1909- 67 Southampton County Chancery - Matthews, Nancy C. vs Rowe Infants

Sell real estate for the good of the Children

Rowe, Martha } minors
" , Alice
" , Frank
Faircloth, Wm.
" , Julia C. (wife)
McClenney, James
" , Marietta (wife)
Lester, Henry
" , Bettie (wife)
Parker, W.H. (G.A.L.)

Marchesi
vs 3 Bills &c.
Romei infantis &c.

---

1 Oct R.

Pmis & Schedule &c.

To the Hon Circuit Judge of the Circuit Court of Southampton. In Chancery.

Complaining Showeth unto your Honor, your Complainant Nancy C. Mathews as follows- That several years ago her husband James M. Rowe departed this life intestate leaving her as his widow and two children viz Alice Rowe and Martha Rowe- both of whom are now over the age of fourteen- That the said James M. Rowe was seized at the time of his death in fee of a tract of land in Southampton Co containing acres, adjoining the lands of , which is the only real Estate or interest in real estate owned by said infants- The only personal estate owned by said infants is what little rent they can get from said farm- Frank Rowe, Wm Faircloth and Julia C. his wife James McClenny and Marietta his wife, Henry Lester and Bettie his wife would be the sole heirs and distributees of said infants if they were dead. Your Complainant states that a sale of the aforesaid tract of land would promote very much the interests of the said infants for the following reasons viz: That with the proceeds of sale a nice and comfortable home in the town of Suffolk could be purchased that would enable them to get a fair Education, that would afford them much better

probation and comfort. That property is steadily advancing in price in Suffolk, whilst their farm is steadily depreciating in value, as it has to be rented out every year and there is no one to look after the improvement of the farm. Your complainant further states that the rights of no person may be violated by a sale of the said Real Estate. In consideration whereof and inasmuch as your complainant is entitled to a certain interest in said farm, but she is willing to institute a suit for the sale of same and take the same interest in the investment.

much as your complainant is without remedy in the premises except in a Court of Equity where such matters are properly cognizable - to the end therefore that justice may be done, your complainant prays that Alice Rowe and Martha Rowe both infants over 14 years of age Frank Rowe Wm Faircloth and Julia his wife, James McClenny and Mariella his wife, Henry Lester & Bettie his wife may be made defendants to this bill - that a proper guardian ad litem may be assigned the infants. That the said infants, and the guardian ad litem and the adult defendants may be required to answer this bill under oath - That the said tract of land may be sold and the proceeds of sale invested under the order of this Court as the interests of the parties may require. That all proper accounts may be ordered, and for such other, further, general & special relief as the nature of this case may require or to Equity may seem meet. And your complainant will ever pray &c.

Nancy E. Mathews. plff.

Preston & Brewer p.q.-

Nansemond County to wit.

This day personally appeared before me the undersigned a Commissioner in Chancery of the Circuit Court of Nansemond County, the above named Nancy E. Mathews plaintiff in the foregoing bill and made oath that she believes the statements therein contained are true. Given under my hand this 31st day of October 1889.

Rob R. Preston,
Commissioner in Chancery.

Marchemes
vn 3 Bien t.
Romeis infanti &c.

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1 Qal R.

Primo Scheee Jy.

-1909-

Matthew

vs 3 Years

Rowes Infants

1891. Nov Term

To be sustained.

CMA

Entered

Mathews

vs

Deaver.

Rivers Infants

This day this cause came on to be again heard on the papers formerly read and was argued by Counsel. On consideration whereof the Court doth adjudge order and decree that J. W. Williams Shff collect the whole of the purchase money from Jno T. Saunders and out of the same pay the costs of this suit. and the balance he shall invest in the purchase of a home lot in or near the town of Suffolk Va, that he take a deed for the same giving the widow & children such rights in the lot as they had in the farm that was sold. and said Williams make report his proceedings to Court.

Matthews

Rowe & als:

1889. Oct. Rules

Cir: Ct:

Executed Oct. 6th
1889 by delivering
a copy of this Subpœna
to Frank Rowe Wm
Fairclotth Julia Fairclotth
Jamd Mecluney &
Marietta Mecluney
A. F. Lobdell

Jr. J. H. Williams D.C.

X

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON Alice Rowe, Martha Rowe, Frank Rowe, Wm Fairbeth & Julia, his wife. Jas M. Clemmey & Marietta his wife. Henry Lesler & Bettie, his wife.

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 October next, to answer a bill in Chancery exhibited against them in our said Court by Nancy C. Matthews

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 21 day of September, 188 9, in the 114 year of the Commonwealth.

Teste: B. F. McLemore C.C.

Matthews ~~[illegible]~~ 142

Ex 333 Stat: Rules

Rowe et: als:

Nancy C. Matthews - Pltff

Against.

Alice Rowe, Martha Rowe, Frank Rowe, Wm. Fairchild & Julia, his wife, Jas. M. Clemmey & Marcella his wife. Henry Lester & Bettie his wife — In Chancery. Deft.

1889 - Sept 21. Process issd. to 1st Oct. Rules.

" 1st Oct. Rules: Process retd. Executed. Bill filed. W H Parker appointed Gdn ad litem to infant Defts. decree nisi v. T. adults.

" 2 Oct. Rules: Bill taken for Confessed as to adult Defts - Answer of Infants over 14 yrs - Answer of infants by Gdn ad litem & Cause set for hearing.

Matthews
vs 3 Decree
Rowe et ux

1889. Nov Term

To be sealed.

C Nott

Entered Page 356

Geo. Moore
Geo. Bryant
& J. M. Clary

Mathews

vs 33 Deeds.

Romesothers

This cause came on this day to be heard on the Complainants bill, the answer of the Guardian ad litem sworn to according to law, the answer of the minors Alice Rowe and Martha Rowe, both over 14 years of age, sworn to according to law, with general replication, and was argued by Counsel. On Consideration whereof the Court doth adjudge order and decree that a Commissioner of this Court make the following enquiries - viz - whether it would be to the interest of the infants to have their land in this County sold or not. Whether the interests of any other parties would be violated. Which enquiries the said Comr. is to report to Court, together with the evidence upon which he bases his opinion. with any other matters specially stated deemed pertinent by himself or required by any interested party to be stated.

Matthews

vs. State Docks.

Receivers Sale

Removed

July, 1909

Stat: Cash in Chancery suit of
Matthews
vs
Rawes et als

Clerks	B. F. M. & T. W. H.	$9.78
Sheriffs	J. W. W & W. H. H.	9.60
Laws &c	D. B. P.	16.50
Coroner	B. F. M.	5.00
Witness	J. M. Story.	.50
Do	Gen Morrel.	.50
Do	Jona. H. Bryant.	.50
		$42.38

A Copy
Teste: T. W. Howard, C.C.

Matthews 125
vs 3 Decatur
Rover Infantry Co

1890 October Term

To be entered

Cost

Nov 8. 1890

Ent

Mathews

vs

Reuss

Reuss Defendt &c

This day this cause came on to be again heard on the papers formerly read, the report of Com. Williams filed by leave of the Court during the term, to which there is no exception and now argued by Counsel. On consideration whereof the Court doth confirm the said report and doth decree that J.W. Williams receive the cash payment of $175 from Jno T. Saunders, and out of the same pay into the Costs of this suit, and deposit the balance in the Bank of Portsmouth take certificate of Deposit therefor and return the same with the bond for deferred payment with his report.

The joint and several answer of Alice Rowe & Martha Rowe, infants over 14 years of age to a bill of Complaint exhibited in the Circuit Court of Nansemond complaint against themselves, & others by Nancy Mathews.

These respondents for answer to said bill, say that they are now over 14 years of age, and have some knowledge of what is to their interests. They are of opinion that the sale of the land as prayed for in the bill would greatly promote their interest and they hope it will be the pleasure of the Court to grant a decree for the sale of the land in question and the investment of the proceeds in a house and lot in Suffolk. And having answered, they pray hence to be dismissed &c.

Alice C Rowe
Martha J Rowe

~~Sworn to before me~~

State of Virginia,
County of Nansemond, to wit,
This day Alice Rowe and Martha Rowe personally appeared before the undersigned Rob. R. Prentis, ~~and~~ a Commissioner in Chancery of the Circuit Court of the County of Nanse

mond and made oath that the statements made in the above answer are true. Given under my hand this 31st. day of October 1889.

Robt. K. Prentis
Commissioner in Chancery.

Mauldin
vs
Rowan Infants &c

Answer of Infants
Filed Nov 14 1889
W. Ott.

Matthews
vs 3 Decree.
Rivers Infants &c.

This day this cause came on to be further heard on the papers formerly read, the report of Comr McLemore filed Apl 10. 1890, to which there is no exception and was argued by Counsel. On consideration whereof, the Court doth confirm the said report. And it appearing from said report that it is to the interest of the parties that the land in the proceedings mentioned should be sold the Court doth adjudge order and decree that J.W. Williams Sheriff of Southampton sell the said land after 20 days public notice of time and place of sale upon the following terms, one half cash, the balance on twelve months time from the day of sale, the purchaser to give bond with such security as the said Sheriff may require, carrying interest from day of sale and the title to be retained for the deferred payment. But the said sale shall not be made before the September term of the Court Court of this County. and shall the purchaser chooses to pay all cash for said land the said Sheriff will receive the

Matthews 135
vs 3 Deeds
Rivers Infants &c

1890 May Term
To be Entered
C M Hill

Entered

Seem and upon his proceeding to
Court.

Matthews

vs } Quick dem.
L. A. Gas Co.

Rec'd exhibits.

Matthews

vs } Costs Down L. A. Gay & Co.

1901		Rowe et als.			
Oct.	8th	13 Subpoenas on the defendants	3.25		3.25
		Taxed costs 6½ hours @ 10 cts	.65		.65
		Filing papers 25 Entries and about 100			1.25
					$5.15

Costs: L. A. Gay Pub.

Executed this 30th day of September 1889.
by serving a true copy of this Process upon
the within named Henry Lester, and
Bettie, Lester his wife, Each, in person.

Wm. H Stowell
Sheff. of Marquette County

Mathews
vs
Lester
Rose et al:
1889. 1 Oct: Rules
Ci: Ct:

The Commonwealth of Virginia,

To the Sheriff of ~~Southampton~~ Nansemond County---Greeting:

WE COMMAND YOU TO SUMMON Henry Lester & Bettie Lester, his wife

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 October next, to answer a bill in Chancery exhibited against them & others in our said Court by Nancy C. Matthews

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

Witness, ~~Littleton R. Edwards~~ B. A. McLemore, Clerk of our said Court this 28th day of September, 1889, in the 114th year of the Commonwealth.

Teste: B. A. McLemore C.C.

Martha Rowe

Defendt

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON Martha Rowe

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 Octo next, to answer a bill in Chancery exhibited against her & others in our said Court by Nancy C. Matthews -

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

WITNESS, ~~J. B. PRINCE~~ B. F. McLemore, Clerk of our said Court, this 21 day of Sept, 188 9, in the 114" year of the Commonwealth.

Teste: B. F. McLemore C.C.

The depositions of J. M. Story & others taken on the 7th day of April 1890. by B. F. McLemore Com. in Chancery. to be read as evidence in the Chancery suit of "Matthews & Rowe".

The Witness. J. M. Story. being duly sworn, deposes as follows:

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

A: My age is 32 years. reside at Story Station, am a farmer. know the parties to the suit and the land mentioned.

Q: Do you think the interest of the minors will be promoted by a sale of the land in this County. and the proceeds invested in real Estate in Suffolk.?

A: I do, provided a good price can be obtained for it?

Q: What would you consider a good price for it?

A: ~~$40. per acre~~ $300.00

Q: Do you think the rights of any party interested would be violated by such sale?

A: I think not.

And more this deponent saith not.

J. M. Story

The Witness. Geo. Moore, being duly sworn, deposes as follows:

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

A: My age is 69 years. am a farmer. reside in Southampton, know the parties to the suit, and the land mentioned.

Q: Do you think the interest of the minors will be benefited or promoted by selling said real Estate. and investing ~~said~~ proceeds in real Estate in Suffolk?

A: I do. I fully agree with Mr J. M. Story in his deposition. and for reasons set forth in the Plaintiffs bill.

And more this deponent saith not.

Geo Moore

The Witness Jno. Bryant. being duly sworn says: I am 38 years of age. reside in Southampton County. am a farmer. know the tract of land mentioned in the suit and the parties to the suit. and corroborate the testimony of Mr J. M. Story and Geo. Moore.

his
J. N. x Bryant
mark

Witness fees.
J. M. Story - 50¢
Geo Moore 50¢
Jno N. Bryant. 50¢

The above interrogatories are hereby consented to by me.

Wm. H. Parker,
Guardian ad litem
for infant Defendants

Matthews
vs
Rowan Infantry &c.

Answer of the
Garnishee

The Joint and Several answer of Alice Rowe & Martha Rowe, by W. H. Parker their Guardian ad litem appointed for that purpose to a bill of Complaint filed in the Circuit Court of Southampton against themselves & others by Nancy C. Matthews.

The defendant for answer to said bill or to so much as he is advised it is material to answer, answering says. That he knows nothing of his own knowledge of the propriety of the sale as asked for in complainants bill and he insists upon the proper proof before any decree for a sale is ~~made~~ granted. And having answered he prays hence to be dismissed.

Wm. H. Parker
Guar ad litem

Sworn to before me B. F. McLemore Clerk of the Circuit Court.

B. F. McLemore C.C.

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County—Greeting:

WE COMMAND YOU TO SUMMON Alice Rowe

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 Octo - next, to answer a bill in Chancery exhibited against her & others in our said Court by Nancy C. Matthews

And this she - shall in no wise omit; and have then there this writ.

WITNESS, ~~J. B. PRINCE~~ B. F. McLemore, Clerk of our said Court, this 21 day of Sept, 188 9, in the 114" year of the Commonwealth.

Teste: B. F. McLemore C.C.

Mallum
v. s. Const. Report
Ravin injunct &c

Mathews
vs. } Comr's Report
Rowe infants &c

To the Hon. Judge C. W. Hill

Your Comr. in the above cause begs leave to report that he has sold the land in question to Jno. T. Saunders for the sum of three hundred & fifty dollars that being the highest bid received after duly advertising the same for 20 days as directed in the decree. The purchaser has not complied but is ready to do so when the sale is confirmed by the Court. Your Comr. would recommend the confirmation of the sale as it is a good one.

Respectfully Submitted

Nov. Term Cir. Ct. J. W. Williams
1890 Comr.

Southampton Circuit Court. Nov: Term 1869.

Matthews

&

Rowe + others.

This cause came on this day to be heard on the Complainants bill. the answer of the Guardian ad litem sworn to according to law. the answers of the minors, Alice Rowe and Martha Rowe, both over 14 years of age. sworn to according to law. with general replication and was argued by Counsel. On Consideration whereof the Court doth adjudge, order and decree that a Commissioner of this Court make the following Enquiries - Viz: Whether it would be to the interest of the infants to have their land in this County sold or not. Whether the interest of any other parties would be violated. the result of which enquiries the said Commissioner will report to Court together with the evidence upon which he bases his opinion. with any other matters specially stated deemed pertinent by himself or required by any interested party to be stated.

A Copy - Teste: B. F. McLemore Clk.

Matthews

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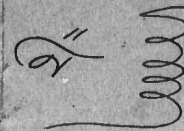

Rowe + als:

1890. April 7th.

Executed April 5th 1893.

J. H. Williams
Sheff

1

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF SOUTHAMPTON COUNTY—Greeting:

WE COMMAND YOU TO SUMMON J. M. Story. John Bryant & Geo. Moore.

B. F. McLemore Com'r

to appear before ~~the Judge~~ of our Circuit Court of Southampton County, at the Courthouse thereof, on the 7th day of April ~~Term~~, 1890, to testify and the truth to speak on behalf of Nancy C. Matthews

in a certain matter of controversy in our said Court depending and undetermined between Nancy C. Matthews, plaintiff, and Rowe & als., defendant.

And this they shall in no wise omit under the penalty of the law. And have then there this writ.

WITNESS, B. F. McLEMORE, ~~Clerk~~ Com'r of our said Court, at the Courthouse, this 3 day of Apl, 189 0, in the 114th year of the Commonwealth.

TESTE: B. F. McLemore, ~~C. C.~~ Com'r

Matthews

Pr Subpoena Duces

Rowe et. als.

1890. April 7th

Executed March 31st
1890 by delivering a copy
of this Subpoena to Frank Rowe
Wm & Julia Fairchild
Jas. M. McClung &
Manetta McClung.

A. Fleobet dep
for J. W. Williams
Dep

1

COMMISSIONER'S OFFICE,

COURTLAND, VA., Mch 24 1890

To Nancy C. Mathews
Alice Rowe. Martha Rowe. Frank Rowe
Wm Faircloth & Julia his wife. Jas McClenny
& Marietta his wife. Henry Leslie & Bettie his wife

You are hereby notified that I have fixed upon the 7th *day of* April *next, if fair, if not, the next fair day thereafter (Sunday excepted), to take and settle, at my office, the following accounts, to wit:*

1st. Whether it would be to the interest of the infants to have their lands, in this County, sold or not?

2d. Whether the interest of any other parties would be violated. The result of which enquiries the said Comr will report to Court together with the evidence upon which he bases his opinion &c.

required to be taken by a decree of Southampton Circuit Court, rendered at the Nov"r *term, 18*84*, 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.

W. D. McLemore *Commissioner.*

To the Sheriff of Southampton county to execute.

Executed This 2 nd day of April 1890. by Sam'l & Ann
Copy of This notice on Wm H Lester
Killen Leslie his wife. Each on
separate

Mary A. Howard
Shff.

Matthews

2nd Notice

Rowe & als:

1890. April 7th

Mr. McLemore.

This notice came to me inclosed with several issued from another office. As I see it is returnable to you on 7th. inst. I have annexed it but to send to you instead of returning it to Shff. of Monroe.

Respectfully.

S. D. Young

April 8th/90.

Matthews

vs Report.

Rowe & others

1890. April 10 filed.

B.F. McLaundress

Commissioner's Office
Courtland Va.
April 7th 1890.

To the Circuit Court of Southampton Co.

In obedience to a decree of the Circuit Court of Southampton Co. rendered at the November Term 1889. in the Chancery Cause of "Matthews & Rowe & als": the undersigned, one of the Commissioners of said Court. to whom the aforesaid decree was referred. reports to Court. that on the 27th day of March 1890, he issued Notices against the several parties, Plaintiff and Defendants. requiring them to appear before him, at his Office, on the 7th day of April 1890. at which time and place he should proceed to make the several enquiries ordered in the decree aforesaid: That the Notice has been returned 'Executed'. The Commissioner also issued Subpoenas against J. M. Story. George Moore and Jno. H. Bryant. as Witnesses they being Gentlemen of good judgement. and familiar with the real Estate in the bill mentioned. and well acquainted with the parties to the suit: Whereupon the Commissioner

proceeded to make the following enquiries, viz:

1st. Whether it would be to the interest of the infants to have their land in this County sold or not? and Whether the interest of any other parties would be violated?

From the depositions of the Witnesses J. M. Story. George Moore and Jno. N. Bryant - filed herewith, it will be seen that the interest of the infants will be promoted by a sale of their land in this County and the proceeds of sale invested in other real Estate in Suffolk. for reasons set forth in the Plaintiffs bill. And that the rights or interest of no party interested, would be violated thereby.

The Commissioner calls the attention of the Court to the depositions of the Witnesses filed with this report.

Respectfully Submitted.

B. F. McLemore

Com'r in Chancery.

Com'r's fee $15.00

Witness Fees:

J. M. Story 50¢

Geo. Moore 50¢

Jno. N. Bryant 50¢