

1914-021

Nansemond County (Suffolk)

Chancery Causes: Petition of School

Board of Holy Neck

District No. 2

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

In the matter of the application of the School
Board of Holy Neck District, Number 2, of Nansemond
County for authority to sell school property.

This matter came on this day to be heard on the petition
of the School Board of Holy Neck District, Number 2, of Nansemond
County, Virginia, with the exhibits filed therewith, ^{which petition is this day filed} and was argued
by counsel.

On consideration whereof, it appearing to the Court from the
petition and the evidence produced that the land and buildings herein-
after described are no longer available for school purposes by reason
of the inconvenient location of the same and the necessity of con-
solidating smaller schools in order to provide larger and better school
facilities, and that a sale of the said land and buildings and the
re-investment of the proceeds in other school property is proper and
necessary, the Court doth adjudge, order and decree that the said
School Board of Holy Neck District, Number 2, of Nansemond County do,
after advertising the time, place and terms of sale by hand-bills
posted in eight or more public places in said County, sell, at public
auction, ^{in the district} to the highest bidder for cash, the following described
property:

Ist. One school building known as the South Quay School,
situated near South Quay Baptist Church on what is known as the
Hall estate.

2nd. A certain school building situated on or near the farm
of Henry Steinhart.

3rd. A certain school building situated in the village of
Elwood.

4th. A certain school building known as the Ivy Ridge School,
situated on the road leading from the Suffolk road in Nansemond County,
Virginia, to the Murneyville road in same County and State.

5th. All that certain piece or parcel of land, with its
appurtenances, seventy yards square, situated in Holy Neck Magisterial
District, Nansemond County, Virginia, on the west side of the County

road leading from J. E. Vincent's place to Holland, just in front of J. E. Vincent's lane, bounded on the east by the said County road and on the north, west and south by the other lands of J. E. Vincent, in such manner that a straight line run due west from the center of the line forming the boundary between said lane and said road crosses the center of the line forming the boundary line between said lot and said road.

6th. All that certain piece or parcel of land, with its appurtenances, situated on the southeast side of Main Street, in the Town of Holland, Nansemond County, Virginia, containing by estimation, one and one-third acres, and bounded and described as follows: Beginning at the southwest corner of the line of J. W. Hill's land, running thence southwestwardly from said street in a straight line 420 feet to a corner post, thence southwestwardly in a straight line along the other lands of the said T. G. Jones to another corner post located on said Main Street, thence northwardly 140 feet along said Main Street to the point of beginning; said land conveyed subject to the condition that it should not be sold to any person of African descent nor used for school purposes for the benefit of any person or persons of African descent.

The Court further orders that the said School Board of Holy Heck District, Number 2, of Nansemond County report to Court the mode and manner of executing this decree.

ORDER OF COURT

In the matter of the application of the School Board of Holy Neck District, Number 2, of Hansemond County for authority to sell school property.

Enter 18th day of July, 1914.

James W. Moore.

Entered in Chancery Order Book

Number 4, Page 659

IN THE CIRCUIT COURT FOR NANSEMOND COUNTY, VIRGINIA, IN
VACATION, ON THE 19th DAY OF SEPTEMBER, 1914.

In the matter of the application of the School
Board of Holy Neck District, Number 2, of Nansemond
County, for authprity to sell school property.

This day came the School Board of Holy Neck District, Number
2, of Nansemond County, Virginia, and filed its report, which report
shows the following sales conducted by said school board in accordance
with decree entered in this cause on the 13th. day of January, 1914:

1st. To J. O. Cutchin, for the sum of thirty-seven dollars,
one school building known as the South Quay School, situated near
South Quay Baptist Church on what is known as the Hall estate;

2nd. To Henry Steinhart, for the sum of twelve dollars, a
certain school building situated on or near the farm of Henry Stein-
hart;

3rd. To Matthew Reid and A. J. Holland, trustees, for the sum
of seventy-five dollars, a certain school building situated in the
village of Elwood;

4th. To W. E. Whitfield, for the sum of nine dollars and fifty
cents, a certain school building known as the Ivy Rdige School,
situated on the road leading from the Suffolk road, in Nansemond
County, Virginia, to the Nurneyville road in the same county and state;

5th. To J. E. Vincent, for the sum of one hundred and twenty-seven
dollars, all that certain piece or parcel of land, with its appurte-
nances, seventy yards square, situated in Holy Neck Magisterial District
Nansemond County, Virginia, on the west side of the county road lead-
ing from J. E. Vincent's place to Holland, just in front of J. E.
Vincent's lane, bounded on the east by the said county road, and on
the north, west and south by the other lands of J. E. Vincent, in
such manner that a straight line run due west from the center of
the line forming the boundary between said lane and said road crosses
the center of the line forming the boundary line between the said lot
and the said road;

6th. To I. A. Luke, for the sum of sixteen hundred and five
dollars, all that certain piece or parcel of land, with its appur-
tenances, situated on the southeast side of Main Street, in the Town
of Holland, Nansemond County, Virginia, containing by estimation, one
and one-third acres, bounded and described as follows: Beginning at
the southwest corner of the line of J. W. Hill's land, running thence
southwestwardly from said street in a straight line 420 feet to a
corner post, thence southwestwardly in a straight line along the
other lands of the said T. G. Jones to another corner post located
on said Main Street, thence northwardly 140 feet along the said Main

Street to the point of beginning; said land conveyed subject to the condition that it should not be sold to any person of African descent nor used for school purposes for the benefit of any person or persons of African descent;

To which report there is no exception and was argued by counsel.

On consideration whereof, it appearing to the Court from the report of said school board that said sales were made in accordance with the decree aforesaid and that the prices received for said property were reasonable and fair, the said Court doth approve and confirm said sales and doth order the said School Board of Holy Neck District, Number 2, of Nansemond County, Virginia, on receipt of the purchase prices as hereinbefore set out, execute deeds with special warranty, through its proper officers, to the respective purchasers conveying to said purchasers respectively the property described in this decree, with this exception; namely, that said school board receive of I. A. Luke, one of the purchasers named in this decree, cash payment of one hundred dollars, and, on the 1st. day of April, 1915, on receipt of the balance of the said sum of sixteen hundred and five dollars, execute deed to said property and give possession of the same to said I. A. Luke, with the understanding that possession of said property is to be retained by said school board without rent or charge of any kind and that balance of said purchase price due 1st. day of April, 1915, is not to bear interest up to that date; and the Court further orders that, out of the proceeds of said sales, the said school board pay the costs and expenses of these proceedings including a fee of \$50 to Everett & Hutton, attorneys, and apply the remainder towards the indebtedness already incurred on certain other school property purchased by said school board in said district.

The Court further orders that said school board make report of its proceedings hereunder to said Court.

All of which is certified to the Clerk of the Circuit Court for Nansemond County to be entered in Chancery Order Book.

As. J. W. Moore.

In the matter of the application
of the School Board of Holy
Neck District, Number 2, of
Nansemond County for author-
ity to sell school property.

Enter 1914 day of September,
1914.

James M. L. Moore.

Entered in Chancery Order Book

Number 4, Page 663.

IN THE CIRCUIT COURT FOR THE COUNTY OF HANSEMOND, VIRGINIA.

In the matter of the application of the
School Board of Holy Neck District, Number 2,
of Hansemond County, Virginia for authority
to sell school property.

To the Honorable James L. McLeMore, Judge of said Court:

The undersigned, School Board of Holy Neck District, Number
2, of Hansemond County, Virginia, authorized by a decree entered
by your Honor in this matter on the 8th. day of July, 1914, to sell
certain school property therein set forth, makes the following
report:

At 3 o'clock P. M., on the 8th day of August, 1914, in front
of the Bank of Holland, Holland, Virginia, the said School Board in
accordance with said decree put up at public auction the school
property described in said decree and struck off the same to the
highest bidders as follows:

1st. To J. O. Cutchin, for the sum of thirty-seven dollars:

One School building, known as the South Quay School, situated near
South Quay Baptist Church on what is known as the Hall estate.

2nd. To Henry Steinhart for the sum of Twelve dollars:

A certain school building situated on or near the farm of Henry
Steinhart.

3rd. To Matthew Reid and R. J. Holland, Trustees, for the sum
of Seventy-five dollars:

A certain school building situated in the village of Blwood.

4th. To W. S. Whitfield, for nine dollars and fifty cents:

A certain school building known as the Ivy Ridge School, situated on
the road leading from the Suffolk Road, in Hansemond County, Virginia,
to the Murneyville Road in same County and State.

5th. To J. E. Vincent, for the sum of One Hundred and Twenty-
seven dollars:

All that certain piece or parcel of land, with its appurtenances,
seventy yards square, situated in Holy Neck Magisterial District,
Hansemond County, Virginia, on the west side of the County road
leading from J. E. Vincent's place to Holland, just in front of
J. E. Vincent's lane, bounded on the east by the said County road
and on the north, west and south by the other lands of J. E. Vincent,
in such manner that a straight line run due west from the center of
the line forming the boundary between said lane and the said road
crosses the center of the line forming the boundary line between the
said lot and the said road.

6th. To I. A. Luke, for the sum of ^{Sixteen} ~~16~~ Hundred and Five Dollars:

All that certain piece or parcel of land, with its appurtenances, sit-

uated on the southeast side of Main Street, in the Town of Holland, Hansemond County, Virginia, containing by estimation, one and one-third acres, and bounded and described as follows: Beginning at the southwest corner of the line of J. W. Hill's land, running thence southwestwardly from said street in a straight line 420 feet to a corner post, thence southwestwardly in a straight line along the other lands of the said T. G. Jones to another corner post located on said Main Street, thence northwardly 140 feet along the said Main Street to the point of beginning; said land conveyed subject to the condition that it should not be sold to any person of African descent nor used for school purposes for the benefit of any person or persons of African descent.

The said Board reports that the sale last above mentioned was not made for cash, but upon the following terms: Mr. I. A. Luke, the purchaser, is to pay the sum of \$100.00 cash, remainder to be paid on or before the 1st. day of April, 1915, at which time, deed to said property is to be delivered to said purchaser and possession given by said Board. It is understood that the said Board is to have possession of said property until date last above mentioned without rent or charge of any kind, and, further, that balance of said purchase price due by said I. A. Luke on said 1st. day of April, 1915, is not to bear interest up to date of payment. The said Board reports that this arrangement is desirable on account of the fact that the new school building is not yet ready for use and will not be ready for use before the 1st. day of April, 1915.

The said Board believes that no better price can be obtained for said property, and, therefore, asks that said sales be confirmed and that said Board be authorized to convey to said purchasers the said pieces or parcels of property purchased by the at said sale in accordance with this report.

Respectfully submitted:

J. R. Hallwell, Chairman.
B. D. Jones
J. C. Byrd
School Board of Holly Neck District,
Number 2, of Hansemond County, Virginia.

Report of School Board of
Holly Neck District, Number 2,
of Mansueta County.

In the matter of the ap-
plication of said School Board
for authority to sell school
property.

1914 Sept. 19th filed.
J.M.

TO THE HONORABLE JAMES L. MCLEMORE, JUDGE OF THE CIRCUIT
COURT OF NANSEMOND COUNTY, VIRGINIA.

In the matter of the application of the School
Board of Holy Neck District, Number 2, of Nansemond
County, for authority to sell school property.

Your petitioner, the School Board of Holy Neck District,
Number 2, of Nansemond County, Virginia, respectfully represents
that it is possessed of the following property, located in Holy
Neck Magisterial District, Nansemond County, Virginia:

Ist. One school building known as the South Quay School,
situated near South Quay Baptist Church on what is known as the
Hall estate.

2nd. A certain school building situated on or near the farm
of Henry Steinhart.

3rd. A certain school building situated in the village of El-
wood.

4th. A certain school building known as the Ivy Ridge School,
situated on the road leading from the Suffolk road to the Nurney-
ville road.

5th. All that certain tract of land known as the J. E.
Vincent School, fronting on the Holland road in front of J. E.
Vincent's gate, containing one acre and bounded by the other lands
of J. E. Vincent. A plat is herewith filed showing metes and bounds
of the said acre of land, marked "Exhibit D" and prayed to be read
as a part of this petition.

6th. All that certain piece or parcel of land, with its
appurtenances, situated on the southeast side of Main Street, in
the Town of Holland, Nansemond County, Virginia, containing by
estimation, one and one-third acres, and bounded and described as
follows: Beginning at the southwest corner of the line of J. W.
Hill's land, running thence southwestwardly from said street in
a straight line 420 feet to a corner post, thence southwestwardly
in a straight line along the other lands of the said T. C. Jones

to another corner post located on said Main Street, thence northwardly 140 feet along said Main Street to the point of beginning. Said land conveyed subject to the condition that it should not be sold to any person of African descent nor used for school purposes for the benefit of any person or persons of African descent.

Your petitioner represents that all of these schools are so inconveniently located that they have been abandoned; that the land and buildings are no longer available for school purposes; that, in order to meet the demands of the District and to promote the best interests of the cause of education, your petitioner has pursued the policy of consolidating smaller schools and furnishing better and larger equipment for school work; and that, in so doing, your petitioner has incurred certain indebtedness which it desires to pay out of the proceeds of the sale of the lands and buildings hereinbefore described, all of which is shown by affidavits herewith filed, marked exhibits "A", "B", and "C" and prayed to be read as a part of this petition. And your petitioner will ever pray, etc.

SCHOOL BOARD OF HOLY NECK DISTRICT, NUMBER
2, OF NANSEMOND COUNTY, VIRGINIA.

By Everett Hutton
its attorneys.

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, TO-WIT:

Personally appeared before me, W. C. Leather,
a notary public in and for the County of Nansemond, in the State of
Virginia, J. R. Holland, B. D. Jones and J. C. Byrd, who, being duly
sworn, depose and say as follows:

That they are members of the School Board of Holy Neck District,
Number 2, of Nansemond County; that said School Board has abandoned
the land and buildings set forth and described in the petition of said
Board hereto attached; that, by reason of the inconvenient location
of said school property and the consolidation of smaller schools because
of the great demand for better facilities, the said property is no
longer available for school purposes; and that it is the desire of the
said School Board to sell the said land and buildings as described in
said petition in the mode prescribed by law and to apply the proceeds
derived from said sale to the payment of the debts due on other school
buildings in said District.

Given under our hands this 1st day of July, 1914.

J. C. Byrd
J. R. Holland
B. D. Jones

Subscribed and sworn to before me in

my county aforesaid this 1st day of July
1914.

W. C. Leather N.P.

My commission expires the 30 day of Sept, 1914.

AFFIDAVIT

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, TO-wit:

Personally appeared before me W. C. Lathrop,
a notary public in and for the County aforesaid, in the State of
Virginia, J. T. Rawls, who, being duly
sworn, deposes and says as follows:

That he resides in Holy Neck District, Nansemond County, Virginia
that he is familiar with the location of the school property mentioned
in the petition of said Board hereto attached; that said school proper
is inconveniently located, and, by reason of the consolidation of
smaller schools and the demand for better school facilities, is no
longer available for school purposes.

Given under my hand this _____ day of June, 1914.

J. T. Rawls

Subscribed and sworn to before me in my
county aforesaid this 1st day of July
~~1914~~, 1914.

My commission expires on the 30th day of Sept, 1914

W. C. Lathrop

N.P.

STATE OF VIRGINIA,

COUNTY OF NANSEMOND, TO-wit:

Personally appeared before me W. C. Leathers,
a notary public in and for the County aforesaid, in the State of
Virginia, J. E. Vincent, who, being duly
sworn, deposes and says as follows:

That he resides in Holy Neck District, Nansemond County, Virginia;
that he is familiar with the location of the school property mentioned
in the petition of said Board hereto attached; that said school property
is inconveniently located, and, by reason of the consolidation of
smaller schools and the demand for better school facilities, is no
longer available for school purposes.

Given under my hand this 1st day of July, 1914.

J. E. Vincent

Subscribed and sworn to before me in my
county aforesaid this 1st day of July
~~June~~, 1914.

My commission expires on the 30 day of Sept, 1914

W. C. Leathers

N.P.

In re. Petition of
Trustees
Holy Creek Dist.

1914 July 18. Filed.
JLM

EVERETT & HUTTON
ATTORNEYS AT LAW
SUFFOLK, VA.

NANSEMOND COUNTY COURT

Application of Board
VS.
Board of Holy Trinity
Dist. for authority
to sell land

1 Report
1 Decree.

Papers in above Style Suit
in the hands of

Edwin T. Conkey
Attorney

Oct. 10 1947

In re Petition of
Trustee of
Holy Rock Dist