

any wise appertaining, also the following personally property, that is, one horse, one cart and wheel, two cows, one sow and pigs - To have and to hold the aforesaid tract of land, with all its appurtenances, together with the aforesaid personally property to her the said Rhody of Johnson her heirs and assigns forever - With this condition and understanding however that the aforesaid Hardy of White is to have, and the same is hereby confirmed to him, the whole control and management of the said tract of land and personally property during his natural life, but no other right farther than expressed above.

And I the said Warren of Johnson for myself my heirs, executors and administrators, do hereby covenant with the aforesaid Rhody of Johnson and Hardy of White ~~the~~ and heirs and assigns of the said Rhody, the aforesaid tract of land and personal porperty unto the said Rhody of Johnson and Hardy of White in manner and form aforesaid against the claim or demands of him the said Warren of Johnson, his heirs and assigns, and against the claim and demand of all and every person whomsoever, shall, will and do warrant and forever defend by these presents. Witness my hand and seal this 27th day of March 1850.

his
Warren X of Johnson (Seal)
mark

In The Clerk's Office of Nansemond County
Court the 27th day of March 1850.
This Indenture was acknowledged by Warren of Johnson, to be his act and deed, and was thereupon admitted to record.

Test, Joseph Prentis. clerk

(No 2)

Marion & Johnson
to
Deed
Rhody & Johnson &
Handy & Wife

1869.
March 27th Acknowledged
in the Office by Marion
& Christiana Johnson who
acted and &c, and
was Examined privily
& Secretly.

July 31st. Produced in the
Office & R. & R.

Recorded in Book
No 45 — 79

Matthew Ole Reed
Rec'd: Rec'd Book
No 2. Pag-287.

In the Clerk's Office of Nansemond County Court, the 31st. day of July 1869.

The foregoing Deed with the original certificate thereon, was produced by Elenor and Madison Johnson, to the Clerk of said Court, and, on their application is recorded anew: the Book in which the same was originally recorded, having been destroyed by the burning of the Clerk's Office and records, on the 7th. day of February 1866.

Teste,

Peter B. Prentis. D.C.

This Indenture, made and executed this 9th: day of February 1844 between Hardy of White of the first part and Warren of Johnson of the second part, both free men of color and residing in the County of Nansemond and State of Virginia: Witnesseth, that for and in consideration of the just and full sum of Three Hundred Dollars lawful money to him the said Hardy of White, in hand paid by the said Warren of Johnson (the receipt whereof is hereby acknowledged he the said Hardy of White do by these grant, bargain, sell and convey, unto the said Warren of Johnson, his heirs and assigns forever, a certain tract, piece or parcel of land situate in the said County and bounded as follows: On the East by the land of Elisha Norfleet, on the South by the Portsmouth and Roanoke rail road, on the West by the land of Archibald Allen and on the North by the Shingle Creek, containing One Hundred Acres, be the same more or less, together with all the privileges and appurtenances to the said land belonging or any wise appertaining thereto: together with the following personal property: One horse and Cart, one Cow and three yearlings, one Sow and Pigs, and one bed and furniture. To Have and To Hold the above tract piece or parcel of land with all its appurtenances together with the aforesaid horse and Cart, one Cow and three yearlings one Sow and Pigs, and one bed and furniture, to him the said Warren of Johnson, his heirs and assigns forever. And I, the said Hardy of White for myself my heirs, executors and administrators, do hereby Covenant with the said Warren of Johnson, his heirs and assigns, that I, the said

Hardy of White is lawfully seized in fee of the above granted premises and also the aforesaid personal property. that they are free from all incumbrance, that I the said Hardy of White have a good and perfect right to sell and and convey the same tract, piece or parcel of land with its appurtenances with the personal property aforesaid, unto the said Warren of Johnson, his heirs and assigns as aforesaid, and that I will and my heirs, executors and administrators shall warrant and defend the same to the said Warren of Johnson, his heirs and assigns forever against the lawful claim and demand of all and every person whatsoever. In Testimony Whereof, I, the said Hardy of White have hereunto set my hand and affixed my seal the day, month and year first above written.

Hardy his X mark of White (Seal)

In the Clerk's Office of Nansemond County Court the 9th. day of February, 1844.

This Indenture was acknowledged by Hardy of White, to be his act and deed, and thereupon admitted to record.

Teste,

Joseph Prentis. Clerk.

In the Clerk's Office of Nansemond County Court, the 29th. day of October, 1868.

The foregoing Deed with the original certificate thereon was produced by Warren Johnson, to the Clerk of said Court, and on the application of said Warren Johnson, it

recorded anew the Book in which the same was originally recorded having been destroyed by the burning of the Clerk's Office and records on the 7th: day of February 1866.

Teste,

Peter B. Prentis. Clerk.

A Copy.

Teste,

Peter B. Prentis. Clerk

No: 11 Xmas

Handy & White

Ja E Coffy Head

Warren & Johnson

To the Circuit Court of Nansemond Co. Va.

The Joint and separate answer of Warren White & Joe. White to a Bill in Chancery exhibited in said Court by Sherman White (by next friend) against said Warren White and others.

Your Respondents say. That Hardy White was their father. & died in 1869 Intestate

That your Respondents are & were usually called Warren & Joe. Johnson after their mother whose name was Rhody Johnson.

That their father Hardy White & their Mother Rhody were never lawfully married till after the war when by operation of Law they became lawfully married.

That the heirs of said Hardy White & Rhody, are not correctly stated in said bill they are, Warren, Madison, Joe, Priscilla & Jackson, & Ellen a Ellenor -

That Priscilla & Jackson removed & went to Boston or elsewhere North, and have not been heard of for some years -

That Ellen or Ellenor married Silvia Pearce & that she is dead leaving two infant children Lillie Ann Pearce & Priscilla -

That the Land referred to is incorrectly stated - The said Hardy did not own any Land of himself, but that he did own some with his wife, the heirs however being the same parties.

That the said Hardy White did own about 100 acres of Land in Nansemmon Co, but on the 9th day of Feb. 1844, he sold & conveyed the said Land by deed duly recorded on the same day to your Respondent Warren (called Warren Johnson) as will be seen by a duly Certified copy of said deed filed with this answer as a part thereof, & marked No 1—

That on the 27th day of March 1850, your Respondent Warren (called Warren H Johnson) sold to said Hardy White & his wife Rhody Johnson a part of the Land above named & referred to above as 100 acres, to wit. 70 acres of Land as will be seen by the said deed duly recorded in the Clerks office on 27th March 1850 & re-recorded in same office on the 31 July 1869 which original deed is filed herewith as part of this answer & marked No 2 —

So that the said Hardy White & Rhody his wife died possessed of seventy acres of Land only, in Nansemmon county Va & described in the last named deed, less 2 acres sold off as herein after referred to.

That Hardy White died owing some debts & that your Respondent Warren White paid them, as also coffin bill & funeral expenses amounting to $ 80.26. now due him with Interest for at least 7 years. A Statement of the said account of said payments & vouchers are filed herewith

as part of this bill, and asked to be paid him out of said Hardy White estate. I marked No. 3

That two acres of said land removed off said 70 acres by Hardy White sinse to Dick Dillon.

That your Respondent Joe White has built him a small house on part of said land which he asks may be assigned to him or such portion of said land as may be assigned to him & that no value be placed on said house.

Your Respondents say that they have no objection to a division of what land the said Hardy White & Rhody his wife died possessed to wit. 68 acres—

That they object to plaintiff having his Attorneys fee paid out of the land as they have to employ Counsel to represent their interests in the premises

Your ~~complainants~~ Respondents pray that the Complainant may show this Court that Julia White and Jackson White are dead, and then that the debt due your Respondent Warren may be paid, and that an adms. of said Hardy White may be brought before this Court, and your Respondents &c

Signed Warren White

Joe White

by Attorney.

White pr. plea

"

White sal.

Answer of
Warren White
& Jr. White.

The answer of William Eley formerly sheriff of Nansemond and Commissioner of the estate of Hardy White deceased, to a bill of complaint exhibited in the Circuit Court of Nansemond County by Sherman White by next friend against Warren White & others

This defendant acknowledges that the estate of Hardy White deceased was committed to him while he was sheriff of said County, but he says, he has fully administered the said estate as will appear by the returns of his accounts to the Court and the record thereof, and that nothing is due from this defendant as Commissioner aforesaid and having answered begs leave to be dismissed &c.

John R. Kilby
Atty. for Wm. Eley

White pine fol

17 3

White pine

Abs. of Wm Eby
Will & Codicil &
Henry White.

To the Hon. Bluford Judge of the Circuit Court of Nansemond County.

Your complainant Sherman White an infant under twenty one years of age suing by Mahala White his mother & next friend, and the said Mahala widow of Hardy White deceased, respectfully shew, that the said Hardy White has departed this life, leaving at his death heirs at law, the following children: Madison White, Warren White, Joe White and Ellen Pearce.

The said Madison White has since departed this life leaving your complainant Mahala White his widow, and the said Sherman White as his only child and heir.

The said Ellen Pearce has also departed this life leaving as her only heir at law her child Lillie Ann Pearce an infant under twenty one years of age.

The said Hardy White was at the time of his death seized and possessed of a tract of land in Nansemond County, containing about two acres, ~~in the county of Suffolk~~ Nansemond adjoining the lands of W. P. Moore and the [illegible] Rich Road.

Your complainants are advised that this Court is vested by the Legislature of this State with full power and authority to make partition of the said land among the heirs at law of the said Hardy White deceased.

your complainants wife and children are entitled as a dower right to the lands of which the deceased died seized and possessed

your complainant Thomas Ott is entitled to one undivided one fifth part of said land, and your complainant believes that the defendants have sold and conveyed to some person or persons unknown to your complainant the undivided one fifth part of said land.

your complainant avers that there is a partition made of said land between the parties entitled thereto, and if the same cannot be advantageously divided, (which they allege) then they desire the said land be sold and the proceeds divided between the parties entitled thereto.

In tender consideration thereof your complainants pray that Warren White, Joe White, Dulla White and Lillie Owen Bowen be made parties defendant to this bill.

and that they may be required to answer the same
that a guardian ad litem may be assigned to the
infant defendant Lillie Anna Pearce to defend
for her interest in this suit, that the said land be
partitioned between the parties entitled, and if the
same cannot be advantageously partitioned, then
that it be sold and the proceeds distributed among
the parties entitled thereto - and for all other
and further relief to be granted as the nature of the
case may require or to Equity shall seem
meet to grant. And they will ever pray &c

Godwin & Crockett

White &
" } Bill
White &

Estate of

2-5-1877

Sherman White, an infant &c: Dol

1 vs E. Chy: Notes

Warren White Dol

1877 Jany 20th: Summ in Chy: issued to February Rules, 1877.

" Feby: 5th: Bill filed — & Conditional Decree vs Warren White and Joe White adult defts

" " " Peter B. Prentis, appointed guar: ad: litem to infant defts: Lillie Ann Pence & filed her answer to which there was a gen: replⁿ & cause set for hearing as to her on mo: of Complts' Counsel

" " 20 Alias Summ issd vs defts: Lucille White &c — March Rules, 1877.

" March 5th: Conditional Decree vs defts: Warren White & Joe White confirmed & cause set for hearing, as to them.

" " " Conditional Decree vs deft: Lucille White

" April 2d. Conditional Decree vs deft: Lucille White confirmed & cause set for hearing, as to her

" " 11th: Decree for Accos:

" Octo: 15th Continued

1878. Feby. 28th: Report filed

" Apl: 12th Decree for partition

" Octo. 12th: Report of Partition filed, exceptions to same filed & Decree Referring back the same

1879. Apl: 12th: Decree confirming report &c

" Oct. 14th: Continued

1880. Apl: 14th Continued

Chy: Notes

MAP
OF
HARDY. WHITE'S. FARM.
AREA 102. ACRES.

SURVEYED
BY
GEO. M. STEVER

SCALE 2 CHAINS TO AN INCH

N

S

E

W

Magnetic Meridian 1918

SHINGLE CREEK.

MARSH

ISLAND.

MARSH

SHERMAN. WHITE. No 3.
AREA 18 ACRES

N 48° 54' E

LUCY. ANN. PIERCE. No 4.
18 ACRES

JOSEPH. WHITE. No 2.
AREA 18 ACRES

N 6° 10' E

151' N.

15' 3in WIDE

WARREN. WHITE. No 1.
AREA 48 ACRES

N 0° 30' W

QUILLA. PIERCE. & LUCY. ANN.
AREA 18 ACRES

DEMPSEY. REED.

R. R.

R. H. QUILLIN.

WILLIAM. P. MOORE

N 20° 00' W

SEABOARD & ROANOKE RAIL ROAD.