

1879-003

Nansemond Co. (Suffolk)

Chancery Causes: Henry White et als vs Virginus Copeland et als

Swett, Allen, Tynes, Howell

Costs

Clk:	\$ 10.00
Att: Henry	31.50
J. H. Holland Comm	1.00
H. P. Cabotland "	1.00
E. R. Holland "	1.00
W. J. Hollman "	1.00
	<u>\$ 55.50</u>

Know all Men by these Presents,

That we, *Wilbur J. Kilby and John R. Kilby*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, in the just and full sum of *Eight Hundred* Dollars, to the payment whereof, well and truly to be made to the said Commonwealth, we bind ourselves, and each of us, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this *16th* day of *October* in the year one thousand eight hundred and *seventy-seven*, and in the *192nd* year of the Commonwealth. And we hereby waive our Homestead exemption, as to this obligation.

The Condition of this Obligation is such, That if the above bound *Wilbur J. Kilby*

was by a Decree of
who ~~on this day qualified before the~~ *Circuit* Court of Nansemond County, pronounced
on the *10th* day of *October*, 1876, in the Chancery Cause of *Henry White & others, Plaintiffs*
against Virginia Cabeland & others, Defendants, appointed a Commissioner to make
sale of certain Real Estate, in said Cause described, shall faithfully discharge his
duties as such Commissioner under said Decree, and all other Orders he may
be required to execute in said Cause
~~shall faithfully discharge the duties of his said trust,~~ then the above obligation to be void, or else to remain in full force and virtue.

Executed in
presence of
~~the Court.~~

Peter B. Prentiss, Clerk

Wilbur J. Kilby { Seal. }

John R. Kilby { Seal. }

{ Seal. }

{ Seal. }

{ Seal. }

Wilbur J. Kelly, Commr.

To } Bond

Commonwealth

Octo: 16th ¹⁸⁷⁷ Executed & filed

Virginia:

At Rules, in The Clerk's Office of the Circuit
Court of Newsumond County, on Monday, the
5th: day of March, 1877.

Henry White, Elizabeth Copeland, widow of
Arnwell Copeland deceased; William Swett
and Mary Ann Swett, his wife; David White,
Exum White, Martha White, Edwin J. White,
Josiah White, Robert White, Meredith White,
Junior, Richard Sykes, Junior, and Maria Sykes,
his wife, and Robert Allen and Sofa Ann Allen,
his wife. Complainants.

Against { In Chancery
Virginia, Josiah and Laura Ann Copeland: infants,
under the age of Twenty-one years. Defendants.

On the motion of the Complainants, by Counsel, Peter B. Prentiss,
is appointed guardian ad litem to the defendants, to defend
them in this suit; and it is ordered that the said guardian
be notified of his appointment, by serving upon him a copy
of this order.

Teste,

Peter B. Prentiss, Clerk

1877. March 5th: I hereby acknowledge service of the foregoing
order, and that I have received a copy thereof.

Peter B. Prentiss.

gdn: ad litem

Henry White Sal:

¹¹
25 { Copy under aptt's gen: ad litem

Virginia's Cepelant Sal:
infants.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Virginia, Josiah and
Laura Ann Copeland, infants, under the age of twenty-
one years;*

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 *March* next, to answer a
Bill in Chancery, exhibited against them
in the said Court by *Henry White, Elizabeth Copeland, widow of Benwell
Copeland deceased; William Swett and Mary Ann Swett, his wife,
David White, Exum White, Martha White, Edwin J. White, Josiah White,
Robert White, Meredith White, junior, Richard Sykes, junior and
Marion Sykes, his wife, and Robert Allen and Sofa Ann Allen, his wife.*

and have then and there this Summons. Witness, *Peter B. Prentiss*, Clerk of our said Court, at
his office, this *5th* day of *February* 1877, in the *101st*
year of the Commonwealth.

Teste:

Peter B. Prentiss Clerk of the Court.

W. J. Kilby, p. 9

Henry White Sal.

$\frac{25}{25}$ { Sum⁵ in Chy:

Virginia's Cepel and Sal.
infanto.

To March Ruled, 1877

Pro: B. No: 1. Page 96.

Cur. Co.

At a Circuit Court held for Warrick County, the 10th day of April, 1878.

Henry White, Elizabeth Copeland, widow of Samuel Copeland deceased: William Swett and Mary Ann Swett his wife, David White, E. Ann White, Martha White, Edwin T. White, Josiah White, Robert White, Meredith White junior, Richard Tynes junior and Ariana Tynes his wife: and Robert Allen and Sofia Ann Allen, his wife; . . . Plaintiffs

Against { In Chancery
Virginus, Josiah and Laura Ann
Copeland, infants, under the age of twenty
one years: . . . Defendants

This cause ~~came to the Court~~ came on this day to be again heard on the papers formerly read therein and on the report of special Commissioner, Wilbur J. Kilby, made in pursuance of a decree of this Court pronounced in this cause at the October Term thereof in the year 1877 and was argued by counsel.

On consideration whereof the Court doth confirm said report to which no exception has been filed and doth adjudge, order and decree that said Commissioner Wilbur J. Kilby receive of the Clerk of this Court (who will deliver to him and take a receipt from him for) the six Bonds of

2
J. T. Holland and S. R. Butler his security filed
with and described in said report of Commissioner
Wilbur J. Kilby, - two of said Bonds being each
for the sum of \$23.00 dated the 12th day of Novem-
ber 1877 and payable six and twelve months respec-
tively after date with interest from date.

And two, each for the sum of \$31.50 dated the 12th, day
of November 1877 and payable six and twelve months
respectively after date with interest from date: and
two, each for the sum of \$88.51 dated 12th day of
November 1877 and payable six and twelve months
respectively after date with interest from date.

And that said Commissioner proceed to collect the principal
of said Bonds and all interest due thereon, when the
same shall have become due, or that he receive the prin-
cipal and interest of said Bonds before the same
shall have become due, should the obligors of said Bonds
desire to pay the same before maturity.

And that said Commissioner, with said money,
when collected or paid proceed to pay first all
unpaid costs and expenses of this cause and then pay
the residue of said money and distribute the same
as follows, to wit: To Henry White, Elizabeth,^{Bopeland}
(widow of ^BSamuel Bopeland deceased) Mary Ann
Swett, wife of Wm. Swett, David, Exum, Mar-
tha, Edwin T., Robert and Josiah White and Meredith
White Jr. And Maria Tynes, wife of Richard Tynes
Jr. And Sofia Ann Allen wife of Robert Allen,

each one-thirtieth part of said money, and to the ~~said to the~~ lawfully appointed and duly qualified guardian of Virginia, Josiah and Laura Ann Copeland for each of them one-third of one-thirtieth part of said money. And said Commissioners will make to said J. V. Holland, after said Bonds and all interest due thereon shall have been paid in full, a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause, which said real estate is fully described in a decree of this Court pronounced in this cause at the October Term in the year 1877.

And said Commissioner will make report to Court of his proceedings under this decree.

a copy:

Jesse

Peter B. Prentiss. Clerk

xiii

Henry White Lali

2nd { Copy Decree

Virginus Cepalus Lali infante.

To the Circuit Court of Hanover County, Virginia:

In pursuance of a decree of said Court pronounced at the April Term thereof, in the year 1878 in a Cause in Chancery in said Court depending between Henry White and others, Plaintiffs and Virginus Leofeland and others, Defendants, a copy of said decree being herewith annexed: the undersigned, Special Commissioner, respectfully reports to Court that as directed by said decree, he has received of the Clerk of said Court the six (6) Bonds of G. F. Holland with J. R. Butler as security filed with the Report of sale made by the undersigned in pursuance of a decree of said Court pronounced in said Cause at the October Term in the year 1877, two of said Bonds being each for the sum of \$23.⁰⁰/₁₀₀, two for the sum of \$31.⁵⁰/₁₀₀ each, and two for the sum of \$88.51 each, making in all the sum total of \$286.02, and all bearing interest from the 12th day of November 1877; and that on the 12th day of November 1878 he proceeded to collect and did collect the principal of said Bonds and all interest due thereon; and that with the same having first paid all unpaid costs and expenses, he has paid out and distributed the residue to and among the parties

entitled thereto and named in said decree of April Term of said Court 1878 as said last decree directs and as the following statement and the vouchers hereunto annexed will fully show:

Statement:

By principal of said six Bonds, =	\$ 286 02
" Interest from 12 Apr. 1877 to 12 Apr. 1878 - 1/4.	17 07
Total	<u>\$ 303 09</u>

To fee for deed conveying land to J. T. Holland, purchaser of the same under proceedings in said cause.

5 00
\$ 298 09

To paid Henry White 1/13 of \$298.09 per decree tract.	\$ 22 93
" " Elizabeth Copeland, ditto, " "	22 93
" " Mary Ann Swett ditto " "	22 93
" " David White ditto " "	22 93
" " Exum White ditto " "	22 93
" " Martha White ditto " "	22 93
" " Edwin P. White ditto " "	22 93
" " Robert White ditto " "	22 93
" " Josiah White ditto " "	22 93
" " Meredith White Jr. ditto " "	22 93
" " Maria Tynes ditto " "	22 93
" " Sofia A. Allen ditto " "	22 93
" " Elisha Copeland (of A.) guardian of Virginia Copeland, and Josiah and Laura A. Copeland for each of them 1/13 of 1/13 of \$298.09 per decree tract.	22 93 =
	<u>\$ 298 09</u>

Your Commissioner further reports to Court that he has made to J. T. Holland a deed with special war-

raity in the usual form conveying
to him the real estate purchased by
him under proceedings had in
said cause.

Respectfully submitted this 14th day of
November 1878.

Wilbur J. Kilby
Commissioner

1878 Nov. 14th. - Received of Wilbur J.
Kilby, Commissioner, the respective sums
of money set opposite our names as
follows and charged in the forego-
ing Report as paid to us respectively

Witness: V. H. Tracy as to David ^{his} White \$22.93
Witness: Nath. Riddick as to Josiah ^{his mark} White \$22.93

Edwin J. White \$22.93
Eliska Copeland guardian of }
Virginus Josiah and Sarah }
A Copeland \$22.93

Witness: E. J. Driver as to Elizabeth ^{her} Copeland \$22.93
mark

Ezra White \$22.93
Mariah Tyne \$22.93
Witness: J. A. Primer as to Henry ^{his mark} White \$22.93

Robert White \$22.93
Ofereditta White Jr. \$22.93
Mary Ann Sweet by Wilbur J. Kilby, Atty. \$22.93
Martha White by Wilbur J. Kilby, Atty. \$22.93
Sofa A. Allen by Wilbur J. Kilby, Atty. \$22.93

Henry White Sal,
vs. } chy.
Virginia Copeland Sal

Report of
collections & payments
14th. Nov. 1878

most decre final

1879. Jan. 3rd. Filed
clk

Mr. Meredith White Sec. Co. Dist. No 1,
1877. To WM. ELEY, Treasurer of Nansemond County.

	Dols.	Cts
To State Tax on 84 acres Land, value \$ 294 at 50c, on \$100.....	1	47
To State Tax on Personal Property, valued \$ at 50c on \$100.....		
Total State Tax on Land and Property.....	1	47
To County Levy, 50 per cent. on State Tax.....		74
To Parish Levy, 20 per cent. on State Tax.....		37
To County and District School Tax on Property 6½ cts. on \$100.....		19
State Capitation \$1. County Capitation 50 cts.....		
Total Tax on all subjects.....	2	77
December 1st, five per cent. added.....		13
		~~275~~
		290
RECEIVED PAYMENT, J. M. Eley, Treasurer.		
THOMAS A. HOWELL, } Assessor. }		\$ 300 Deputy.

Meridith White Sr Est

Cold) \$ 2.77
2.72

273
288
51.90

Mr. ^{Edw} Meredith White Sr. (co.) District No. 1,

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

	Dols.	Cts.
To State Tax on 8 4 acres Land, value \$ 294 , at 50 cts. on \$100...	1	47
To State Tax on Personal Property, value \$, at 50 cts. on \$100...		
Total State Tax on Land and Property.....	1	47
To County Levy, 50 per cent. on State Tax.....		74
To Parish Levy, 20 per cent. on State Tax.. ..		29
To County and District School Tax on Property 6 1/4 cts on \$100.....		19
State Capitation \$1, County Capitation 50 cts.....		
Total Tax on all subjects.....	2	89
December 1st, five per cent. added.. ..		13

RECEIVED PAYMENT.

THOMAS A. HOWELL, }
Assessor.

Wm Eley

2.82
Treasurer.
3.00
Deputy.

(col)

Handith White Sr. Est.

~~2.69~~
13

2.8 ²/₆ Ints
2188

12
3.00

Recd L. W. J. Kilby Commissioner five
Dollars for selling 19 & 20 Acres
of the Meridith White's land Nov 12th 1877
Geo D Parker Criss

T. G. ELAM.—Largest Circulation of any Paper in Nansemond, Isle of Wight, Southampton and Gates Co's—E. E. HATHAWAY

Suffolk. Va. 1877

Mr. Wilbur C. Hilkey

TO "Suffolk Herald," Dr.

Newspaper and Job Printing Establishment,

1877

WASHINGTON SQUARE NEAR MAIN ST.

Oct	4	Ad. Meredith White land, 5 1/2 in.	
		4t.	8 50
"	"	Printing 50 Bills same	1 50
			\$ 10 00 #
		Rec'd Payment	
		Elam & Hathaway	
Nov 24 th			
(77)			

At a Circuit Court, begun and held for Nauseland County,
the 10th day of October, 1877.

Henry White, Elizabeth Copeland, widow of
Barnwell Copeland, deceased; William Swett,
and Mary Ann Swett, his wife; David White,
Ezra White, Martha White, Edwin J. White,
Josiah White, Robert White, Meredith White, Junior,
Richard Tynes, Junior, and Maria Tynes, his
wife; and Robert Allen and Sofa Ann Allen,
his wife Plaintiffs.

Against & In Chancery
Virginia, Josiah and Laura Ann Copeland,
infants under the age of twenty-one years. . . Defendants.

This Cause came on this day to be again heard on the
papers formerly read therein, and on the Report of Special
Commissioners, Dixon H. Holland, Henry F. Copeland,
Edward R. Holland and W. J. Holland, made in pursu-
ance of a Decree of this Court pronounced at the April
Term thereof, in the year, 1877, and was argued by Counsel.

On consideration whereof, the Court doth confirm the said
Report to which no exception has been filed, and doth ad-
judge, order and decree, that Wilbur J. Kelly, who is hereby
appointed Special Commissioner for that purpose, proceed
to sell, at Public Auction, before the Court House Door of
Nauseland County, Virginia, on some Court day, the follow-
ing Real Estate, of which Meredith White, Senior, died,
seised and possessed.

1. Forty-Eight (48) acres of land, more or less, being partly

cleared and partly woodland, situated in Holy Neck District, in Henric County, Virginia, and bounded by the land of David Small, Augustus H. Holland, Andrew Faulk, George Faulk, and Meredith White, Junior.

2. Twenty acres of land, more or less, being a part of the "Henry Howell land", and, mostly, wood-land, situated in said District, in said County, and bounded by the lands of William Porter (of Jesso), ~~Edward~~, Edward R. Holland, William H. Hedgboth, and the forty-eight acres of land aforesaid; and, 3. Nineteen acres of land, more or less, known as the Polly Small land, situated in said District and County, being mostly woodland, and bounded by the lands of William Porter (of Jesso), David Small and the two tracts of land aforesaid.

And the Court doth further adjudge, order and decree, that said Commissioner before proceeding to sell said Real Estate, advertise the day and time of ^{the} sale thereof, once a week for three successive weeks, in a newspaper published in the Town of Suffolk, Virginia, and by printed notices posted at the Court House Door of said County, and in the neighborhood of said lands; and that said Commissioner sell said lands on a credit of six and twelve months, and for cash sufficient only to pay the expenses of the sale, and the costs of this suit; and that said Commissioner take from the purchaser or purchasers of said lands, bonds with good personal security, in evidence of the deferred payments, to be made in six and twelve months after the date of said bonds, with interest from date, being the day of sale; and that said Commissioner retain the title to said lands, when sold until the further order of the Court, and make report to Court of his proceedings hereunder.

and ~~that~~ said Commissioner, before he proceeds to sell said lands, in pursuance herof, will execute before the Clerk in his Office, a bond, in the penalty of the sum of Eight Hundred Dollars with good security, payable to the Commonwealth of Virginia, and conditioned for the faithful execution of this Decree, and all other Decrees he may be required to execute in this Cause.

a Copy:

Teste,

Peter B. Prentiss. Clerk

Costs

Clerk	\$15.00	pd
Atto. Genl.	31.50	pd.
Devin W. Holland	1.00	pd
Henry F. Copeland	1.00	pd
Edward R. Holland	1.00	pd
W. J. Holland	1.00	pd.
	<u>\$50.50</u>	

Henry White Dal
 25th } Copy Decree
 Virginia's Orphans Dal: infants

The Bond required hereunder
 has been executed by the
 Comm^{rs}. Clerk

LAND FOR SALE !

In execution of a decree of the Circuit Court of Nansemond county, Va., pronounced at the October Term thereof, in the year 1877, in a cause in chancery in said Court depending between White and als as plaintiffs and Copeland and als. as Defendants, I shall sell at Public Auction before the Court-house of said county

ON THE 12th DAY OF NOVEMBER, 1877,

in separate parcels, the following

Real Estate !

of which Meredith White, Sr., died, seised and possessed :

1. 48 acres of land, more or less, being partly cleared and partly woodland, situated in Holy Neck District in said county, and bounded by the lands of David Small, Augustus H. Holland, Andrew Faulk, George Faulk and Meredith White, Jr.

2. 20 acres of land, more or less, being a part of the Henry Howell land, and mostly woodland, situated in said District and county, and bounded by the lands of Wm. Porter of Jesse, Edward R. Holland, Wm. H. Hedgbeth and ~~the 18 acres of land aforesaid.~~ *Co. White*

3. 19 acres of land, more or less, known as "the Polly Small land," situated in said District and county, being mostly woodland, and bounded by the lands of Wm. Porter of Jesse, David Small and the two tracts of land aforesaid. *W. P. G. Hall*

TERMS :

Enough of the purchase money to pay costs of suit and expenses of sale will be paid in cash, and the residue in equal sums at the end of 6 and 12 months, the purchaser to give Bonds with good security in evidence thereof, bearing interest from day of sale. Title to the lands will be retained until further order of Court.

WILBUR J. KILBY,
SPECIAL COMMISSIONER.

GEO. T. PARKER, Auc't

Suffolk, Va.

8th. December 1877

To the Circuit Court of Hanover County, State of Virginia:

In pursuance of a decree of said Court, pronounced at the October Term thereof in the year 1877 in a cause in Chancery in said Court depending between Henry White and others, Plaintiffs, and Virginia Copeland and others, Defendants, a copy of said decree being herewith annexed; the undersigned, appointed Special Commissioner for the purpose named in said decree, after having given notice of the day of sale by advertisement once a week for three successive weeks in the "Suffolk Herald", a newspaper published in the Town of Suffolk, Va., and by printed notices posted at the Courthouse door of said County and in the neighborhood of the lands to be sold, as required by said decree to do, did proceed to sell and did, on the 12th, day of November 1877, sell before said courthouse door, at public auction, the real estate of which Meredith White

Senior, did seized and possessed,
 being three several tracts, as described
 in said decree: J. T. Holland being
 the purchaser thereof, (all three tracts), on
 the conditions and terms, named in said
 decree, for the sum of \$374 00

Of which sum of \$374, he paid
 in cash the sum of \$87.98,
 which has been expended as follows:

To 5 per cent Commissions on \$300.	\$ 15 00	
" 2 ditto " on \$ 74.	1 48	
" paid Attorney's taxed fee and mit tax.	31 50	
" " Peter B. Prentiss, Clerk's costs, for acct.	15 00	
" " for advertisement of sale "	10 00	
" " Geo. T. Parker, auctioneer, "	5 00	
" " Taxes on lands sold, for 1876 & 1877 "	6 00	
" " four Commissioners, \$1. each "	4 00	\$87 98
		\$286 02

To two Bonds of J. T. Holland and A. R.
 Butler, Security, one payable 6 and the
 other 12 months after date, with interest
 from date and dated 12th. day of
 November 1877, each for \$23. = \$ 46 00

To two other Bonds of same parties, dated
 and payable, as the above Bonds, with
 interest from date, each for \$31.50 = 63 00

To two other Bonds of same parties, dated
 as above Bonds and payable like them
 with interest from date, each for \$88.51 = 177 02 = \$286 02

Respectfully submitted. This 6th. day of
December A. D. 1877.

Wilbur J. Kilby
Special Commissioner

1877 Dec. 6th. Received of Wilbur J. Kilby,
Special Commr. the following sums of money
set opposite our names and charged as paid
in the foregoing account.

Wilbur J. Kilby, atto. \$31.50
Peter B. Prentiss, Clerk \$15.00

1878 May 12th. Received of the Clerk of the Circuit
Court of Hanswund County, Va. the six Meral
Bonds of J. T. Holland & S. R. Butler filed
with, and described in this Report, aggregating
a sum total of \$286.02, received under decree
of April Term of said Court 1878 in the cause
of Henry White & al. vs. Colcland & al.

Wilbur J. Kilby
Clerk.

Henry White & al.

vs. } Chy.

Virginia Colcland & al.

Commissioner's Report

6 Dec. 1877

of Sale

1877. Dec. 27th. Filed

At a Circuit Court continued and held for Ham-
mond County, the 12th day of April, 1877
Henry White, Elizabeth Copeland, widow of
Burwell Copeland deceased; William Sweet
and Mary Ann Sweet, his wife, Daniel White,
Essex White, Martha White, Edwin T. White,
Josiah White, Robert White, Meredith White,
Junior, Richard Tyner Junior, and Maria
Tyner his wife; and Robert Allen and
Sofa Ann Allen, his wife . . . Plaintiffs

Against & In Chancery
Virginia. Josiah and Laura Ann Cope-
land, infants under the age of twenty-one
years. . . . Defendants.

This cause came on this day to be heard on the
Bill of the Complainants and the answer thereto of
the Defendants, all infants under the age of twenty
one years, by Peter B. Prentiss their guardian ad litem
and on general replication to said answer and
was argued by counsel.

On consideration whereof the Court doth adjudge,
order and decree that Dixon H. Holland, Henry
F. Copeland, Edward R. Holland and William T.
Holland, who are hereby appointed special com-
missioners for that purpose, any three of whom
may act, proceed with the assistance of a compe-
tent surveyor if one be needed, to make partition
into parts of equal value according to law, among
the heirs of Meredith White Senior deceased, of the real

estate of which said Meredith White Senior died seized and possessed described as follows;

1. Forty-eight (48) acres of land more or less, being partly cleared and partly woodland, situated in Holy Neck District in Hanover County, Virginia, and bounded by the lands of Daniel Small, Augustus H. Holland, Andrew Faulk, George Faulk and Meredith White Junior.

2. Twenty (20) acres of land more or less being a part of the Henry Howell land and mostly woodland, situated in Holy Neck District, Hanover County, Virginia, and bounded by the lands of William Porter of Jesse, Edward R. Holland, William H. Hedgcock and the forty-eight acres of land aforesaid.

3. Nineteen (19) acres of land more or less, known as the Polly Small land, situated in said District and County, being mostly woodland and bounded by the lands of William Porter of Jesse, Daniel Small and the two tracts of land aforesaid.

And if said partition cannot be conveniently made, the Court doth further adjudge, order and decree that said Commissioners allot said real estate in whole or in part to any one or more of said heirs of said Meredith White Senior deceased, who may be willing to accept the same and pay therefor to the others. Such sums of money as they may be entitled to by reason of their interest therein, which shall first be ascertained

And if no such partition or allotment can be conveniently made, The Court doth further adjudge order and decree that said Commissioners ascertain and report to Court the value of said real estate and whether by a sale of the same the interests of said heirs will be promoted thereby.

And said Commissioners will make report to Court of their proceedings under this decree together with the reasons therefor.

A Copy:

Teste,

Chas. H. Henshaw Secy.

Henry White sal ^{x-mol}
14 } Copy Decue
Virginia Copeland

To the Circuit Court of Fauquier County,
State of Virginia:

In pursuance of a decree of the
said Court, pronounced at the April Term
thereof in the year 1877 in a cause in Chan-
cery in said Court depending between Henry
White and others, as Plaintiffs, and Virgin-
ius Copeland and others, as Defendants,
a copy of said decree being herewith an-
nexed; having proceeded to execute
said decree and to perform the duties
required of them thereby, the undersign-
ed, Special Commissioners, named in said
decree, do most respectfully report to Court
that they have completed their duties and
do herewith respectfully submit the result
of their proceedings and deliberations as
follows:

Your Commissioners find that the heirs of Mer-
cedite White Senior deceased are fifteen (15)
in number, to wit: Children, Henry White
Elizabeth Copeland, widow of Burwell Cop-
eland deceased, Mary Ann Swett, wife of William
Swett, David, Exum, Martha, Edwin T., and
Robert White and Mercedite White Jr. and
Josiah White, and Maria Tyus, wife of Rich-
ard Tyus Jr. and Sofia Ann Allen wife of
Robert Allen, and grandchildren, Virginius
Josiah and Laura Ann Copeland.

And your Commissioners find that the real estate of which said Meredith White, Senior, deceased, died seized and possessed, consists of three small and separate tracts, containing respectively forty-eight (48), twenty (20) and nineteen (19) acres more or less, situated and bounded as set forth in said decree, and that the said first tract is mostly cleared land, but that the said two last tracts are nearly all woodland.

And your Commissioners say that in consequence of the large number of heirs aforesaid, and the small quantity of land aforesaid, being in three tracts and about one-half woodland, your Commissioners find it inconvenient and impracticable to divide said land among so many heirs, to wit, the fifteen aforesaid. And besides this, your Commissioners say that were they to have undertaken to divide said land among said heirs, the part thereof of each heir would have been so small and of such nature and so located in many cases as to be of no value or profit to said heirs. and that a partition of said land among said heirs would have lessened its value as entire tracts and the interest of each heir therein.

Your Commissioners, therefore, report that they have not made partition of said land among

said heirs, nor have they allotted the same either in whole or in part to any one or more of said heirs, because no one or more of them was able or willing to accept a part or all and pay to the rest such sums of money as they may be entitled to by reason of their interest therein.

Your Commissioners, being unable for reasons aforesaid, to make partition or allotment of said real estate, do recommend to Court that a sale thereof be made and the proceeds of the sale distributed among the parties entitled thereto, as most advantageous and beneficial to all parties in interest. because the money will afford some profit or income to the parties, while the land will afford them comparatively none when divided among them, said

Your Commissioners further say that the tract of forty-eight (48) of land is valued at \$240 the twenty (20) acres at \$100 and the nineteen (19) acres at \$76, total \$ 416.

Respectfully submitted this 11th day of June 1877.

Commissioners { Dixon H. Holland
Henry F. Copeland
Edward R. Holland
W. J. Holland

Fee of Commissioners
\$1 each = \$4

Henry White & als,
vs. } Chy.

Virginia Copeland & als

Report of Commissioners
Recommending sale of
land.

1877. June 12th. filed
clerk.

Henry White & al.

vs.

Virginia Cofeland & als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner, Wilbur J. Kilby, made in pursuance of a decree of this Court pronounced in this cause at the October Term thereof in the year 1877 and was argued by counsel.

On consideration whereof the Court doth confirm said Report to which no exception has been filed and doth adjudge, order and decree that said Commissioner Wilbur J. Kilby receive of the Clerk of this Court (who will deliver to him and take a receipt from him for) the six Bonds of J. D. Holland and S. R. Butler his security filed with and described in said Report of Commissioner Wilbur J. Kilby, - two of said Bonds being ^{each} for the sum of \$23.00 ~~each~~, and payable ~~respectively~~, dated the 12th. day of November 1877 and payable six and twelve months respectively after date with interest from date,

and two, each for the sum of \$31.50 dated the 12th. day of November 1877 and payable six and twelve months respectively after date with interest from date; and two, each for the sum of \$88.51, dated the 12th. day of November 1877 and payable six and twelve months respectively after date with interest from date, and that said Commissioner proceed to collect the principal of said Bonds and all interest due thereon, when the same shall have become due, or that he receive the principal and interest of said Bonds before the same shall have become due, should the obligors of said Bonds desire to pay the same before maturity. And that said Commissioner, with said money, when collected or paid proceed to pay first all unpaid costs and expenses of this cause and then pay the residue of said money and distribute the same as follows, to wit: To Henry White ~~one thirteenth part~~, to Elizabeth Cofeland ~~a like part~~, to, Elizabeth Cofeland, wife (widow of Bunce Cofeland deceased), Mary Ann Swett, wife of Wm Swett, David, Exum, Martha, Edwin D., Robert and Josiah White and Mendith White Jr. and Maria Tynes, wife of Richard Tynes Jr. and Sofia Ann Allen wife of Robert Allen, each one-thirteenth

part of said money, and to the lawfully appointed and duly qualified guardian of Virginia, Josiah and Laura Ann Copeland, for each of them one-third of one-thirteenth part of said money,

And said Commissioner will make to said G. D. Holland, after said Bonds and all interest due thereon shall have been paid in full, a deed with special warranty in the usual form conveying to him the real estate purchased by him under proceedings had in this cause, which said real estate is fully described in a decree of this Court pronounced in this cause at the October Term in the year 1877.

And said Commissioner will make report to Court of his proceedings under this decree.

Henry White Hals,

vs. } Chy,

Virginia's Copeland Hals

Household County
Circuit Court,

April 10th Term 1878

Decree

To be entered

Geor. Hals.

Copied

Entered O.B. No. 1 p. 381

White & als.

vs.

Copeland & als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioners, Dixon H. Holland, Henry F. Copeland, Edward R. Holland and W. D. Holland, made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1877, and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree that Wilbur J. Kilby, who is hereby appointed Special Commissioner for that purpose, proceed to sell at public auction before the Courthouse door of Fauquier County Virginia on some Courtday, the following real estate of which Meredith White Senior died seized and possessed,

1. Forty-eight (48) acres of land, more or less, being partly cleared and partly woodland, situated in Holy Neck District, in Fauquier County, Virginia and bounded by the lands of Land Amale, Au=

justus H. Holland, Andrew Faulk, George Faulk and Meredith White Junior.

2. Twenty acres of land, more or less, being a part of "the Henry Howell land" and mostly woodland, situated in said District in said County, and bounded by the lands of William Porter of Jesse, Edward R. Holland, William H. Hedgcock and the forty-eight acres of land aforesaid; and 3. nineteen acres of land more or less, known as the Polly Amace land situated in said District and county, being mostly woodland, and bounded by the lands of William Porter of Jesse, David Amace and the two tracts of land aforesaid.

And the Court doth further adjudge order and decree that said Commissioner, before proceeding to sell said real estate, advertise the day and time of the sale thereof once a week for ~~four~~^{three} successive weeks in a newspaper published in the Town of Suffolk, Virginia, and by printed notices posted at the Courthouse door of said County and in the neighborhood of said lands; and that said Commissioner sell said lands on a credit of six and twelve months and for cash sufficient only to pay the

expenses of the sale and the costs of this suit; and that said Commissioner take from the purchaser or purchasers of said lands bonds with good personal security in evidence of the deferred payments to be made six and twelve months after the date of said Bonds, with interest from date being the day of sale; And that said Commissioner retain the title to said lands when sold, until the further order of Court. and make report to Court of his proceedings hereunder.

And said Commissioner, before he proceeds to sell said lands in pursuance hereof, will execute before the Clerk of this Court in his office, a Bond in the penalty of the sum of \$800, with good security payable to the Commonwealth of Virginia and conditioned for the faithful execution of this decree and all other decrees he may be required to execute in this cause.

White & als.

vs. } Chancery
Copeland & als.

Hausenand County
Circuit Court

October Term 1877

Decree

To be entered.

Geo. B. Bond.

Copied

Entered O. B. No. 1

p. 355-

Henry White & al.

vs.

Virginia Copeland & al.

This cause came on this day to be heard on the Bill of the Complainants and the answer thereto of the Defendants, all infants under the age of twenty one years, by Peter B. Pountis, their guardian ad litem and on general replication to said answer, and was argued by counsel.

An consideration whereof the Court doth adjudge order and decree that Dixon H. Holland, Henry F. Copeland, Edward R. Holland and William T. Holland, who are hereby appointed Special Commissioners for that purpose, any three of whom may act, proceed, with the assistance of a competent surveyor, if one be needed, to make partition, into parts of equal value according to law, among the heirs of Meredith White, Senior, deceased, of the real estate of which said Meredith White Senior, died seised and possessed described as follows:

1. Forty-eight (48) acres of land, more or less, being partly cleared and partly woodland, situated in Holy Neck District in Hansemond County, Virginia, and bounded by the lands of David Amace, August-

tus H. Holland, Andrew Faulk, George Faulk and Meredith White Junior.

2. Twenty (20) acres of land, more or less, being a part of the Henry Howell land and mostly woodland, situated in Holy Neck District, Fauquier County, Virginia and bounded by the lands of William Porter of Jesse, Edward R. Holland, William H. Hedgcock and the forty-eight acres of land aforesaid.

3. Nineteen (19) acres of land, more or less, known as the Polly Small land, situated in said District and County, being mostly woodland and bounded by the lands of William Porter of Jesse, David Small and the two tracts of land aforesaid.

And, if said partition cannot be conveniently made, the Court doth further adjudge, order and decree that said commissioners allot said real estate in whole or in part to any one or more of said heirs of said Meredith White Junior deceased, who may be willing to accept the same and pay therefor to the others, such sums of money as they may be entitled to by reason of their interest therein, which shall first be ascertained, And, if no such partition or allot-

ment can be conveniently made, the
court doth further adjudge order and
decree that said commissioners ascertain
and report to court the value of said
real estate and whether by a sale of
the same, the interests of said heirs will
be promoted thereby, And said com-
missioners will make report to court of
their proceedings under this decree together
with the reasons therefor.

Henry White & al.

vs. } Chy.

Virginia Loheland & al.

Household County

County Court

April Term 1877

Decease

To be entered.

Y. C. T. B. 1877

Entered O. B. No. 1- p. 343

1877
Jan. 31st. Children of Meredith White Sr. deceased,
and grandchildren now living & his heirs

Henry White	Western Branch, Norfolk Co. Va.
Elizabeth Keofeland	widow of Burrell Keofeland deceased in Holy Neck District, Nausemond Co. Va.
Mary Ann Swett	wife of Wm Swett in New York.
David White	Suffolk Va.
Exum White	" "
Martha White	German town Pa.
Edwin T. White	Magnolia Nausemond Co. Va.
Robert White	Holy Neck " "
Meredith White Jr.	" " "
Josiah White	Sleepy Hole " "
Maria Tyus	wife of Richard Tyus Jr. Suffolk Va.
Sofa Ann Allen	wife of Ro. Allen, Deep Creek, Va.
Grandchildren being children of Sarah Keofeland deceased late wife of Elisha Keofeland, Nausemond Co. Va.	
Virginia Keofeland	under 21, infant (16) " "
Josiah Keofeland	do. (14) " "
Laura Ann Keofeland	" (12) " "

value of land.

48 acres \$240. 20 acres \$100. 19 acres \$76

Memorandum
of
his and land
of
Meredith White Sr.

Henry White &als

vs.

Virginia Copeland &als.

This cause came on this day to be again heard on the papers formerly read therein and on the Report of Special Commissioner Wilbur J. Kilby, being a Report of the collecting and payment of money, made in pursuance of a decree of this Court pronounced at the April Term thereof in the year 1878 in this cause and was argued by counsel.

On consideration whereof the Court doth confirm the said Report to which no exception has been filed and doth adjudge, order and decree that the proceedings had in this cause be and they are hereby declared to be final and binding between the parties thereto, and nothing more remaining to be done in this cause the Court doth order that the same be removed from the docket of this Court

White Hals.

vs. } In Chy.
Lopeland tal

Hausenund County
Circuit Court
April Term 1879

Final decree
To be entered

Geo. W. Bond.

Entered O.B. No. 1
p. 424-

To The Circuit Court of Hanover County:

The Joint and Separate answers of Virginius, Josiah
and Laura Ann Chelms, infants under the age of twenty-one
years, by Peter B. Prentiss, their guardian ad Litem to a Bill in
Chancery exhibited against them, in the said Court, by Henry White-
Lotters:

These Respondents say, that the facts and statements set forth in
said Bill are, so far, as they know or believe, true; but, being in-
fants under the age of twenty-one years, and ignorant of their rights,
they submit the same to the Court, and pray, that no order or decree
may be made in the premises, inconsistent with their rights.

(Signed)

Peter B. Prentiss.

John ad Litem

Henry White Hall:
Agamuck
Verquins Chapel Hall:
infanto.

Answer

- 1 -

To the Honorable George Blow, Circuit
Court Judge for the County of Staunton
in the State of Virginia:

Complaining respectfully represent
and shew unto your Honor, Your Complainants,
Henry White, Elizabeth Copeland, widow of
Burrice Copeland deceased, William Swett
and Mary Ann Swett, his wife, David White,
Exum White, Martha White, Edwin T. White
Josiah White, Robert White, Meredith White
Junior, Richard Tynes Junior, and Maria Tynes
his wife, and Robert Allen and Sofa Ann
Allen, his wife, that, on or about the 23d.
day of May in the year 1875, Meredith White Sen-
ior, of Staunton County, Virginia, died in-
testate and leaving no widow; that said
Meredith White Senior, did leave, now sur-
viving him, as his distributees and heirs at
law the following children, to wit: Henry
White, Elizabeth Copeland, Mary Ann Swett,
David White, Exum, Martha, Edwin T., Josiah,
and Robert ^{White}, and Meredith White Junior and Maria
Tynes and Sofa Ann Allen, All Your Com-
plainants, as aforesaid, being adults, and the
following grandchildren, to wit: Virginius,
Josiah, and Laura Ann Copeland, being in-
fants under twenty-one years of age: that
said Virginius, Josiah, and Laura Ann

Loftland, now living, are the children of the late Sarah Loftland deceased, late the wife of Elisha Loftland, who is their father and now living: That the said Sarah Loftland deceased was the daughter of said Meredith White Senior, deceased, and that she died about three or four years previous to the death of her father, the said Meredith White Senior, deceased, thus leaving her children, the infants aforesaid, to be, as they subsequently became, the heirs of their grandfather, the said Meredith White Senior, deceased.

That said Meredith White Senior, died, seised and possessed of certain real estate, situated and described as follows, to wit:

1. Forty-eight (48) acres of land, more or less, being all that part of seventy-eight (78) acres of land, more or less, remaining after the separation of thirty (30) acres therefrom, sold and conveyed to said Meredith White Junior, by said Meredith White Senior, deceased in the latter's lifetime by Deed dated the first day of March 1873 and recorded on the 2nd. day of September 1875 in the Clerk's Office of Fauquier County, Virginia: said forty-eight acres, more or less, of which said Meredith White Senior, died seised and possessed, having on it no house, being partly cleared and partly woodland, situated in Holy Neck District, Fauquier

1
mound County, Virginia and bounded by the lands of David Small, Augustus H. Holland, Andrew Faulk, George Faulk and on the South by said Thirty (30) acres of land of said Meredith White Junior.

2. Twenty (20) acres of land, more or less, being all that part of the Henry Howell land, or home place of said Meredith White, Senior, deceased, containing fifty-five (55) acres, more or less, remaining after the separation of thirty-five (35) acres therefrom, including the buildings and cleared land, sold and conveyed to Robert White aforesaid by said Meredith White Senior deceased in the latter's lifetime by deed dated the 3d. day of April 1875 and recorded on the 13th. day of April 1875 in Housemound County Clerk's Office; said twenty (20) acres, more or less, of which said Meredith White Senior, deed seized and possessed, having on it no house, being mostly woodland, situated in Holy Neck District, Housemound County, Virginia and bounded by the lands of William Porter of Jesse, Edward R. Holland, William H. Hedgboth and the 48 acres of land aforesaid of said Meredith White Senior, deceased.

3. Nineteen (19) acres, of land, more or less, known as the Polly Small land, situated in said District in said County, being mostly

woodland and bounded by the lands of William Porter of Jesse, David Smale and the 20 and 48 acres of land aforesaid of which said Meredith White Senior, died seised and possessed.

And your complainants charge that said lands (48, 20 and 19 acres) are now subject to a division among said heirs of said Meredith White Senior, deceased, or to a sale, and the proceeds of the sale to a distribution among said heirs according to law;

And your complainants further charge that, being in several small tracts and nearly all woodland, said lands are productive of no income to said heirs and, in kind, ~~of~~ no profit or benefit to them; that a division of said lands among said heirs is inconvenient and would not be proper or advantageous, but, on the contrary, would destroy the value of the whole and lessen the value of each part, and leave the heirs, each, a parcel too small to be of any benefit to them, because said lands are now in three small tracts, being in the aggregate only a small quantity of land, and because said heirs are numerous, being fifteen in number; And your complainants, therefore, charge that a sale of said lands

and a distribution of the proceeds of the sale, according to law, among the parties entitled thereto, would be decidedly to the advantage of said parties and Your complainants, therefore, urge and are desirous that said sale be made.

In consideration whereof, Your complainants, being without remedy save in a Court of Equity, pray that said Virginius, Josiah, and Laura Ann Leopeland may be made parties defendant to this Bill and be required to answer the allegations contained in the same by their guardian ad litem to be appointed for them; that partition of said lands of which said Meredith White Senior died seised and possessed, into parts of equal value, may be made among said heirs; or, if partition cannot be conveniently made and no one or more of said heirs will accept the same or any part thereof and pay to the others such sums of money as each may be entitled to by reason of their interest therein, that the same may be sold, if the interests of said heirs will be promoted thereby, and the proceeds of the sale distributed among said parties according to law; and that all further and ad-

equate relief may be granted consistent
with Equity, And, as in duty bound,
Your Complainers will ever pray etc.,

Wilbur J. Kilby
Attorney for Plaintiffs

Henry White & als.

vs.

In Chancery

Virginius Copeland & al.

Bill

Henry White Dal.

Wth Chy. Notes

Virginia, Josiah and Lucia Ann Copeland: infants, under the age of twenty-one years.

1877. Feb: 5th: Sum. in Chy. filed to March Rules, 1877.

" March 3rd: Bill filed - Peter B. Prentiss aff'd gen: ad litem to defendants, who filed
their answers to which there was a gen: reply, for me of 20th of 20th Council set for ^{hearing}

" Apr: 12th Decree for Partition of Inalienable

" June 12th Report of Commrs: "exonerating" Sale, filed

" Oct: 10th Decree for Sale

" " 16th: Commrs: Bond (for Sale), executed & filed

" Dec: 27th Report of ~~Chy~~ Sale

1878 Apr: 10 decree to collect, distribute, & make deed &c.

" Oct: 15th Continued

1879. Jan: 30th Report of collections & payments, filed

" Apr: 10th Final Decree

Chy. Notes