

1912-004 Chancery Causes: Mary A. Matthews & John F. Matthews vs Maud Frances Bell, James S. Bell
Dale of Wright County
Petition of James Chesley Howell, Henry Edwin Howell & Effie Parmelia Howell,
by +c

other surnames: Godwin,
Holland, Knight, Brock,
Whitehead

Moay A Matthews et al.

vs In Chancery

Bill, Maud Frances et al.

=====

Bill of Complaint

Filed February 10th 1904

2^d Feb rules 1904. Bill bills summons
execution on all other debts, & de visu est to them
A. E. Cantt att^r & qualification

1st March rules 1904. Bill
return for confessed and case
set for hearing.

March term 1904. de. for accts.
Oct term 1904 Conf^r report. de
to make due. pay out & all.

and accounts may be taken, stated and reported to Court, as may be necessary in this cause, and that all other and further general relief may be afforded your complainants as to equity and good conscience may seem meet. And they will ever pray. Notice is hereby given that the Court will be asked to allow a reasonable fee to counsel conducting this case. Let a sub poena go.

Moony A. Moathens &
Wm. S. Hall and her atts

Wm. S. Hall and p. 2

wife, Rosa Lee Godwin and J. Wesley Godwin conveyed to your complainant, Mary A. Matthews for the price of fifty(50) dollars per share all their interest in the said tract of land, as will more fully appear by reference to the said deed which is duly recorded in the Clerk's office in the County Court of Isle of Wight County. Your complainants say that there are two more shares, namely: the share of the said Maud Frances Bell and the share of the three grandchildren above named. Your complainants say that ^{they} would like to buy the interest of the other two heirs at the same price paid to the other heirs who had the same interest.

The said tract of land cannot be partitioned in kind. It is a very small tract of land, and if one or two shares were taken off those shares would be worthless.

For as much as your complainants are without remedy save in this honorable Court where matters of this sort are alone and properly cognizable, they pray that the said Maud Frances Bell and Jas. L. Bell her husband, Jas. Chesley Howell, Henry Edwin Howell and Effie P. Howell, all of whom are infants under the age of twenty-one years except Jas. L. Bell, be made parties defendant to this bill of complaint and required to answer the same, an answer on oath being waived as by the statute provided; that a proper guardian ad litem may be assigned the said infant defendants; that your complainant Mary A. Matthews be allowed to buy the said shares in the tract of land herein before described, by paying therefor a reasonable price, that a Special Commissioner be appointed by the Court in order to convey the same to her, that if it would be deemed inexpedient by the Court for the said Mary A. Matthews to take the whole tract of land and to pay to the said heirs at law a fair price for their interest, then your complainants pray that the whole tract may be sold and that the proceeds of the sale may be partitioned among the parties as their interest may appear. Your complainants pray that all such inquiries

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY.

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Isle of Wight County.

Mary A. Matthews who was Godwin and Jno. F. Matthews her husband, humbly complaining, show to the Court that many years ago Willis H. Godwin died intestate seized and possessed of a certain tract of land in Newport Magisterial District, in the County of Isle of Wight and in the State of Virginia, containing forty-nine(49) acres more or less, adjoining the lands now or late of Joseph E. Pruden, the estate of Joe Everett, Geo. Crump and others, it being the tract of land devised to the said Willis H. Godwin by his father Willis Godwin,(see Will Book No. 30 page 203) it being part of a tract of land conveyed to the said Willis Godwin by a deed from C. B. Whitehead (see Deed Book No. 39 page 316). The tract of land conveyed by said Whitehead contained ninety (90) acres but the said Willis Godwin conveyed forty-five(45) acres, part thereof, to James Colter by a deed duly recorded in the Clerk's office of Isle of Wight County Court (see Deed Book No. 40 page 470). The said Willis H. Godwin left him surviving the following heirs at law, namely: Mamie V. Holland the wife of Jas. L. Holland, Emma J. Knight the wife of J. C. Knight, Jno. T. Godwin, Rosa Lee Godwin, J. Wesley Godwin, Mary A. Matthews the wife of Jno. F. Matthews, Maud Frances Bell the wife of Jas. L. Bell, Jas. Chesley Howell, Henry Edwin Howell and Effie P. Howell, the last three being the children of Anna Howell who was Godwin and ^{who} married _____ Howell and the grandchildren of the said Willis H. Howell, deceased. The said Anna Howell and her husband are both dead.

Your complainants say that by a deed dated January 14th, 1904 Anna L. Godwin the widow of said Willis H. Godwin, deceased, the said Mamie V. Holland and Jas. L. Holland her husband, Emma J. Knight and J. C. Knight her husband, Jno. T. Godwin and Lee A. Godwin his

Mary A. Matthews et. als.

v.(PETITION.

Maude Frances Bell et. als.

Mary A Matthews et. als.

v.

Maude Frances Bell et als.

To the Honorable B.D.White, Judge of the Circuit
Court of Isle of Wight County, Virginia:

Your petitioners, James Chesley Howell, Henry
Edwin Howell, and Effie P. Howell, humbly represent to
the Court that they are the parties mentioned in the
petition hereto attached; that they agree to, consent to,
and join in said petition; that they are infants under
the age of 21 years, but over the age of 16 years, and
that they are capable and competent to use the said fund
mentioned in said petition discreetly for their maintenance,
education, and support.

Your said petitioners most respectfully ask that
that the Court enter a decree in this said cause allowing
and authorizing J. Peter Holland, Executor of William
S. Holland, deceased, to pay to them direct the fund
that they are entitled to as set forth and described in
the said petition hereto attached.

Most respectfully submitted,

James Chesley Howell
Henry Edwin Howell
Effie P Howell

the Court that J. Peter Holland, Executor of William S. Holland, deceased, be allowed and ordered by the said Court to pay to these said heirs, namely, James Chesley Howell, Henry Edwin Howell, and Effie P. Howell, the sum of Fifteen (15) Dollars and No Cents, with legal interest from October 3rd. 1904 until paid, each, which will amount to their share of Fifty (50) Dollars, less one eighth of the costs of this suit, with legal interest from the date of the said decree ordering the said Special Commissioner in this suit to collect this money; and the undersigned further petition the Court to order the said J. Peter Holland, Executor of William S. Holland, deceased, to file with the papers in this suit a receipt for this money from each of the said heirs paid by him, and that this suit then be dismissed as the purposes thereof will have been fully accomplished.

Most Respectfully Submitted,

Nelly A. Matthews
Jean A. Matthews
J. Peter Holland, Executor of
Wm. S. Holland, deceased.

Mary ~~A~~ Matthews et. als.

v.

Maude Frances Bell et. als.

Whereas, William S. Holland, Special Commissioner in this suit, under authority of the decree entered in this cause on the 3rd. day of October, 1904, has collected from Mary A. Matthews the amount of money due to the infant heirs in this suit, and, under the same authority, has made a good and sufficient deed to the said Mary ~~A~~ Matthews;

And Whereas, the said Special Commissioner has paid to Maude Frances Bell, who was one of the infant heirs, her share in the proceeds, which said share was Fifty (50) Dollars, less one eighth of the entire costs, or Forty-five (45) Dollars, and a receipt for this said payment is to be found in the papers;

And Whereas, James Chesley Howell, Henry Edwin Howell, and Effie P. Howell are entitled to receive from the said Special Commissioner the share ~~of~~ their deceased mother, Anna Howell, who was Godwin, which said share is Fifty (50) Dollars, less one eighth of the entire costs, ~~of~~ Forty-five (45) Dollars;

And Whereas, these said infant heirs, ~~namely~~, James Chesley How~~e~~ll, Henry Edwin Howell, and Effie P. Howell, are over the age of 16 years, and have the proper discretion for the use of this money; and,whereas, they have no guardian and their parents are dead;

And Whereas, the said Mary A Matthews desires to clear the title to her land; and J. Peter Holland, Executor of William S. Holland, deceased, wishes to pay over this money with a view to closing the estate of the said William S. Holland, deceased;

NOW, THEREFORE, The undersigned respectfully petition

Bill et al.

adv.

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ANSWER
OF
INFANT DEFENDANT.

Matthews et al.

In the Circuit Court for the County of Ile of Wight,
to wit:

THE ANSWER OF Jas Chesley Howell, Henry Edwin Howell, and Effie
Permelia Howell

infant under the age of twenty-one years, by S. E. Everett attor. at Law
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
themselves and others in the Circuit Court for the County of
Ile of Wight, by Mary A. Manheuer and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infant & of tender
years, and by reason of such disability are incapable of understanding, or of taking care of them
rights and interests, they therefore commend the same to the protection of the court, and prays that
no decree may be pronounced which will tend to their prejudice.

And having answered, the respondent pray to be hence dismissed with them reasonable costs,
in this behalf expended; and they will ever pray, &c.

S. E. Everett Guardian *ad litem*.

p. d.

OF

ss.

This day, _____, whose name is signed to
the foregoing answer, personally appeared before me, _____
and made oath that the statements made therein, so far as they depend upon his own knowledge, are true,
and so far as they depend upon knowledge derived from others he believes them to be true.

Given under my hand, this _____ day of _____ 189 _____

The Curator this 13th day of Feb 1907
by delivering a true copy of the
Within process to Maria Frances
Bell and James L. Bell
in person J. M. B. Hershuff
True Chancery to W. A. H.

Malthus et al

vs.

}

SUBPOENA
IN
CHANCERY.

Bell et al

Wm. S. Halland

p. q.

To 2 February

Rules,

District

Court.

The Commonwealth of Virginia,

Transmitted
To the Sheriff of the County of ~~Isle of Wight~~, Greeting:

WE COMMAND YOU that you summon *Maud Frances Bell and Jas. L. Bell Jas. Chesley Howell Henry Edwin Howell and Effie Pamela Howell* all of which are under the age of twenty one years except *Jas. L. Bell*

to appear at the Clerk's office of the *Circuit* Court of the County of *Isle of Wight* at the rules to be held for the said Court, on the *30th* Monday in *February* 1904, to answer a bill in chancery, exhibited against *them* in our said court for *by Mary A. Matthews who was Godwin and Jas. J. Matthews her husband*

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the *30th* day of *February* 1904, and in the 12⁸ year of the Commonwealth.

N. F. Young cc.

Mary A. Matthews et al

vs. } Comr Young's report

Maud F. Bell et al

Filed Sept-21st 1904

Many a Mother's Chat,
as } Dom. Notes
Edward Francis Bell Chat

Many a Murderer that,
as I know. Not that
Murder Francis Will that

Commissioner's Office ,

August, 22nd. 1904.

To Mary A. Mathews who was Godwin and Jno. F. Mathews her husband
Plaintiff; Maud Francis Bell and Jas. L. Bell, Jas Chesley Howell
Henry Edwin Howell and Effie Parmelia Howell all of which are un-
der the age of twenty one years except Jas. J. Bell. *Defendants*

You are hereby notified that I ahve fixed upon the 2nd.
day of September 1904, if fair; if not, on the next fair day
thereafter (Sunday excepted), to take and settle, at my office,
the account and inquiries as follows, To-Wit:

FIRST: Whether there are any liens on the land in the bill x
and proceedings mentioned for delinquent taxes or otherwise.

Second. The annual and fee simple value of the land in the
bill and proceedings mentioned.

THIRD. Whether the said land is susceptible to partition in
kind, and if not, will any party in interest take the whole and
pay to those entitled a fair price for their shares.

Fourth. Any matter deemed pertinent by the said Commissioner
or by any party in interest, shall by like wise taken, stated
and reported to Court; required to be taken by a decree of the C
Circuit Court of the County of Isle of Wight rendered on the
7th. day of March, 1904, in a suit in chancery depending in ~~said~~
said Court between Mary A. Mathews et als vs. Frances Maud
Bell et als. at which time you are required to attend.

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

W. J. Yarnes Comr.

Jno. W. Whitehead having been sworn deposeth as follows:

Q. What do you will be a fair annual and fee simple value of the land in the bill mentioned?

Ans. I have heard Mr. C. C. Brock's evidence and i fully agree with him that \$30.00 will be a fair annual value and that \$350.00 will be a fair fee simple value.

Q. Do you think the land is susceptible to partition in kind?

Ans. I do no think it susceptible to partition in kind, that it would be best to sell it as a whole and the proceeds be divided among the parties in interest.

Q. I failed to ask you if you live near the said land and are acquainted therewith, please answer me.

Ans. Yes I live within about two miles of said land and have been acquainted with the land for many years.

Further this deponent saith not.

Jno. W. Whitehead

*Subscribed and sworn to before me M. F. Young a
Comm. in Chancery this 10th day of Sept. 1904
M. F. Young Comm. in Chy*

The Depositions of C. C. Brock and Jno. W. Whitehead to be read in evidence of the suit of Mary A. Mathews et als. vs. Francis Maud Bell et als taken this 6th. dau of Sept. 1904. at Isle of Wight Court House before the undersigned, N. F. Young, Commissioner to be read as evidence before said Commissioner in making his report in this cause and to be filed therewith. C. C. Brock having been sworn deposeth as follows:

Q State your name/ age, residence and occupation.

Ans. C. C. Brock, age 34 years, farmer at Long View, Isle of Wight County.

Q. Are you acquainted with and do you reside any wher near the farm lately owned by Willis H. Godwin deceased?

Ans. I live within a mile and half of the land mentioned in the bill, and said place is well known by me.

Q. Do you think the land in the bill mentioned could be divided among the parties entitled thereto without injury to their respective shares?

Ans. No I do not.

Q. Why do you think it cannot be divided?

Ans. Because I think it will be to the interest of the infants to sell the land and have the proceeds divided.

Q. What do you think will be a fair fee simple and annual value of the land.?

Ans. I think \$30.00 will be a fair annual value of said land, and \$350.00 a fair fee simple value.

Further this deponent saith not.

C. C. Brock

share of the three grand children in the bill mentioned be sold to the said Mary A. Mathews at the price and sum of fifty dollars per share.

Respectfully Submitted,

A. J. Hanna Comd.

Commissioner's Office , Sept. 21st. 1904.

To the Circuit Court of Isle of Wight County.

Pursuant to a decree of the Circuit Court of Isle of Wight County, rendered on the 7th. day of March, 1904, in the Chancery suit therein depending, wherein Mary A. Mathews, who was Godwin and John F. Mathews, her husband, are plaintiffs, and Maud Frances Bell and Jas. L. Bell, Jas. Chesley Howell, Henry Edwin Howell and Effie Parmelia Howell, all of which are under the age of twenty one years, except Jas. L. Bell, are defendants it is ordered that one of the Commissioners of this Court take, state and report to the Court the following inquiries and questions;

First. Whether there are any liens on the land in the bill and proceedings mentioned for delinquent taxes or otherwise.

Second. The annual and fee simple value of the land in the bill and proceedings mentioned.

Third. Whether the said land is susceptible to partition in kind, and if not, will any party in interest take the whole and pay to those entitled a fair price for their shares.

Fourth. Any matter deemed pertinent by said Commissioner or by any party in interest, shall be likewise taken, stated and reported to Court.

The undersigned, one of your Commissioners, to whom the papers in ~~this~~ this cause have been referred, begs to report that on the 22nd. day of Aug. 1904, he issued notices directed to all parties, plaintiffs and defendants which were duly executed, as shown by the returns of the Sheriff herewith filed, and from which it appears that your Commissioner fixed upon the 2nd day of Sept. 1904,, at his office to take and state the inquiries heretofore mentioned. Your Commissioner reports that from the evidence adduced before him, which said evidence is herewith filed as a part of this report, he finds no liens on said land for delinquent taxes or otherwise. Your Commissioner further reports that \$30.00 is a fair annual value and \$35000 is a fair fee simple value of the said land.

And your Commissioner begs further to report that Mrs. Mary A. Mathews has bought all the shares except two and she is willing and offers to buy those two shares at the price of fifty dollars per share which is more than the value of the land according to the evidence herewith filed, and he therefore, recommends that the said shares of Maud Frances Bell and the

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IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL DISTRICT VIRGINIA.

Mary A. Matthews, et al.....Complainant.

vs.

Wm. Francis Bell, et al.....Defendants.

The undersigned J. Peter Holland, executor of Wm. S. Holland, deceased, begs to report to the Court that pursuant to a decree entered in this cause on the 5th. day of December 1911, he has paid to Henry Edwin Howell, Sarah Chesley Howell and Effie F. Howell, the sum of \$21.50, which is the amount of \$45.00, with interest from October 3, 1904 to January 3, 1912, each, it being their respective shares in a certain fund, *which* was in the hands of Wm. S. Holland, Special Commissioner in this suit at the time of his death; and he filed herewith vouchers from the said parties for this money.

The undersigned also begs leave to report that he finds among the papers of Wm. S. Holland, deceased, a voucher for \$45.00 from Wm. F. Bell, dated February 5., 1905, this sum having been paid to the said Wm. F. Bell by Wm. S. Holland, Special Commissioner in this suit, as and for her full share in the funds of this suit, as shown by said voucher.

Now, Therefore, the undersigned doth petition and pray that the Court appoint a special commissioner to convey the land in the bill and proceedings mentioned to Mary A. Matthews, and that a decree be entered by the Court showing that there is no further liability on the part of the estate of Wm. S. Holland in this suit and discharging this suit from the docket.

Most respectfully submitted.

J. Peter Holland, Executor of
Wm. S. Holland, deceased.

Maudie Bell
So. hotel and

WILLIAM S. HOLLAND,
ATTORNEY-AT-LAW.

Windsor Va., Feby 3rd 1905 No. 3635

THE FARMERS BANK OF NANSEMOND

SUFFOLK, VA.

Pay to the order of Maude F Bell

\$45 ^{xx}/₁₀₀

Forty five & no/100

Dollars

Your share in land in suit of Maury et. al. Maury et. al.
Maude F Bell et. al. lvs 1/8 of costs returned -
Wm. Hall and

Received this 3rd. day of January, 1912 from
J. Peter Holland, Executor of William S. Holland, deceased,
the sum of **\$21.52**, which is the amount of \$15.00 with interest
from October 3, 1904 to January 3, 1912. This is my one-third
share in full of a certain fund of \$50.00, less \$5.00 for
Court Costs, in the hands of W.S.Holland, Special Commissioner
in the suit of Mary A. Matthews et al v. Maude Frances Bell
et als at the time of his death, said fund being ordered to
be distributed by his said Executor by a decree entered in
this cause on the 5 day of December, 1911.

Henry Edwin Howell

Received this 3rd. day of January, 1912 from
J. Peter Holland, Executor of William S. Holland, deceased,
the sum of \$21.52, which is the amount of \$15.00 with interest
from October 3, 1901 to January 3, 1912. This is my one-third
share in full of a certain fund of \$50.00, less \$5.00 for
Court Costs, in the hands of W.S.Holland, Special Commissioner
in the suit of Mary A. Matthews et al v. Maude Frances Bell
et als at the time of his death, said fund being ordered to
be distributed by his said Executor by a decree entered in
this cause on the 5th day of December, 1911.

James Chesley Howell

Received this 3rd. day of January, 1912 from
J. Peter Holland, Executor of William S. Holland, deceased,
the sum of \$31.53, which is the amount of \$15.00 with interest
from October 3, 1904 to January 3, 1912. This is my one-third
share in full of a certain fund of \$50.00, less \$5.00 for
Court Costs, in the hands of W.S. Holland, Special Commissioner
in the suit of Mary A. Matthews et al v. Maude Frances Bell
et al at the time of his death, said fund being ordered to
be distributed by his said Executor by a decree entered in
this cause on the _____ day of December, 1911.

Effie P. Howell

ISLE OF WIGHT, VA.

July 23

1912

Mr. Hugh Howard, Attorney for Est of Wm. S. Holland

To A. S. JOHNSON,

CLERK OF THE CIRCUIT COURT OF ISLE OF WIGHT, DR.

To Clerk fees Matthews et al
" & Chancery
Dow et al

David

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Mary A. Matthews, et als.

v. IN CHANCERY.

Maude Frances Bell et als.

Report of Hugh L. Holland.

Special Commissioner.

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA:

Mary A. Matthews et al.

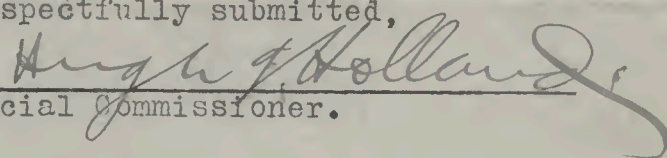
v.

Maude Frances Bell et als.

Report of Hugh L. Holland, Special Commissioner.

The undersigned Special Commissioner, Hugh L. Holland, begs to report that he was appointed as such by this Court by its decree duly entered in this cause on the 3rd. day of June, 1912; that ~~the~~ he was authorized and directed by said decree to convey the two-sevenths interest~~s~~ of Maude Frances Bell, Jas. L. Bell, her husband, James Chesley Howell, Henry Edwin Howell, and Effie P. Howell in and to the land therein described, it being the same mentioned and described throughout the bill and proceedings of this suit; that he has ~~conveyed~~ conveyed the said interest unto the said Mary A. Matthews, with special warranty, by his deed dated on the 20th. day of July, 1912 and duly recorded in the Clerk's Office of the Circuit Court of Isle of Wight County; that J. Peter Holland, Executor of William S. Holland, deceased, has paid the remaining court costs left unpaid by the said William S. Holland at the time of his demise, as directed by said decree and as evidenced ~~by~~ the voucher of the Clerk hereto attached; and that the purpose of this suit has been accomplished and nothing further remains to be done herein.

Most respectfully submitted,


Special Commissioner.

MARY A. MATTHEWS. ET ALS

vs.

BELL ET ALS.

· D E C R E E .

To be entered

JUNE 7th 1902

MARY A..MATHEWS ET ALS. *

VS *

BELL ET ALS. *

*

This cause came on this day to be again heard on the bill of complaint taken for confessed as to the adult defendants, on whom process has been duly served, they still failing to appear, plead, answer or demur; and on the answer of the infant defendants by S. E. EVERETT, their guardian ad litem, duly assigned at rules, with general replication thereto; and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court, to whom the papers in this cause may be referred, take, state and report to Court the following inquiries and accounts.

First. Whether the interest of Jas. C. Howell, Henry Edwin Howell and Effie P. Howell, infant defendants, will be promoted by a sale of the whole tract of land, or by a sale of their shares or interests therein to Mary A. Matthews at a fair price therefor?

Second. Whether there are any liens, for delinquent taxes or otherwise, on the shares of the infant defendants in the said tract of land?

Third. The annual and fee simple value of the interests of the said infant defendants in the said tract of land.

Fourth. Whether or not the shares or interests of the said infant defendants in the said tract of land can be partitioned, or assigned to them in land without injustice to the other parties in interest.

Fifth. Any matter deemed pertinent by the Commissioner, or which any party in interest may require to be so taken, stated and reported to Court.

Mary A. Matthews et als.

vs.

Frances Maud Bell et als.

DECREE.

To be entered

March 7th, 1904.

Robert R. Matthews

Mary A. Matthews et als.)
vs.)
Frances Maud Bell et als.)

This cause came on this day to be heard on the bill of complaint taken for confessed as to the adult defendants, on whom process has been duly served they still failing to appear, plead answer or demur; and on the answer of the infant defendants by their guardian ad litem duly assigned at Rules, with general replication thereto, and was argued by counsel.

On consideration whereof the Court doth adjudge, order and decree that one of the Commissioners of this Court take, state and report to Court the following inquiries and questions;

First. Whether there are any liens on the land in the bill and proceedings mentioned for delinquent taxes or otherwise.

Second. The annual and fee simple value of the land in the bill and proceedings mentioned.

Third. Whether the said land is susceptible to partition in kind, and if not, will any party in interest take the whole and pay to those entitled a fair price for their shares?

Fourth. Any matter deemed pertinent by the said Commissioner or by any party in interest, shall be like wise taken, stated and reported to Court.

Mary A. Mathews, et als. #
vs. #
Bell et als. #
#####

D E C R E E .

October *3rd* 1904.

To be entered.

Robert R. Hunt

Chancery Order

Book #6 page

362.

money to the said special commissioner and he shall execute to her a good and sufficient deed as afore said, but before the said special commissioner shall collect any money under this decree, he shall enter into a bond in the penalty of \$150, before the clerk of this court payable to the Common Wealth of Virginia, with surety by the said clerk deemed sufficient and conditioned for the faithful performance of his duties under this, and all subsequent decrees entered in this cause. And the said special commissioner shall make report to court.

 # Mary A. Mathews, et als. #
 # vs. #
 # Bell et als. #
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This cause came on this day to be again heard on the papers formerly read, on the report of Commissioner Young filed herein on the 21st day of September, 1904, and to which no exception has been filed, and was argued by counsel.

On consideration whereof the court doth adjudge, order, and decree that the said report of Commissioner Young be, and the same is, hereby approved, ratified, and confirmed.

And the court doth further adjudge, order, and decree that Wm. S. Holland, who is hereby appointed a special commissioner for that purpose make, execute and deliver to Mary A. Mathews, wife of John F. Mathews, a good and sufficient deed with special warranty conveying to her the interest of Maud Francis Bell, and James L. Bell her husband, James Chesley Howell, Henry Edwin Howell and Effie P. Howell in and to the tract of land in the bill and proceedings mentioned provided the said Mary A. Mathews shall first pay to the said Maud Francis Bell, or if she be under the age of twenty-one years, to her duly qualified receiver, the sum of \$50, less one eighth of the entire cost of this suit and said sale, and shall pay to the said James Chesley Howell, Henry Edwin Howell and Effie P. Howell or to their duly qualified guardian ^{when he shall} ~~who appears to~~ have qualified by giving a bond with good and sufficient surety a like sum of \$50, less one eighth of the entire taxable cost as aforesaid. The said special commissioner shall not execute and deliver the said deed until the said Mary A. Mathews shall produce to him a proper voucher from said parties or their representatives as afore-said showing that she has paid ^{money and} the cost of this suit. ^{if} In case the said parties are still minors and there is a failure to have a proper receiver or a proper guardian appointed to receive said money, then in that event the said Mary A. Mathews may pay the said

Mary A. Matthews et al.

v.

Maude Frances Bell et als.

DECREE.

1911

Dec. 4.

Entered this,

B. D. W.

C. D. B. #7 Page 94

and it also appearing that the said James Chesley, Henry Edwin, and Effie P. Howell are all over the age of sixteen years, and that they are of sufficient age to use the said fund judiciously, and that they are desirous of having the said fund paid to them direct at this time by the said J. Peter Holland, Executor of William S. Holland, deceased, the Court doth adjudge, order, and decree that the said J. Peter Holland, Executor of William S. Holland, deceased, pay to the three heirs mentioned in the said petitions and mentioned herein, namely, James Chesley, Henry Edwin, and Effie P. Howell, the said sum of Fifty Dollars, less one eighth of the costs of this suit, with interest thereon from the 3rd. day of October, 1904, till paid, and report to Court.

Mary A. Matthews et als.

v.

Maude Frances Bell et. als.

This cause came on this day to be again heard on the papers formerly read, and on the petition of Mary A. Matthews, John F. Matthews, and J. Peter Holland, Executor of William S. Holland, deceased, and on the petition of James Chesley Howell, Henry Edwin Howell, and Effie P. Howell, both of which said petitions being this day filed by leave of Court, and was argued by counsel.

On consideration whereof, it appearing to the Court from the said petitions that William S. Holland, the Special Commissioner heretofore appointed in this cause, conveyed the following described tract of land, to-wit:

" a certain tract of land in Newport Magisterial District, in the County of Isle of Wight, and in the State of Virginia, containing forty-nine acres, more or less, adjoining the lands now or late of Joseph E. Pruden, the estate of Joe Everett, Geo. Crump and others, it being the tract of land devised to the said Willis H. Godwin(who died intestate seized and possessed of this said land and for the partition of which this suit was brought) by his father Willis Godwin,(see Will Book No. 30 page 203) it being a part of a tract of land conveyed to the said Willis Godwin by a deed from C.B.Whitehead(see Deed Book No. 30, page 316). The tract of land conveyed by the said Whitehead contained ninety (90) acres, but the said Willis Godwin conveyed forty-five acres, part thereof, to James Colter by deed duly recorded in the Clerk's Office of Isle of Wight County Court (see Deed Book 40, page 470)."

to Mary A. Matthews, as heretofore ordered, and that he collected from her the sum on One Hundred Dollars, the purchase price of the two outstanding interests in the said land, and that he paid to Maude Frances Bell her portion of said proceeds of sale, and that there remained in his hands the sum of Fifty Dollars, less one-eighth of the costs of this suit, which belongs to the said James Chesley, Henry Edwin, and Effie P. Howell, and that the said Special Commissioner departed this life without having paid the same,

Wm. A. Lathrop.

Wm. A. Lathrop Bell of 1884

Wm. A. Lathrop.

Wm. A. Lathrop

1912

June 3

Enter this

B. L. L.

C.B. 7 - Page 124

Henry Edwin Howell, James Chesley Howell, and Effie E. Howell, and for the conveyance of which this suit was brought, in and to the following described land;

All that certain tract of land situate in Newport Registrarial District in the County of Isle of Wight, ~~and in the State of Virginia~~, containing Forty-Nine Acres, more or less, and bounded by the lands of Jim Coulton, John Pleasant, Robena Whitley, now or formerly A. V. Gray, and Joe Drumpler, it being the land of which Willie H. Gowan died seized and possessed; and that T. Peter Holland, executor, of Wm. E. Holland pay the remaining unpaid cost of this suit on behalf

of Wm. E. Holland, Special Commissioner, and ~~that this suit~~ *said special Commissioner shall report to the Court.*

On consideration whereof, it appearing to the Court that Wm. S. Holland, was appointed Special Commissioner, in this case and ordered to pay over to Mary A. Bell, James Chesley Howell, Henry Edwin Howell, and Effie E. Howell, their respective shares in the purchase price of ~~the land~~ ^{land under these} ~~in the land in the bill~~ ^{and} proceedings mentioned, it further appearing ~~to the Court~~ that the said Wm. S. Holland, Special Commissioner in this suit paid to the said Mary A. Bell her share in full of said fund on the 3rd day of February 1905, and that J. Peter Holland, executor of Wm. S. Holland, deceased, paid to the said Henry Edwin Howell, James Chesley Howell, and Effie E. Howell their respective shares in said fund, on the 2nd day of January 1911, as ~~is~~ directed to do in a decree entered in this case on the 5th day of December 1911, for and in behalf of the said Wm. S. Holland, Special Commissioner as aforesaid; ^{and} ~~it~~ further appearing ~~to the Court~~ that Wm. S. Holland, Special Commissioner as aforesaid, departed this life without ^{executing a will} ~~will~~ for the land in the bill and proceedings mentioned to Mary A. Bell, the purchaser, and that the defendants in this suit have received their shares in full of the said fund: the Court doth adjudge order and decree that Hugh L. Holland do is hereby appointed ~~a~~ Special Commissioner for that purpose do convey to the said Mary A. Bell the two-sevenths interest which is vested in the said Mary A. Bell,

Mary A. Matthews et al.

v. IN CHANCERY.

Maude Frances Bell et als.

DECREE.

Oct 10th
1912

Enter this.
B. D. W.

Copy. page 145

IN THE CIRCUIT COURT OF ISLE OF WIGHT COUNTY, VIRGINIA.

Mary A. Matthews, and John F. Matthews, her husband-----

Complainants.

vs.

Mause Frances Bell, Jas. L. Bell, her husband; James

Chesley Howell, Henry Edwin Howell, and Effie P.

Howell-----

Defendants.

This cause came on this day to be ^{again} heard on
the papers formerly read, and on the report of Hugh

No exception has been taken,
L. Holland, Special Commissioner, this day filed, *and to which*
and was argued by counsel.

On consideration whereof, it appearing to
the Court that Hugh L. Holland, Special Commissioner,
~~has conveyed unto the said Mary A. Matthews, the two-~~
sevenths interest that was vested in ~~the said~~ Maude
Frances Bell, Jas. L. Bell, her husband, James Chesley
Howell, Henry Edwin Howell, and Effie P. Howell, in
and to the following described land:- All that certain
tract of land situate in Newport Magisterial District,
Isle of Wight County, Virginia, containing forty-nine
acres, more or less, and bounded by the lands of Jim Coalter,
John Pleasant, Robens Whitley, now or formerly A.V. Gray,
and Joe Crumpler, it being the land of ^{which} Willis H. Godwin
died seized and possessed; that said conveyance was
pursuant to a decree entered herein on the 3rd. day of June,
1912, and that the balance of the court costs in this suit
has been paid by J. Peter Holland, Executor of William
S. Holland, deceased, as directed by said decree, the Court
doth approve and confirm ~~and ratify~~ the said report
of ~~the said Hugh L. Holland~~, Special Commissioner, and ~~nothing~~
nothing further remaining to be done in this suit, it is
ordered stricken from the docket.

Anna L. Gordon Hale

To { B. & Hale
Mary A. Mathews

A. Copy

the said parties of the first part, will execute such further assurances of the said land as may be requisite.

Witness the following signatures and seals.

Annie L. Godwin	(SEAL).
M. V. Holland,	(SEAL).
James L. Holland,	(SEAL).
Mrs. E. J. Knight,	(SEAL).
James C. Knight,	(SEAL).
John T. Godwin,	(SEAL).
Lu A. Godwin,	(SEAL).
Rosa Lee Godwin,	(SEAL).
J. W. Godwin,	(SEAL).

Virginia, County of Isle of Wight, to-wit:

I, Geo. M. Crumpler, a justice of the Peace in and for the County of Isle of Wight in the State of Virginia, do certify that Anna L. Godwin, Mamie V. Holland, James L. Holland, Emma J. Knight, J. C. Knight, Jno. T. Godwin, Lu A. Godwin, Rosa Lee Godwin and J. Wexley Godwin whose names are signed to the writing ~~xxx~~ hereto annexed, bearing date on the 14th. day of Jan. 1904, came before me in my said County and acknowledged the said writing. Given under my hand this 26th? day of Jan. 1904.

G. M. Crumpler, Justice of the P.

In the Clerk's office of the County Court of the County of Isle of Wight, this 27th. day of January, 1904, at one o'clock P. M. This deed was received and with the certificate annexed, admitted to record.

TESTE: N. F. Young, Clerk.

A Copy,

TESTE:

N. F. Young Clerk.

Annie L. Godwin, et als, X
To. § Bargain and Sale.
Mary A. Mathews, X

This Deed, made this 14th. day of January, 1904, between Anna L. Godwin, widow of Willis H. Godwin deceased, Mamie V. Holland who was Godwin and one of the heirs at law of said Willis Godwin, deceased, and Jas. L. Holland her husband; Emma J. Knight who was Godwin and one of the heirs at law of said Willis Godwin deceased and J. C. Knight her husband; Jno. T. Godwin child and one of the heirs at law of the said Willis Godwin, deceased, and Lee A. Godwin, his wife; Rosa Lee Godwin one of the heirs at law, parties of the first part; and Mary A. Mathews wife of Jno. F. Mathews party of the second part? law.

WITNESSETH: That for and in consideration of three hundred and twenty Five (325) Dollars cash in hand paid as follows; to said widow seventy five dollars, and to each of said heirs at law of the said Willis Godwin deceased fifty Dollars, the said parties of the first part jointly and severally grant with general Warranty unto the said Mary A. Mathews as and for her sole and separate estate the following property to-wit: All that certain tract of land situated in Newport Magisterial District in the County of Isle of Wight, in the State of Virginia, containing ~~for~~ forty nine acres, more or less, and which is bounded by the lands of Jim Coulter, John Pleasant, Robert Whitley, now or formerly A. V. Gray and J.&E. Crumpler, it being the tract of land of which the said Willis Godwin died seized and possessed. The interest hereby conveyed in said land is the dower interest of said widow, and five sevenths undivided interests in the said land subject to the said dower interest conveyed by the said widow.

The said parties of the first jointly and severally covenant that they have the right to convey the said interest in the said land to the said grantee; that they have done act to incumber the said land; that the said grantee shall have quiet possession of the said land, free from all encumbrances, and that they,