

1890-19

Santhampton County - Chancery

White, Jno

vs

White, Lelia A et al

To sell real Estate
and proceeds divided
among parties according to
their respective interest

White, Minerva
White L. J.
Langrange, Liana

White, Belle L.
White, Minerva

Plot

White &c.

v. } Deane.

White &c.

This day this cause came on to be further heard upon the papers formerly read and upon the report of W. J. Barker, A. J. Cornwell and W. F. Laine, Commissioners appointed by decree herein entered at the Nov. 1889 term of this Court and was argued by counsel.

On consideration whereof, the Court, approving and confirming the said report, doth adjudge, order and decree that the allotments made and reported by said Commissioners, by which they assigned to Mrs. W. White, as and for her share of the Real Estate of her deceased father Edwin White, that certain ^{containing 50 acres more or less and} parcel of land, bounded by the Whig road, the Road leading to Wakefield, other lands belonging to estate of said Edwin White decd. and others, the more particular boundaries of which being given in a plat made by W. H. Hood, surveyor, and accompanying said report as a part thereof, be held firm and stable. The Court doth further adjudge order and decree that the costs of this suit be borne and paid by the said Mrs.

W. White, to whom the said allotment
has been made. And nothing further
appearing necessary in this cause,
it is ordered that the same be
removed from the docket.

Virginia: In the Clerk's Office of the Circuit Court of South-
ampton County, the 2nd day of January, 1934. The foregoing
Instrument of Writing was presented, admitted to record and
indexed according to law.

Teste: N. B. McLeMORE Clerk

By: B. M. Willis D.C.

White &c.
v. B. D. D. &c.
White &c.

May Term 1890.
To be entered -
C. M. D. &c.

Entered

Deed Book 74 - Page 324

Price & Seabree
150 p. 1890 &c.

White
m 3 Bee &
Whites to
~~~~~

apl

Primer & School by

To the Hon. Justice, Judge of the Circuit  
Court of Southampton Co. In Chancery.  
Complaining Herewith unto your Honor  
Jno W. White and Minerva White,  
the said Minerva as vendee of L. J. White  
and Deania A. Haygood, former White,  
that Jno White's father was in his life-  
time seized and possessed of a farm  
in Southampton County, containing  
acres - and bounded by the Cobham  
Whig Road & the land of A. S. Pearson,  
C. W. Nicholas, Sylvanus Hines, River  
Morrison & others and being so seized  
some years ago departed this life  
intestate, leaving for Complainant  
Jno White, Lelia A. White, Becca L.  
White, Minerva F. White - L. J. White  
and Deania A. Haygood, former White  
his only children and heirs at law - that  
Lelia A. White, Becca L. White and  
Minerva F. White are infants under 21,  
and L. J. White & Deania A. Haygood  
have sold their interests to Minerva  
White their mother - Your Complainants  
state that the real Estate is, as they  
believe susceptible of partition among  
the parties entitled thereto - but if it be not  
then your Complainants desire the

same to be sold and the proceeds  
divided among the parties  
according to their respective  
interests - the share of the infants  
to be held or divided by the Statute.  
Shewed the property not be divisible  
in kind. Your complainants  
believe and here state that the  
interests of those entitled will be  
promoted by a sale of the whole  
of said real estate or by an allot-  
ment of part and sale of the residue.  
In tender consideration whereof  
your complainants pray that Lelia  
A. White, Bruce L. White and  
Minerva F. White be made defendants  
to this bill and required to answer  
the same, that a proper guardian ad  
litem be appointed for the said defend-  
ants, all of whom are infants -  
to defend their interests in this suit.  
That all proper inquiries may be  
devised and for such other, further,  
general & special relief as to  
Equity may seem meet or the  
nature of this case may require.  
And as in duty bound to. May it

please the Court to  
Pursue Schuch pg

Walter Vander Gyn

r. 3 ~~that~~

White's

Answer of Gyn

ad literam

The answer of Wm Shanks Jdn ad litem  
to Julia A. Bell L., and Minerva White -  
all minors. to a Bill in Chancery exhib-  
ited against them in the Circuit  
Court of Southampton County, by John  
W. White & others.

This respondent for answer to said  
bill, says - that he neither admits or  
denies any of the allegations contained  
in the bill. and calls for such  
proof as the law, in such cases,  
demands, and submits the interest  
of the minors to the care and pro-  
tection of the Court. And having  
answered, prays leave to be dis-  
missed &c.

Wm Shanks  
Jdn ad litem

Sworn to before me Apr 1. 1889.

B. F. W. Lemoine *clg.*

White &c.

27.

} Report of Comm<sup>rs</sup>.

White &c.

The undersigned, ~~two of the~~  
Commissioners appointed by decree entered  
in this cause at the Nov. 1889 term  
of the Circuit Court of the District of Columbia  
~~themselves~~, beg leave to submit the following  
report: After having been first duly  
sworn, we proceeded to make partition  
of the Real Estate in the proceedings  
mentioned according to direction of the  
said decree, but only one of the interested  
parties, to-wit, Mrs. W. White desired to  
have his portion of the said lands cut  
off & assigned him, the other interested  
parties expressing a preference to  
have their shares remain together  
intact and to have only the said Mrs.  
White's portion set apart & assigned.  
Whereupon your Commissioners, agree-  
ably to the wishes of all the interested  
parties, proceeded to assign to said  
Mrs. W. White  $\frac{1}{6}$  part of said Real Estate,  
having regard to quantity & quality,  
and assigned him that certain part  
of the lands in the proceedings mentioned,  
containing 50 acres according to actual  
survey made by W. H. Hood, a plat of  
which said survey is herewith filed  
marked "X" & prayed to be considered

as a part of this report, reference  
to which said plat is hereby specially  
made for the boundaries of said land.  
Considering quality & quantity, we ~~are~~  
~~find~~ the allotment thus made <sup>as</sup> fair  
and right, and all the parties in  
interest are satisfied with same.  
All which is most respectfully  
submitted.

Wm. J. Barker  
A. S. Cornwall  
W. H. Saine

Commissioners

White re. 3  
n. 183  
White re.

Report of  
Commissioners

White, vander g.

in  Sum

Whites

1889. 1 Apr Rules

Dir: Ex.

Executed March 25<sup>th</sup>  
1889 by delivering a copy  
of this Sum<sup>s</sup> to Wm  
Abraham Esq<sup>r</sup> ad Attn  
of the within named  
parties

J. W. Williams Esq<sup>r</sup>

**The Commonwealth of Virginia,**

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *Lelia A. White. Belle L. White. and Minerva F. White. all infants, by Mr Shands - their Guardian ad litem*

to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court on the first Monday in *April* next, to answer a bill in chancery exhibited against *them* in our said Court by *Jas. W. White - and Minerva White, vendee of L. F. White and Deana A. Hargrave, formerly White*

And this *they* shall in no wise omit; and have then there this writ.

*B. F. McLemore*  
Witness, ~~J. B. Prince~~, Clerk of our said Court, this *16* day of *March*

188 *9*, in the *113* year of the Commonwealth.

*Teste: B. F. McLemore* C. C.

Southampton Circuit Court: May Term 1889.

White

against

Decree

White &c.

This day this Cause came on to be heard upon the bill of the Complainants, and the answer of the infant defendants, by Gdn ad litem. And was argued by Counsel. On Consideration whereof the Court doth adjudge, order and decree, that it be referred to one of the Commissioners of this Court, to inquire into and report to the Court. 1<sup>st</sup> whether the Real Estate in the bill mentioned can be conveniently divided in kind among the parties entitled thereto.

2<sup>d</sup>. If the same cannot be conveniently divided in kind, whether any interested party will take the entire property and pay therefor to the other parties such sums of money as their interest therein may entitle them to.

3<sup>d</sup>. And if the same cannot be divided in kind, and no party will take the entire property & pay the others for their share, then, whether the interest of the parties would be promoted by a sale of the property and a proper distribution of the proceeds.

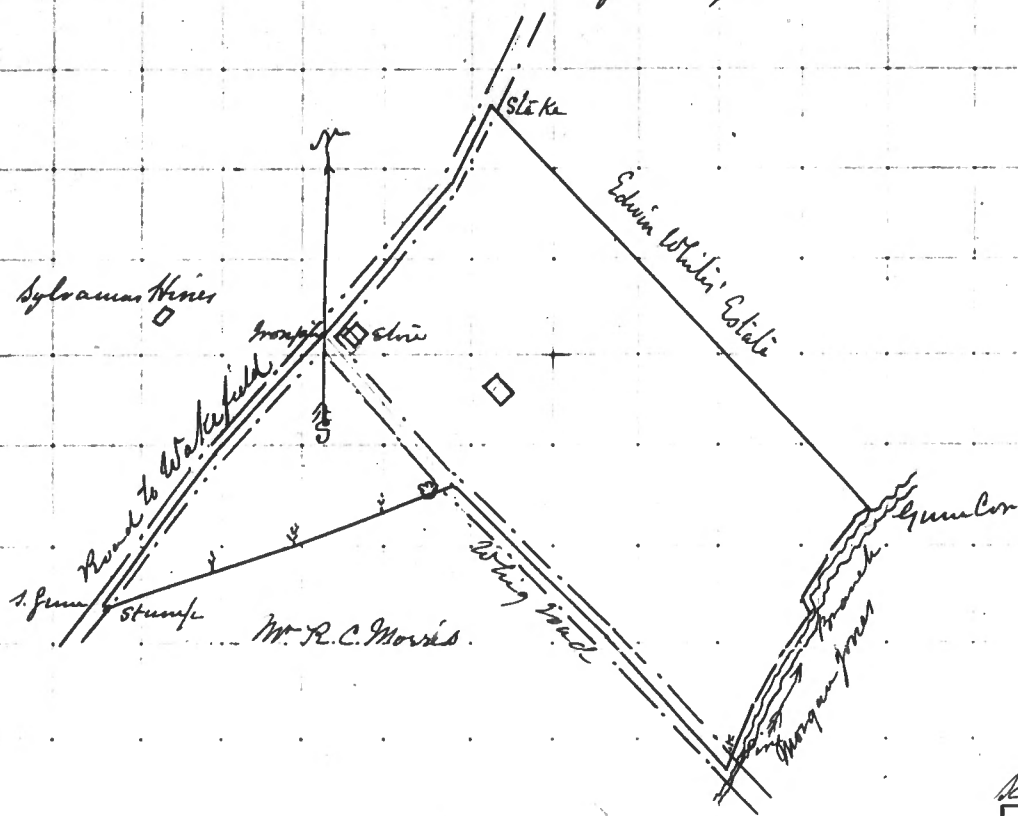
among the parties entitled thereto, with  
the reasons upon which such opinion  
is based.

Which several inquiries the said Com-  
missioner shall make and report to Court  
with any other matter specially stated deemed  
pertinent by himself or required to be  
so stated by any party interested.

A Copy-

Teste: B. F. McLennan C. J.

Map & Field notes of a portion of Mr Edwin F. White's Estate, cut off  
for Mr J. W. White under directions of Comptrol.



Scale 5 chs. in  
of any 2 mo 1890  
00 Acres  
W. J. Wood

Jan'y 2<sup>nd</sup> 1890

Amory

Field Notes of a Survey made this day, for W. J. White, cutting of a portion of his father's Estate, as directed by Commissioners.

Commencing in Centre of Road. Iron Pin, near Store, Thence S 42° W along Road to  
Courtland. 8.38 chs, S 37° W 9.74; Cor. in road S 57° E 0.41, thence Cor on Morris,  
Thence along his line. N 71½° E 2.23, N 69½° E 2 pins O. L's 130, N 66½° E L. P. 7a 3.74  
N 70° E 2.91, N 68½° E 2.60. N 68½° E 6.55. In centre whig road, Thence along said road  
S 46° E 11.38, S 43° E 6½. S 45° E 3.26. In branch Cor Morgan Jones, Thence along  
his line & branch N 53½° E 4.36. N 7a N 18° E 3.01. N 26° E 2.66. N 32½° E 2.67. off.  
from branch N 35½° W 0.86, along edge of ranch. N 32° E 2.82 (off 1 ch) N 35° E 2.44.  
(off 1 ch) N 50° E 0.50. to Gum Cor. in run - Commencing at 1st Station  
Iron Pin near Store Thence (along Road to Wakefield) N 40½° E 10.38 chs  
N 25° E 4.50 chs to Cor in road opposite Stake; Thence along the  
remaining portion of Estate. S 43½° E Chopped line 29 chs to Gum Cor  
in branch - Containing 5.0 Acres

Mr. J. W. White exhibiting bones

Wm. H. Hood

W B Hale & Beverly George Chain Carriers.

Shonagon

White & Co

or 3 Span

White

1889. Oct. 15

Executed Oct 10<sup>th</sup>  
1889 by delivering  
a copy of this Span  
to each of the mil-  
lin named parties

J. F. Coll left  
for J. W. Williams  
Chap

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON *W. J. Barker - A. S.*

*Cornwell and W. F. Laine*

*B. F. McLemore, Comr*

to appear before the Judge of our *Circuit* Court of Southampton County, at the Courthouse,

on the <sup>15<sup>th</sup></sup> ~~first~~ day of *October* Term next, to *give evidence on*

*behalf of John W. White & in the Chancery*  
*suit of White & White -*

And have then there this writ. *Comr*

WITNESS, B. F. McLEMORE, *Clerk* of our said Court, at the Courthouse, this *8* day  
of *Oct.*, 18*89*, in the *11*<sup>th</sup> year of the Commonwealth.

TESTE:

*B. F. McLemore Comr. c.*

White &c.

W<sup>m</sup> J. Notice

White

1889. 15. Oct.

Executed Octo-  
10<sup>th</sup> 1889 by deliv-  
ering a copy of this  
notice to each of the  
within named parties  
A. Cobb Sept

for J. Williams  
Shff

W. J. Barker  
\$ 2.10

A. D. Cornwell 1.40

W. F. Laine 1.45

Commissioner's Office,

Jerusalem, Pa. Oct. 1 1889

To Geo. W. White. Minerva White. Vendor of  
L. J. White. and Dianna A. Bangor

You are hereby notified that I have fixed upon the 15 day of October next, if  
fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts,  
to wit:

- 1<sup>st</sup> Whether the real Estate in the bills mentioned  
can be conveniently divided in kind among  
the parties entitled thereto.
- 2<sup>d</sup> If the same cannot be conveniently divided  
in kind, whether any interested party will take  
the entire property and pay therefor a reasonable  
price to the ~~to the~~ other interested parties.
- 3<sup>d</sup> Whether or not the interest of the parties  
would be promoted by a sale of the property  
and division of the proceeds among the  
parties entitled thereto.

required to be taken by a decree of Southampton Circuit Court rendered at the May term,  
1889, in a suit in Chancery depending in said Court, in which you are parties, plaintiffs and defendants; at  
which time and place you are required to attend.

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

B. F. McLenane

Commissioner.

To the Sheriff of Southampton County to Execute.

The Depositions of W. J. Barker & others  
taken by B. F. McLeod, Com'r in Chancery  
of the Circuit Court of Southampton Co.  
Oct 15. 1889. to be read as evidenced  
in the Chancery Cause of White &  
White:

The witness W. J. Barker being  
duly sworn, deposes as follows:

Q: What is your age, residence and  
occupation. do you know the parties  
to the suit and the tract of land in  
the bill mentioned?

A: My age is 56 years. reside in Southampton  
County. am a Clerk by occupation,  
know the parties to the suit and the  
tract of land mentioned.

Q: Please state whether the land in the bill  
mentioned can be conveniently divided  
in kind among the parties interested.  
& if not, if any party interested, will  
take the entire property and pay a  
reasonable price therefor?

A: I think it can be divided in kind,  
it lies well for division and contains  
land enough to give each party a  
farm.

And more this deponent sayeth not.

Wm J Barker

The witness, A. S. Cornwell, being duly sworn, deposes as follows:

Q: What is your age, residence and occupation. do you know the parties to the suit and the tract of land mentioned?

A: My age is 54 years - reside in Southampton County - know the parties to the suit, and the tract of land.

Q: Do you think the land can be divided in kind among the parties interested?

A: I never saw a tract of land by better for division. it can be divided in kind.

And more this deponent sayeth not.

A. S. Cornwell

The witness W. F. Laine, being duly sworn deposes as follows:

Q: What is your age, residence, occupation. do you know the parties to the suit and the land in the bill mentioned?

A: My age is 52 years - reside in Southampton Co. by occupation a farmer, know

the parties to the suit and the tract  
of land in the bill mentioned?

Q: State whether or not the land in the  
bill mentioned can be conveniently  
divided in kind among the parties  
entitled.?

A: I think it can be divided in kind.  
it lies well for division.

And more this deponent says etc not.

W. F. Laine

White 144

Mr. <sup>Wm</sup> Report.

White & Co.

1889. Oct. 15 filed.

Commissioner's Office  
Courtland Va.

Oct 15. 1889.

To the Circuit Court of Southampton Co.  
Pursuant to a decree of the Circuit  
Court of said County, rendered at the  
May Term 1889, in the Chancery  
Cause of White vs White &c - the un-  
dersigned, one of the Commissioners  
of the said - to whom the aforesaid  
decree stands referred - reports to  
Court, that on the 1<sup>st</sup> day of October  
1889, he issued Notices against the  
parties - Plaintiffs and Defendants,  
and Subpoenas for W. J. Barker and others  
as witnesses - requiring them to appear  
at his Office on the 15<sup>th</sup> day of Oct:  
1889: that said Notices &c have been  
returned duly Executed, and that  
the aforesaid parties appeared in  
obedience thereto. Whereupon the  
Commissioner proceeded to take the  
following accounts:

- 1<sup>st</sup> Whether the real Estate in the bill  
and proceedings mentioned can  
be conveniently divided in kind  
among the parties entitled thereto.
- 2<sup>d</sup> If said land cannot be divided in

Kind, whether any interested party  
will take the entire property, and  
pay a reasonable price therefor, or  
3<sup>d</sup> - Whether the interest of the parties  
will be promoted by a sale of the  
property and a proper division of  
the proceeds &c.

From the depositions of the witnesses,  
herewith filed, and prayed to be read  
as part of this report, it will be  
seen that the real Estate mentioned  
in the bill and proceedings in this  
Cause - is susceptible of partition.

Your Commissioner respectfully  
recommends, therefore, that said land  
be divided among the parties, accor-  
ding to their respective rights.

Respectfully Submitted.

B. F. McLeod

Clerk in Chancery

Court's fee \$5.00.

Witness fees:

H. J. Barker \$1.30

A. S. Cornwell \$0.90

W. F. Laine \$0.90

White re. 5

or.

} Decem.

White re.

Nov. June 1889.

To be entered.

C. W. H. H.

Entered page 358

White &c. }  
17. } Decree.  
White &c. }

This day this cause came on to be further heard upon the papers formerly read and upon the report of Coun<sup>r</sup>. B. F. McLevine, filed Oct 15/89, to which report there are no exceptions, and was argued by counsel. On consideration whereof, the Court, approving and confirming the said report, doth adjudge, order and decree that W. J. Barker, A. S. Cornwell and W. F. Laine, who are hereby appointed Commissioners, for the purpose, having first been duly sworn, do proceed to lay off and divide the Real Estate of which Edwin White died seized & possessed, in the bill mentioned, into six equal parts, - having regard to quality & quantity, and assign to Mrs W. White one sixth part; to Lelia A. White one sixth part; to Belle L. White one sixth part; to Minerva F. White one sixth part; and to Minerva White, widow of L. J. White and Diana A. Hargrave, two-sixth part. And the said Commissioners are hereby authorized & empowered to employ a competent surveyor to assist them in making the partition aforesaid. And said Commissioners will make report to this Court.

White - <sup>153</sup>Van der Gen

4 3 Stat. Rules

Whites

John H. White. and  
Minerva White, Vender.  
of L. J. White and Diana  
A. Hargrave - formerly White } Puffs

Lelia A. White - Belle L.  
White, & Minerva F. White.  
all infants, by Wm Shands  
Gdn ad litem - } Deft

See Chancery

1889. Mch 16. Sum: to 1 April Rules

" 1<sup>st</sup> April Rules: Sum: rets Executed.

Bill & Ex: filed -

Wm Shands ap: Gdn ad litem

Answer of Gdn ad litem

filed - gent replication -

decece nisi -

" 2 " " Cause set hearing

White- }  
          } Decree.  
          }  
77.  
White &c.

This day this cause came on to be heard upon the bill of the complainants, and the answer of the infant defendants by guardian ad litem, and was argued by Counsel. On consideration whereof, the Court doth adjudge, order and decree that it be referred to one of the Commissioners of this Court to inquire into and report to the Court—

1<sup>st</sup> Whether the Real Estate in the bill mentioned can be conveniently divided in kind among the parties entitled thereto—

2<sup>nd</sup> If the same cannot be conveniently divided in kind, whether any interested party will take the entire property and pay therefor to the other parties such sum of money as their interest therein may entitle them to—

3<sup>rd</sup> And, if the same cannot be divided in kind, and no party will take the entire property & pay the others for their shares, then whether the interest of the parties would be promoted by a sale of the property

and a proper distribution of the proceeds among the parties entitled thereto, with the reasons upon which such opinion is based—

Which several inquiries the said Commissioner shall make and report to Court, with any other matter specially stated deemed pertinent by himself or required to be so stated by any interested party—

White & Co.  
or. M. Deane.  
White

May Term 1889

To be entered—

C. M. White

May 6, 1889

Primer & Deane,  
Rq.