1885-007 Chancery Causes, A. H. White vd vs Timothy Hayo v ux
Isle of Wight County

other surnames: Deshield, Maynard, Gwaltney, West, Darden, Holland, Davis, Goodman, Dashiell, Warren

paid Timothy Rhodes and his wife, be ordered to pay the complainant this Proportion thereof. that Broker Rhodes may come and that such other Further and Equal Relief may be granted in the premises as the nature of the case may require & to Equity shall seem meet, and your Complainant will ever pray &c.

Dorsum by

Defendants Plea

Complainant Bill

Sept. 12th. 1884 - Plea & Ans. filed & order nisi on same day.

Oct. 6th. Plea & Ans. set for hearing.

Oct. 18th. 1884. Dec. for cmplt. Cause heard & dec. to be reported on pro. nunc 20.

Oct. 1885 - Filed Decree.

and Jerusalem as your com-
plainants are without remedy
at law and can only be relieved
by the aid of this Hon court of
Chancery, where matters of this
sort are alone and properly cog-
nizable, to the end that justice
may be done in the premises
your complainants pray that the
said Timothy Keep and his
wife may be made parties defen-
dant to this bill and be required
to answer the same; that the said
real estate be divided among the
parties entitled thereto and your
complainants portion thereof allotted
to them, and in case partition in
kind of the said real estate cannot
be had, which your complainants
aver is the case, that the same
may be exposed to sale and the
proceeds of sale be divided among the
parties as their interests may entitle
them.

That an account may be taken
of the rents and profits of the said
real estate from the death of the
said Francis Goodman and the

marked A and prayed to be read as a part of this Bill.

That the said Francis Goodman formerly Darden late widow of Solomon Darden dec'd. departed this life some time in the year 187

Your complainants are informed and so charge that by the death of the said Francis, the estate in dower, was ceased and determined and that as descendants of the said Jane Redland formerly Darden they are entitled in fee simple to an undivided one third of the lands of the late Solomon Darden, so assigned them as dower aforesaid.

Your complainant further state, that since the death of the said Francis Goodman. the said Timothy Knapp and his wife, have been in the possession of said land and have been receiving the entire rents and profits thereof one third of which rents and profits, should be paid to your complainants.

In tender consideration whereof

That the said Sarah Gwaltney formerly Holland, the second child of Jane and Hardy Holland, and the said Gwaltney her husband have both departed this life, leaving as the sole heirs at law of the said Sarah Gwaltney four children, to wit Ben F. who is unmarried and without issue. 2 d Gwaltney, Sarah Gwaltney and Deanna Gwaltney.

That Sarah Gwaltney intermarried with one Crawford Maynard, and have both departed this life leaving as the sole heirs at law of the said Sarah Maynard formerly Gwaltney, to wit Coley Maynard and Carmen Maynard.

That the said Deanna Gwaltney intermarried with one James Hall and has since departed this life leaving 6 children as her heirs at law, to wit Annie Mae, Connie Jane formerly Hall, Molly Mae Hall, Eugene Hall and Grace Hall the last four infants, a diagram of the line of descent of your complainant from Jane Holland formerly Darden, a daughter of Solomon Darden is hereunto filed

That the said Sara Holland formerly Sarah, wife of Hardy Holland, departed this life some time in the year . leaving as her sole heirs at law two children, to wit, Patsy Holland who intermarried with Watson White and Sarah Holland who intermarried with Mr Whatley;

That the said Patsy White formerly Holland and Watson White, have both departed this life, leaving as the sole heirs at law of the said Patsy White, her three children, to wit, A Kellett A D White who died unmarried and without issue and Watson D White. That the said Watson D White has departed this life leaving as his sole heirs at law, two children, Doris Ida D who intermarried with one Jas Kellett and Nancy D who intermarried with Watts White.

by this deed bearing date on the
day of 18, convey all
of their interest in said tract of
land mentioned and described
in the petition of said
assigned as dower of the said Francis
Goodman formerly Darden, a
copy of said deed is herewith filed
marked Exhibit A and prayed to be read as
a part of this Bill.
That the said Benj Dorden has
departed this and left as his sole
heir at law one son John Dorden.
That the said John Dorden left
as his sole heir at law one child
to wit, Dorden who has
intermarried with the defendant
Timothy Heaps

that the said Solomon Harden died seized and possessed of a tract of land in said county containing by estimation acres be the same more, bounded by Rockwater River, the lands of Normand Scott

that by an order of the County Court of the County of Cole of Nights of July anno 1818. the following portion of said land was assigned to the said Francis Goodman late widow of the said Solomon Harden, as and for her dower in said land, bounded as follows. Viz" Beginning at a gum, a corner tree of Norman Scott. from thence N 88 W 50 poles to an alm tree, thence N 70 W 23 poles to an apple tree near the Corner of the Gum, thence N 48 W to the Black water, including 216 acres, with the dwelling house &c. A copy of the report of the commissioners to assign dower as aforesaid is hereto fixed marked A and prayed to be read as a part of this Bill.

That Bailey Davis and Polly his wife

To the Hon Geo Blow Judge of the Circuit Court of Law and Chancery, for the County of Sussex & State of Virginia in Chancery sitting.

Humbly complaining sheweth to the Court, your complainants A. H. White. Jas Mitchell and Sarah A his wife. Watts White and Nancy A his wife. Lucy Maynard Emmett Maynard, W. D. Pennaday, Annie Mott, Corinne Warren, Mary Mott Goodwin, Eugene Mott and Grace Mott, the last four infants by Elliott Mott their next friend.

That some time in the year 1816, Solomon Darden departed this life intestate & seized in the County of Sussex & State, leaving him surviving a widow Francis Darden and nine children, to wit Jane Darden who intermarried with Hardy D Redmond, Polly Darden who intermarried with Bailey Davis and Benjamin Darden.

That the said widow Francis Darden intermarried with one Lemuel Goodman

White a. St. Als.

vs. Summons in Ejectment

Hanc Timothy & wife

To Sept. Rs. 1884.

Roy Rumsey

Executed by delivering to the within named Timothy Hayes & wife a true copy of the within Summons aug 28th 1884

R. A. Edwards
Sh'ff.

The Commonwealth of Virginia,

TO THE SHERIFF OF ISLE OF WIGHT COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Timothy Kaye and Lavinia his wife

to appear at the Clerk's Office of the Circuit Court of Isle of Wight County, at Rules to be holden for the said Court, on the first Monday in September next, to answer the Bill in Chancery of Wm. Jas. Isbell & Ida his wife, Dallis White & Nancy W. his wife, Sally Maynard, Emmett Maynard, W. O. Gwaltney, Sam'l West, Elliott West, Cornelia Warren, Molly West, Thomas West, Eugene West & Grace West the last four infants under the age of 21 years by Elliott West their next friend.

~~of a plea of _____ for $_____ Damages $_____~~ And have then there this writ.

Witness, N. P. YOUNG, Clerk of our said Court at the Court House, the 26th day of August 1884, in the 109th year of the Commonwealth.

N. P. Young clk

before me in my said County and made oath to the truth of the same. Given under my hand this 17th day of Oct 1884.

John W. Stevens J.P.

Notice of Lien
for Grave Stone

Affidavit

We are well acquainted with the tract of land in the bill and proceedings of this suit mentioned, being the same land which was assigned to Francis Goodman late widow of Solomon Rodgers, in our opinion the said land can not be conveniently divided in kind between the parties entitled thereto, and such division would be injurious to the interest of all the parties entitled, and that the said land is of the value of about $600.00.

Given under our hands this 17th day of October 1884

Signed

R. B. Vaughan

John R. Rose

Wm H. Rose

State of Virginia to wit,

I John H Holland a justice of the peace for the County aforesaid in the State of Virginia, do certify that R. B. Vaughan John R Rose and Wm H. Rose ——— whose names are signed to the foregoing report, appraisement

an allotment of part and a sale of the residue; upon which and upon testimony adduced before him, he finds, That the said land can not conveniently be divided in kind without injury to the interests of the parties entitled, that the said land is of the value of $600.00 and that Timothy Kemp who is entitled to two shares of said land is willing to take the same and pay to the Complainants in this suit the sum of $200.00 the value of their said interest, all of which is respectfully submitted. Given under my hand this 22nd day of October 1854.

J. D. Spencer Com

Filed 22 Oct 1854

Robert A. Lowe
Clerk

Whitaker
& Dudley
vs
Kemp

White &c
vs
Kemp & wife

To the Circuit Court of the County of Dale &c Ala.

The undersigned A Pl Owen a Comr in Chy of the Circuit Court of the County aforesaid who was appointed by the decree herein of Oct 20th 1880, to enquire and report do report.

1st That the tracts of land in the Bill and Proceedings of this cause mentioned are susceptible of division in kind between the several parties entitled to share therein

2d That the same are not so susceptible of division in kind, whether any party will take the entire property and pay to the other parties such sum of money as their interests may entitle them to, and the value of such interest.

3d That if the same are not so susceptible of division in kind, and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said land, or its proceeds will be promoted by the sale of the entire property and by

Whitewalls
do } Inches
extra
Hayo

A. H. White et als.

vs. } In Chy. in Isle of Wight Cir.

Timothy Hayo & wife } Court.

Bill of Pltffs. costs. To wit:

Atto. fee and writ tax	16.50
Clerk county court for exhibits	.80
Clerk Cir. Ct. fees in suit & estimated to final decree	7.63
Sheriff fees	1.00
Commr. in Chy. fee	1.50
Total costs to final decree at $5/80 —	$ 27.43

Teste. A. S. Young clk.

Whitecrals
vs
Duchay
Haywrite

Comr Boyhill's
Report of allocation &
distribution.

Dec: term 1885.
Confirmed.

To the Hon Geo Blow Judge of the Circuit
court of the County of Shelby.

The undersigned R E
Boykin Special Commissioner under
the annexed decree in the suit of White et
als entered at the Oct Term 1884, Reports
to court, that in pursuance of said
decree he collected from Timothy Keays
the sum of $200.00, and upon the collection
thereof executed and delivered to the said
Timothy Keays a good and sufficient
deed in fee simple for the complainants
interest, being and undivided 1/8 interest
in and to the tract of land in the bill
and proceedings of this suit mentioned.
That by agreement of parties to said suit
the said Timothy Keays paid the costs of said
suit.

That in obedience to said decree your
Commissioner distributed the said sum
of $200.00, among the parties entitled
thereto, as their interests entitled them.
a statement of said distribution, with
the receipts of the parties annexed is
herewith filed as a part of this Report.
All of which is respectfully submitted.

R E Boykin
Special Comr

Statement of distribution of the proceeds of sale of the Real estate sold by R & Boykin commissioner in the suit of White & als v Hoop.

By amt of sale of Real Estate to Hoop as per decree 2000 00

To amt due A H White 1/4	Pd R & Boykin atty	500	
" amt due Nancy A White 1/8	Pd R & Boykin atty	250	
" do Dan Bashie formerly White 1/8	Pd R & Boykin atty	250	
" do A & P Swaltney 1/6	Pd R & Boykin atty	333	1/3
" " Polly May Ward 1/12	Pd R & Boykin atty	166	2/3
" " Emmit Maynard 1/12	Pd R & Boykin atty	166	2/3
" " Elliott West 1/36	Pd R & Boykin atty	55	5/9
" " Cornelia Warren late West 1/36	Pd R & Boykin atty	55	5/9
" " Thos West 1/36	Pd R & Boykin atty	55	5/9
" " Grace West 1/36	Pd R & Boykin atty	55	5/9
" " Eugene West 1/36	Pd R & Boykin atty	55	5/9
" " Molly West 1/36	Pd R & Boykin atty	55	5/9
		$2000 00	$2000 00

Statement of distribution of amt collected
by R E Boykin in the suit of White etals
V Heap et vir

By amt collected		2000
To fee as agreed		500
By amt for distribution		$1500.00
A H White 1/4	375.00	
Nancy M White 1/8	187.50	
Ida Nashie formerly White 1/8	187.50	
W C Swaltney 1/6	250.00	
Polly Maynard 1/12	125.00	
Ephmie Maynard 1/12	125.00	
Elliott West 1/36	41.66 2/3	
Cornelia Warrenlate West 1/36	41.66 2/3	
Molly West 1/36	41.66 2/3	
Thos West 1/36	41.66 2/3	
Grace West 1/36	41.66 2/3	
Eugene West 1/36	41.66 2/3	
	$1500.00	$1500.00

July 28/85. Rec'd of R. A. Boyle
Eight & 52/100 Dollars in the shares
of Eugene & Mary Neal in the
proceeds of sale of real estate
sold in the suit of White et al
v. Heaps et als Jas

S. Thompson
Com Eugene & Mary Neal

Jany 2/85 - Rec'd of R. Brayton Comr
in White's Recognizance Fifty Cents
fee for certifying and from said
Comr to Timothy Hays.

J. C. Chapman
Notary Public

Mr. R. C. Boykin;

Please pay to
Mr G. F. Maynard any and all moneys
that you may have collected for me
Mch 26 1885

S. C. Warren

March 28/83. Rec'd of R. C. Boykin Four Hundred and Eighteen Cents, Cost and due Sheriff from the sale of land, in the suit of White et als v Kemp. less atty's fee

G. F. Magwood

Mch 24/85. Rec'd of [illegible] Kin
Four Dollars & Sixteen & 2/3 Cents.
Being the amt due One Jour
the Boards of Care of Land Rec'd
in the Rec's of Whitman &
Kootenai Co's Affs Jno. D. E. Wood

April 4/85. Rec'd of R E Boykin Fifteen Dollars and fifty cents, being the amt due from the proceeds of sale of land, sold in the suit of White & als V Hays, late attys for us

E W Maynard

Rec'd March 23/85 of R. A. Boykin Twelve Dollars and fifty cents. being the amt due me from the proceeds of sale of land sold in the suit of White Wals V Keys. less atty fees.

G. F. Shaywood

May 8th 1885. Rec'd of R. E. Boykin Eight Dollars and Eighty Three cents. Being the shares of James Thomas West and Grace West, infant orphans of Oceanna West formerly Swaitney in the proceeds of sale of the real estate sold in the suit of White et al's Heirs. Less atty fees.

E. E. West
Guard of James Thomas West
and Grace West.

White et al
v
Heirs
Robt Long
James Ld
Isaac Mel

May 1/85. Recd of R L Boykin atty
the sum of Twenty Five Dollars
being the amt due me from the
proceeds of sale of Real estate
sold in the suit of White vals
vs Heirs &c atty fees.

W. O. T. Guion

White et als
v. } Repl of
N O P Railway
Hays

May 11th 1885. Rec'd of R B Boyhuie
Eighteen dollars and Seventy five
cents. being the share of Anna M
White daughter of Watson White
in the proceeds of sale of land owned
in the right of white creek Hoop,
less attys fees.

her
Anna M X White
mark

Lester

C.W. Cofer.

Walter. C. White

Wheeler et al
V } Rakt
Angwin
Wheeler
Keep

Feby 9/85. R A Boyhill atty Affidavit
dated and recvd five cents, and
collected for Jas W Dashiell for-
merly White, wife of Jas Dashiell from
the proceeds of sale of land in the
suit of White et als & Heap. Less
atty fee.

Jas W Dashiell

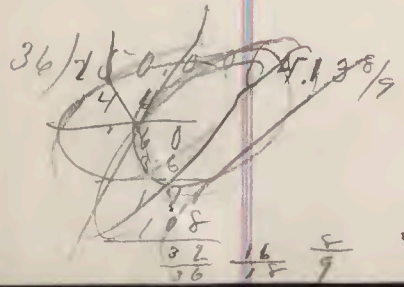
James W. Dashiell

July 9/85: Rec'd of R. Rountree Adm'r
Thirty Seven Dollars and Fifty cents,
being the amt due me from the
proceeds of sale of land in the suit
of White et als vs Heap. less attys
fees.

A. J. C. White

6/25.00
4 1 6 4/6 2/3

6/15.00
2 5 0 0



Plaint. A.H. Shute
vs. Dudley
Hays & wife

"
Copy Decree
Octo: Term 1854

payment of said sum to execute and deliver to him a good and sufficient deed in fee simple with special warranty for the share of the Complainants in the tract of land aforesaid and the Court doth further adjudge order and decree that the said Commissioner after paying thereout the proportion of the costs properly chargeable to the complainants, shall distribute the residue amongst them as their interests may entitle them, taking the receipt of the parties or their guardians therefor, and return the same to Court with a report of his proceedings under this decree, but the effect of so much of said decree as directs the collection of the sum of $200.00 is suspended until the said Commissioner shall have executed a bond in the Clerks Office of this Court, in the penalty of $200.00 conditioned for the faithful performance of this or any future decree herein.

A copy.

Teste, W. P. Young, Clk

In the Circuit Court of Isle of Wight County, the 22nd day of Oct: 1884.

White A. H. etals: Pltffs:
vs. In Chancery.
Timothy Hays & wife Defts:

This cause came on this day to be again heard on the papers formerly heard, and on the report of Commissioner Young this day filed by leave of Court, and was argued by Counsel: On consideration whereof the Court confirming said report to which no exceptions were filed doth adjudge order and decree that Timothy Hays be permitted and allowed to take the share of the complainants, being 1/3 one third share in the tract of land in the bill and proceedings of this suit mentioned, assigned as dower to Francis Goodman late widow of Solomon Darden dcsd. and the Court doth adjudge, order and decree that R. E. Boykin esq is hereby appointed Special Commissioner for that purpose agent of the said Timothy Hays the sum of $200.00 and upon the

down that the said Court after hearing the proportion of the costs properly chargeable to the Complainants, shall determine the same amongst them as their interests may appear them, having regard to the report of the Referee or their Guardian thereof, and in the same Decree, with a proviso to him & Counsel under the same: that the said Orders made & said decree as direct the Collection of the sum of $200.00 be suspended until the said Court shall have entered a bond in the Clerks office of this Court in the penalty of $200.00 conditioned for the faithful performance of this or any future decree therein.

Filed 1884
Geo. Walker
Clerk

Complainants Solicitors

Exhibit No 23.

White et als

In the Circuit Court of said
Kenawha

This cause came on
this day the plaintiff by
the papers formerly read and on
the report herein of Commissioner
this day filed by leave of Court
and was argued by counsel on
consideration whereof the Court doth
adjudge order and decree that
Simon, be permitted and allowed
to take the above specific complain-
ants, being a (1/3) undivided
in the tract of land in the bill and
proceedings of this suit mentioned,
assigned as dower to Frankie Good-
man late widow of Solomon Gar-
den dec'd, and the Court doth ad-
judge order and decree that
Simon be
who is hereby appointed special commissioner
for the purpose
for the speedy & due execution of the said decree
keep the sum of $200 C°, and upon
the payment of said sum to execute
and deliver unto a good and
sufficient deed in fee simple with
special warranty for the above
specific complainants in the tract
of land aforesaid, and the Court
doth further adjudge order and

White d. H. et al's

vs. Sankey

Hays & wife

" Copy Decree

Oct. Term 1887

of Solomon Dundas dec'd. can be conveniently divided in Kind between the several parties entitled to share therein.
2nd. If the same cannot be conveniently divided in Kind whether any party will take the entire property and pay thereafter to the other parties such sums of money as their interests therein may entitle them to, and the value of such interests.
3rd. And if the same cannot be conveniently divided in Kind, and if no party will take the entire property and pay the others for their shares, whether the interests of those who are entitled to the said property or its proceeds will be promoted by a sale of the entire property or by the allotment of Land and sale of the residue. Which several enquiries the said Commissioners shall make and report to Court with any matters specially stated, deemed pertinent by himself or required by the parties to be so stated.

A Copy. Teste, [illegible]

In the Circuit Court of Isle of Wight County, the 22nd day of Oct: 1884.

A. H. White, James Dashiel and Ida his wife, Walter White and Nancy H. his wife, Sally Maynard, Emmet Maynard H. C. Goodrich, Jessie West, Elliott West, Cornelia Warren, Molly West, Thomas West, Eugene West, and Grace West, the last four infants under 21 years of age suing by Elliott West, their next friend. Pltffs.

vs. In Chancery.

Timothy Hays and Lavinia his wife Defts.

This cause came on this day to be heard on the Bill taken for confessed as to the defendants Timothy Hays and Lavinia his wife upon whom process has been duly served they still failing to appear, plead, answer or demur and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that the papers in this cause be referred to a Commissioner of this Court, who is directed to enquire into and report to Court 1st Whether the real estate in the Bill mentioned as previously assigned as dower to Francis Goodman formerly Darden late wife

Gay thereof to the other parties, and
sums of money as may be
therein may settle them so, and
the same agreed upon.
3d And if the same can not be
conveniently divided in kind, and
if one party will take the entire
property and pay the others for
their shares, or unless the interests
of those who are entitled to said
property or its proceeds, will be
promoted by a sale of the entire
property or by the allotment of
part and sale of the residue.
And to general enquiries as said
Commissioners shall make and
report to Court, with any matters
specially stated deemed pertinent
by them or required by the
parties to so stated.

Entered Nov 22.

Order of Sale
& Report
Filed

Report & Decree
of Sale entered.
Dec 1884

Thirsk ats

1° } In the Dis ct of South ct
Kay ats

This cause came on this day to be heard on the Bill taken for confessed, as to the defendants Timothy Kay and Lavinia his wife upon whom Subpoena was duly served they not joining to appear and answer or demur, and was argued by Counsel on consideration whereof the Court doth adjudge order and decree, that the papers in this cause be referred to a Commissioner of this Court, who is directed to enquire into and report Whether the real estate in the Bill mentioned as previously owned as dower to Francis Goodman formerly Kay late widow of Solomon Kay dec'd. Can be conveniently divided in kind between the several parties entitled Whereof therein

2° If the same cannot be conveniently divided in kind whether any party will take the entire property and

White et als
v. J. Dudley
Keay's Wife

Rough sheets
of Oct Term 1885.
To be entered
Geo. V. Bloss.

Entered no. 6.

White &c als
v } In the Circuit Court of Isle of Wight Co
Heyo & wife

This cause came on this day to be again heard on the papers formerly read, and on the report herein & collection & distribution of Court Rogers, this day filed by leave of Court and was argued by Counsel, on consideration whereof, the court doth confirm said report to which no exceptions have been filed, and nothing further remaining to be done herein, it is ordered that this suit be stricken from the docket.

Given under our hands this - day of - 1816.

Enos Ely —
Jacob H Duck
Jno. W Ballard

On consideration of the court, it is ordered that the foregoing report be recorded, and that the same stand firm and stable between the parties.

A copy from the record & minutes of the court.

Test

Sept. 1884. I. S. Young clk.

Whitehead
vs.
Ely &c. &c.
Mayo Smith & als.

Copy report of Com'r
appointed to settle
& state accounts.

Sept. =

Ex 40.

In the county court of Isle of Wight county, the second day of March, 1818.

Hardy D. Holland & Jane his wife, formerly Jane Darden; Bailey Davis & Polly his wife, formerly Darden, and Benjamin Darden. Pltfs:

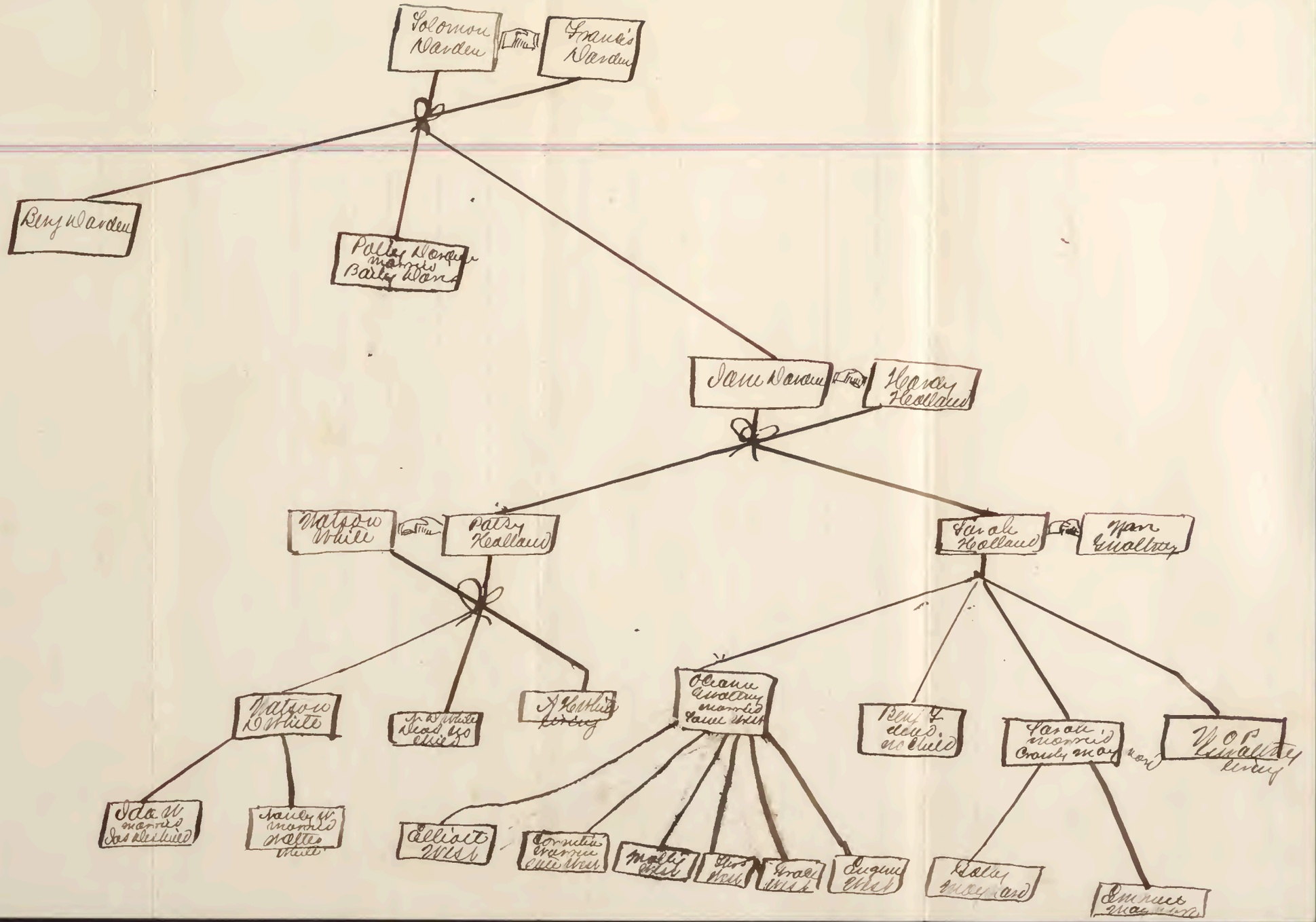
vs. In Chancery.

Samuel Goodman & Frances his wife, formerly Frances Darden. Defts.

"The commissioners appointed in this cause to divide the land in the bill mentioned, this day made their report, which is in the following words and figures, to wit: In obedience to the annexed decree of the honorable court of Isle of Wight county, bearing date August court, 1817, to us directed, we the undersigned have divided the lands of which Solomon Darden died seized and possessed, and pursuant to said decree have laid off and set apart to Samuel Goodman and Frances his wife, formerly Frances Darden, one third part of said land as her dower right in the same, and bounded as follows, viz: beginning at a gum, a corner tree of Cromwell Scott, fm. thence N. 88° W. 50 poles to an apple tree; thence N. 70° W. 28 poles to an apple tree near the corner of the barn; thence N. 48° W. to black water, including two hundred and fifteen acres, with the dwelling house &c.

White Wales
1 Jordan
Hayrick

Archibald


Solomon Warden
Frances Warden
Benj Warden
Polley Warden married Baily Ward
Jane Warden
Hannah Holland
Watson White
Patsy Holland
Sarah Holland
Ivan Gwaltney
Watson White
Jane White died unm
Nathan living
Sarah married Watson White
Ida W married Jas Shelton
Elliott Wash
Mollie Wash
Grace Wash
Eugene Wash
Benj H died unm
Sarah married Crosby Mayo
Polly Mayo
Emmett Mayo