

NANSEMOND COUNTY, VIRGINIA
CLERK'S FILE BOOKS 1700-1800

FOREWORD

BY

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THE VIRGINIA COMPANY OF LONDON
ADVENTURERS IN FURGE AND PERSON 1607 - 1623

THE FIRST OF THREE CHARTERS TO THE COMPANY WAS GRANTED BY THE CROWN IN 1607 TO THE CENTRAL GROUP OF PERSONS WHO LATER BECAME THE OFFICERS AND COUNCIL OF THE COMPANY IN LONDON. THESE WERE WELL-TO-DO, EVEN WEALTHY, PERSONS WITH COURT INFLUENCE. THE GROUP INCLUDED PEERS, KNIGHTS, LEADING MEMBERS OF SEVERAL GUILDS, AND BARRISTERS. THE INTENT WAS TO TRANSPORT SETTLERS TO THE COLONY AND TO IMPORT PROFITABLE GOODS FROM THE COLONY, SUCH AS SHIP MASTS AND TIMBERS, TAR, TURPENTINE, AND OTHER GOODS. NEITHER THE COMPANY NOR THE CROWN OVERLOOKED THE POSSIBILITY OF FINDING GOLD, SILVER, AND OTHER METALS AS THE SPANISH WERE DOING IN CENTRAL AND SOUTH AMERICA. STOCK IN THE COMPANY SOLD FOR TWELVE POUNDS TEN SHILLINGS PER SHARE, AT A PERIOD WHEN A LABORER IN ENGLAND EARNED APPROXIMATELY FIVE POUNDS PER YEAR AND PROBABLY NEVER SAW THE COST OF A SHARE IN CASH DURING A LIFETIME. WHILE SHARES WERE SOLD THROUGHOUT ENGLAND, MANY WHO SUBSCRIBED FOR SHARES NEVER PAID DUE TO ADVERSE REPORTS FROM THE COLONY. IN THE FINAL YEARS OF THE COMPANY THE OFFICERS PROMOTED RAFFLES FOR SHARES IN ORDER TO CONTINUE OPERATIONS, BUT THE MASSACRE BY THE INDIANS AND IMPASSE WITH THE KING'S COUNCIL RESULTED IN THE COLONY BECOMING A CROWN COLONY. THE VIRGINIA COLONY BARELY FAILED, BUT A SIMILAR COMPANY OWNED BY THE SAME LONDON GROUP - THE SOVEREIGN ISLAND COMPANY - WAS VERY SUCCESSFUL. (REF: PAPERS OF THE VIRGINIA COMPANY, GOV. PRINTING OFFICE, WASHINGTON, FOUR VOLUMES, 1903 - 1935(1). A SPECIAL TYPE FONT COMPARABLE TO THE HANDWRITING OF THE EARLY 1600'S WAS CAST, AND THE PRINTED TEXT INCLUDES ALL OF THE ABBREVIATIONS AND SPELLING OF THE PERIOD. THE TYPE WAS BROKEN UP DURING WORLD WAR II FOR THE METAL. THE MARINERS MUSEUM HAS A SET, AND PROBABLY OTHER LIBRARIES IN THIS AREA ALSO HAVE IT.)

THE DEVELOPMENT OF NANSEMOND COUNTY

WHEN THE FIRST PERMANENT SETTLEMENT WAS MADE AT JAMESTOWN IN 1607, ALL THE LAND BELONGED TO THE COMPANY, AT ONE TIME TWO HUNDRED MILES NORTH AND TWO HUNDRED MILES SOUTH OF CAPE HENRY AND AND CAPE CHARLES AND TO THE WESTERN OCEAN. IT WAS THE INTENT OF THE COMPANY TO RECOVER THE ORIGINAL COST, THEN TO REWARD STOCKHOLDERS WITH DIVIDENDS IN THE FORM OF LAND. IT WAS ALSO FOUND EXPEDIENT TO AWARD LAND TO THOSE WHO PAID THEIR WAY TO THE COLONY, LATER CONTINUED UNDER THE TITLE HEADRIGHTS, FIFTY ACRES FOR EACH PERSON WHOSE TRANSPORTATION WAS PAID. THE COMPANY ALSO GRANTED LARGE TRACTS OF LAND TO INDIVIDUALS WHO WOULD SETTLE ONE HUNDRED INDIVIDUALS ON THE TRACT, THE REMAINDER OF THE LAND IN THESE HUNDREDS WOULD THEN BE THE PROPERTY OF THE GRANTEE.

FROM THE BEGINNING BOTH THE SETTLERS AND THE COUNCIL IN ENGLAND FOUND PROBLEMS WHICH WERE NOT EASILY RESOLVED DUE TO THE EXTENSIVE NUMBER OF WEEKS OR MONTHS TO FORWARD THE PROBLEM TO ENGLAND AND OBTAIN THE ANSWER. TO OVERCOME THIS TIME LAG, THE COUNCIL IN ENGLAND, WITH THE CONSENT OF THE CROWN, IN 1619, ISSUED NEW INSTRUCTION FOR THE BETTER GOVERNANCE OF THE COLONY. THESE INCLUDED THE ELECTION OF BURGESSES OF EACH SHIRE, AN APPOINTED COUNCIL TO THE GOVERNOR (OR DEPUTY GOVERNOR), WHICH ALSO SAT AS THE HIGHEST COURT IN THE COLONY, A JUDICIARY SYSTEM FOR THE SHIRES, AND THE FOUNDATION OF TAXATION WITHIN THE COLONY. THAT IS, THE FIRST REPRESENTATIVE TYPE OF GOVERNMENT IN THE NEW WORLD MET AT JAMESTOWN BETWEEN 30 JULY AND 4 AUGUST 1619. ONE OF THE ORIGINAL SHIRES

(counties) was that of Hicquotan which included the area both north and south of Hampton Roads. Shortly after the first assembly this Indian name of the settlement on the north side of the Roads (present City of Hampton) was changed to Elizabeth Cittie County and included the area which would become Nansemond County. Nansemond was never an independent county during the life of the Virginia Company which became a Crown Colony in 1625. All during these first decades of the colony the inhabited area grew, primarily on the tidal rivers and creeks which were the highways of that period. By the 1630's the population on the south side grew and a new county was formed from Elizabeth Cittie, and was given the name of New Norfolk. In 1637 the area was again divided to form Lower Norfolk and Upper Norfolk Counties. In 1642 the name of Upper Norfolk was changed to Nansemond County with the county seat at the village of Suffolk. With the exception of minor changes Nansemond remained the same until the 1970's when the city of Suffolk annexed the remainder of Nansemond with the name City of Suffolk - a very modern trend in Virginia. It still remains a rural area.

The county - city is bounded on the north by Hampton Roads, on the east by the cities of Norfolk and Chesapeake, and includes part of the Great Dismal Swamp and Lake Drummond, on the south by the boundary of Virginia - North Carolina and Gates County, N. C., on the southwest by the Blackwater River and Southampton County, and on the northwest by Isle of Wight County. The area is nearly bisected by the broad and shallow Nansemond River. During the colonial period the river was able to handle the ships of the period and had a customs house. (1) (2). For an unflattering description of the border about 1730, see A History of the Dividing Line, by William Byrd (3). The area lies in the coastal plain, the alluvial soil in the earlier years being partly forested, in particular on the eastern side and near the Dismal Swamp. It was more lightly forested elsewhere, with savannas of salt and marsh grass, pokeweed (partly flooded at high tides) and natural meadows. The trees were gradually cleared for building timbers and planks, for wooden snake fences and for heating and cooking. The land is gently rolling or level and rarely exceeds thirty feet above sea level (Government contour maps). During the colonial period the main cash crop was tobacco, which rapidly exhausted the soil and required new land to be cleared. Grains and vegetables were grown for home consumption and pastures were required for sheep and cattle with hogs eating the oak, chestnut and other mast. Peanuts, soybeans and corn are major crops at present.

FOOTNOTES:

(1) VIRGINIA COUNTIES, Virginia State Library Bulletin, Richmond, 1916.

(2) WORLD ATLAS, Field Enterprises, Chicago, 1964.

(3) A HISTORY OF THE DIVIDING LINE, by William Byrd II. It was first published circa 1841 and, with several diaries translated from a personal cypher, were published or republished in the period 1930 - 1940. Byrd had been appointed one of the Virginia Commissioners in 1728 to act in concert with those of North Carolina to resurvey the Virginia - North Carolina State Line. Considering the instruments used and difficulties of the terrain, the results of the survey were excellent. The instruments were a large compass with sighting slots mounted on a Jacob's Staff, the staff having a brass mount to which the compass was affixed and a pointed brass bottom which was forced into the ground and made level. Distances were measured with a sixteen & one half foot rod, or a chain of sixty-six foot length, both being fractions of measurement of an acre of land.

If memory serves, the North Carolina Commissioners did not appear until Byrd had finished the Dismal Swamp, and he had little favorable to say about them or the area. William Byrd II, while an able and willing manager of his plantations and business, gracious with his family, guests and friends, an excellent and honest member of the government, had little understanding of uneducated persons or of the grinding effects of frontier life and poverty.

IT HAS BEEN STATED THAT THE AFFLUENT CONDITIONS OF HIS EARLY LIFE, HIS EDUCATION IN ENGLAND AND HIS LIFE THERE WERE FRUSTRATED WHEN HE WAS SUMMARILY DISMISSED AS A SUITER OF A YOUNG LADY OF TITAN, BEING ACCUSED OF BEING A PARVENUE, AND ALL SAID AS WERE ALL CITIZENS OF THE COLONIES. SOME BITTERNESS MAY BE NOTED IN HIS OYSTER DIARIES, WHICH MAY REFLECT THE AFFRONT WHICH HE FELT THROUGH HIS ENTIRE LIFE.

HISTORICAL REVIEW OF CONDITIONS FOR THE PERIOD 1789 - 1800 1789 - 1800

THIS PERIOD IN VIRGINIA WAS ONE OF THE ENDING OF AN ERA AND THE BEGINNING OF A NEW. A MAKE-SHIFT ARMY AND GOVERNMENT, WITH MONETARY AND MILITARY ASSISTANCE FROM THE FRENCH, HAD DEFEATED THE BRITISH ARMY IN 1781 AND THE TREATY OF PEACE HAD BEEN SIGNED IN 1783. THE NEW CONSTITUTION OF THE UNITED STATES HAD BEEN SIGNED IN 1787 AND BECAME EFFECTIVE IN 1789. THE CONSTITUTION OF THE COMMONWEALTH OF VIRGINIA WAS ALSO NEW. INTERNATIONAL CREDIT OF THE NEW NATION WAS NON-EXISTENT; THE MONEY ISSUED BY THE PREVIOUS GOVERNMENT WAS "NOT WORTH A CONTINENTAL". A BRITISH GOLD COIN CALLED A SOVEREIGN OR GUINEA (THOSE MINTED FROM THE REDDISH GOLD OF GUINEA) WORTH TWENTY ONE SHILLINGS (A PAPER POUND WAS TWENTY SHILLINGS) IN ENGLAND BROUGHT SIXTY TO ONE HUNDRED POUNDS OF STATE ISSUED IN THIS COUNTRY.

IN VIRGINIA THERE WAS NO LONGER A STATE CHURCH (ANGELICAN); MANY OF THE BUILDINGS WERE IN RUINS; THE GLEBES (FARMS TO PROVIDE A LIVING FOR THE VICAR) HAD BEEN TAKEN OVER BY THE GOVERNMENT. HOWEVER MANY OF THE SECULAR FUNCTIONS OF THE CHURCH, SUCH AS CARE FOR THE ELDERLY, THE SICK, AND THE ORPHANS, AND MAINTENANCE OF ROADS AND BRIDGES WERE NOW THE FUNCTIONS OF THE COUNTY AUTHORITIES. THE CHURCH WAS ALSO RELIEVED OF A NOW PECULIAR FUNCTION - THE PROCESSIONING. EACH CHURCH PARISH WAS DIVIDED INTO DIVISIONS HAVING NATURAL BOUNDARIES, AND EACH THREE OR SEVEN YEARS SUPERVISORS WERE APPOINTED TO CARRY OUT THE ACTUAL PROCESSIONING. THE SUPERVISORS WOULD MEET WITH LANDHOLDERS AND A PARTY OF YOUNG PERSONS WHO WOULD FOLLOW THE PROPERTY LINES OF EACH TRACT OF LAND. THIS KEPT LAND DISPUTES TO A MINIMUM, AND THE YOUNG PEOPLE WERE REQUIRED TO REMEMBER THE VARIOUS BOUNDARIES FOR FUTURE PROCESSIONINGS. (NOTE: THE RESULTS OF MANY OF THE PROCESSIONINGS, WITH THE NAMES OF THE VARIOUS OWNERS, WERE ENTERED IN THE VESTRY BOOKS OF THE PARISH AND ARE THE SOURCE OF NAMES AND LOCATIONS OF PROPERTY.)

IT CAN BE ASSUMED THAT NANSEMOND COUNTY WAS SIMILAR TO OTHER EASTERN VIRGINIA COUNTIES, WHERE WORN OUT LAND BROUGHT VERY LOW PRICES YET PRODUCTS OF THE LAND WERE HIGH IN PRICE. THE ISSUING OF LAND GRANTS BY BOTH THE FEDERAL AND STATE GOVERNMENTS FOR SERVICES DURING THE REVOLUTION SET IN MOTION A CONTINUING IMMIGRATION TO THE WEST AND SOUTH. IN ADDITION, MONEY BECAME SCARCE AND THE SYSTEM OF BARTERING PRODUCTS AND SERVICES WAS REVIVED.

PUBLIC RECORDS OF NANSEMOND COUNTY

AS IN ALL VIRGINIA COUNTIES, BOTH BEFORE AND AFTER THE REVOLUTION, CERTAIN RECORDS WERE MAINTAINED, SUCH AS LAND GRANTS AND DEEDS, TAX BOOKS, WILLS AND ADMINISTRATIONS, MARRIAGE BONDS, COURT PROCEEDINGS AND MINUTE BOOKS, AND OTHERS. THE COUNTY CLERKS ALSO KEPT BOOKS OF FEES WHICH WERE CHARGED INDIVIDUALS FOR SERVICES PERFORMED BY THE CLERKS, IN ORDER TO BILL - OR TICKET - THE INDIVIDUAL. MANY OF THESE RECORDS WERE DESTROYED BY FIRE, TWO PRIOR TO THE WAR BETWEEN THE STATES, AND IN THE FIRE OF RICHMOND, WHERE THEY HAD BEEN MOVED FOR SAFETY, IN 1865. WITHIN THE PAST FEW YEARS A CONSIDERABLE NUMBER OF THESE RECORDS HAVE BEEN LOCATED AND HAVE BEEN REMOVED TO THE VIRGINIA STATE LIBRARY IN RICHMOND FOR PRESERVATION AND MICROFILMING. AMONG THE EARLIEST RECORDS RECOVERED ARE SEVERAL LAND TAX BOOKS 1789, 1794 AND 1825(?), AND THE CLERKS' FEE BOOKS 1789 - 1800 AND SEVERAL OTHERS OF THE EARLY 1800'S.

During the summer of 1975 Mr. Conrad O. Brown, Jr. of the Virginia State Library in Richmond discussed the preparation of an index to these books with members of the Hugh B. Watson, Jr. Genealogical Society of Tidewater Virginia. Prior to making a recommendation to the Council of the Society, a test was run with two years of these books. It was found that the handwriting was not of the highest quality, many of the names were entered later and frequently required the use of magnifying glass and interpretation by two or more persons. Due to the amount of time it took to interpret and list the names, the many family relationships, the year of death and the identification of consorts, children, and executors, led to a determination that abstracts of the individual entries would be of more benefit to more persons than a simple name index, which would require the researcher to locate and transcribe the entry. The recommendation made to the Council of the Society was to approve the appointment of a volunteer committee which would: (1) prepare abstracts of each entry for each name found; (2) place in alphabetic order and retype; (3) and prepare from these abstracts an index to be incorporated into the microfilm reel of the text of the Free Books. The project was approved in November 1975, and the following members of the Society volunteered to assist: William L. Litsey, Chairman; Mr. & Mrs. James H. Mero, who vigorously carried forward the project during the illness of the chairman; Mrs. Gloria Ray; Mrs. K. D. Osborne; Mrs. Martha Dulong; Mr. & Mrs. John L. Patterson; Mr. Upshur Joyner; and Mr. Doyle Swafford.

In the Free Books the first line of each entry is headed by the name of the person responsible for paying the charges, the representative, and the county in which the payee lived was entered in parentheses, in some cases outside Nansemond. In general, the given name or abbreviation was entered, but only the surnames were given for the defendants. The clerk generally listed the type of case, the surname of the defendant, and then listed the various actions taken by the clerk with the charge for each service. A very large number of these actions were the continuation of a case, frequently for several years, or until one of the parties died. Each of the clerks appeared to have his own abbreviations for the actions, which made a complete abstract impossible. The following actions appear to have been more standardized: suits initiated by petition, by warrant, or by capias action; some of the actions identified were rulings on the law, taking depositions, calling a jury, making copies of documents, recording wills, appraisals, sales, and administrations of wills.

In compiling the abstracts the great majority of these actions were not given, with the exceptions of: initiation of lawsuits, presenting a will for probate, issuance of various types of licenses; and the appointment of some officials of the county or the court. It became evident that several of the persons initiating actions were lawyers, who might have as many as twenty suits called in the year.

It is recommended that persons who are researching certain families and desire all details available use the abstracts to assist in the interpretation and location of entries contained on the microfilm. For this reason both the year of the entry and the page number of the microfilm are given.

ABBREVIATIONS USED IN ABSTRACTS

THE FOLLOWING ABBREVIATIONS WERE STANDARDIZED FOR THE PREPARATION OF THE ABSTRACTS, REPLACING THOSE USED BY SEVERAL CLERKS.

ACCT. : GENERALLY AN ACCOUNT CURRENT, SUCH AS THAT OF A GUARDIANSHIP OR ESTATE.
ADMIN. : A LETTER OF ADMINISTRATION, CONCERNING AN ESTATE, OR CARE OF THE ASSETS OF AN INDIVIDUAL UNABLE TO DO SO PERSONALLY. THESE WERE ISSUED BY DIRECTION OF THE COURT PRIOR TO THE TIME THE ADMINISTRATOR COULD DEAL WITH THE ESTATE.

ADMOR. : AN ADMINISTRATOR OF AN ESTATE OR ASSETS AND APPOINTED BY THE COURT, IN PARTICULAR WHERE THE DECEASED DIED TESTATE (WITHOUT A WILL.)

ADMN. : AN ADMINISTRATRIX, A WOMAN - GENERALLY THE WIDOW - AND APPOINTED BY THE COURT.

& : AMPERSAND; AN ABBREVIATION OF AND.

APPR. : APPRAISAL, GENERALLY IN CONNECTION WITH AN INVENTORY TAKEN OF THE PERSONAL ESTATE OF THE DECEASED. THE COURT GENERALLY APPOINTED THREE OR MORE PERSONS TO MAKE THE INVENTORY AND TO APPRAISE THE VALUE OF THE ITEMS. IT SHOULD BE NOTED THAT THE WIDOW'S DOWERY RIGHTS TO CERTAIN ITEMS WHICH MAY OR MAY NOT BE INCLUDED, AND FREQUENTLY OBJECTS WERE TAKEN AWAY BY MEMBERS OF THE FAMILY PRIOR TO THE ARRIVAL OF THE APPRAISORS.

APPT. : APPOINTMENT TO AN OFFICE BY THE COURT, SUCH AS APPOINTMENT AS INSPECTOR OF TAR, OR OF TOBACCO.

ASSIGNEE : THE CLERKS USED SEVERAL ABBREVIATIONS, AND, AS THIS TERM DOES NOT OCCUR FREQUENTLY, THE FULL WORD IS USED. THIS COULD BE THE ASSIGNMENT OF RIGHTS TO LAND, TO BILLS DUE, OR TO SPACE IN A WAREHOUSE.

THE DEVELOPMENT OF MANY ABSTRACTS.

EXEX. : EXECUTRIX, A WOMAN; GENERALLY THE WIDOW OR DAUGHTER OF A DECEASED PERSON, WHO WAS NAMED IN THE WILL. THE EXECUTOR CARRIED OUT THE WISHES OF THE TESTATOR, AND THE APPOINTMENT WAS MADE BY THE COURT, GENERALLY AT THE TIME THE WILL WAS PRESENTED FOR PROBATE.

JUNR. : JUNIOR. THIS ABBREVIATION, USING A LOWER CASE J, WAS USED IN NEARLY HALF OF THE APPLICABLE ENTRIES.

SENR. : SENIOR. CONVERSELY, THE UPPER CASE S WAS USED.

ORD. : ORDER FROM THE COURT, GENERALLY USED IN THE ADMINISTRATION OF ESTATES.
ORD. TO SETTLE EST. : ORDER FROM THE COURT WITH RELATION TO THE FINAL SETTLEMENT OF AN ESTATE.

REC. : RECORDED IN THE COUNTY RECORD BOOKS, AND THE ORIGINAL PLACED IN A BOX OR FILE. SEVERAL CLERKS USED RECF.

REF. : REFERENCE TO A PREVIOUS CASE OR DOCUMENT.

SURV. PARTNER : THE SURVIVING PARTNER OF A COMPANY OR PARTNERSHIP. THE DEATH OF A PARTNER USUALLY RESULTED IN SEVERAL LAWSUITS. THE SURV. EXECUTOR OR EXOR, WERE ALSO USED.

VS. : VERSUS. THE CLERKS, GENERALLY, USED ONLY THE LETTER V. THE ABBREVIATION VS. IS USED THROUGHOUT THE ABSTRACTS. IN PREPARING THE ALPHABETIC ABSTRACTS, IT CONNOTES A SUIT AND IS USED FOR BOTH PARTIES.

(?) : WHEN TWO OR MORE READERS OF THE ORIGINAL TEXT COULD NOT DETERMINE THE CORRECT SPELLING, THE SYMBOL (?) WAS USED. THESE QUESTIONABLE ENTRIES SHOULD ALERT THE RESEARCHER TO USE THE MICROFILM OF THE ORIGINAL TEXT FOR HIS OWN INTERPRETATION.

(COUNTY) : ENTERED BY THE CLERK IN ORDER TO COLLECT FEES DUE FROM PERSONS NOT IN NANSEMOND. IN MANY CASES ABBREVIATIONS WERE USED, SUCH AS (ACCO) FOR ACCOMAC, AND (GATES) FOR GATES CO., N.C., BUT SEVERAL COULD NOT BE DECYPHERED (C P), (SHO), (NRK) & (NK) CITY OR CO.

THE ABSTRACTS

THE FOLLOWING EXAMPLE IS PRESENTED TO ILLUSTRATE THE METHOD USED IN THE PREPARATION OF THE ABSTRACTS, PRIOR TO SEPARATING EACH ABSTRACT AND PUTTING IN ALPHABETIC ORDER FOR THE TYPING OF THE TEXT.

ORIGINAL ENTRY

184 JOHN POWELL & MRS. ANN POWELL EXORS. OF FRANC^S POWELL DECD. (GATES)
WILL 18 REOP 12 INV 6 ORD 8 EBT 12
PEY V JONES
PEY V FRANC^S POWELL JUNR (MICROFILM PAGE NO.)

ABSTRACTS

POWELL, MRS. ANN & JOHN POWELL EXORS. OF FRANC^S POWELL DECD. (GATES)
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POWELL DECD. (GATES). 1784 326
POWELL, JOHN & MRS. ANN POWELL EXORS. OF FRANC^S POWELL DECD. (GATES)
WILL & ORD. TO SETTLE ESTATE, VS. JONES, & VS. FRANC^S POWELL JUNR.
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JONES, VS. JOHN POWELL & MRS. ANN POWELL EXORS. OF FRANC^S POWELL DECD.
(GATES) 1784 326

DEDICATION

NEARLY TWO HUNDRED YEARS AGO, IN THE VILLAGE OF NANSEMOND - SOME SIXTY LOTS ON THE BANK OF THE RIVER - A SERIES OF COUNTY CLERKS ENTERED THE FEES FOR SERVICES PERFORMED AND FROM WHICH THEY WERE PAID. THE MATERIAL CONTAINED IN THE FEE BOOKS GIVES US GLIMPSE INTO THE PAST, CLUES TO THE RELATIONSHIPS IN MANY FAMILIES, AND TO THE YEARS IN WHICH SO MANY LEFT THIS MORTAL LIFE. IN APPRECIATION, WE DEDICATE THESE ABSTRACTS

TO
THE CLERKS OF THE COURT
NANSEMOND COUNTY, VIRGINIA
1975