

1914-019 Chancery Causes: Mary Virginia Godwin, Mills E. Godwin & Arthur M. Godwin 86
Dele of Wight County vs Alice M. Godwin, Caroline Frances Godwin & William H. Godwin, by vc

Other surnames: Chapman
Stallings, Vellines

^R
Mary Virginia Godwin & al

T. In Chancery

Shirley M. Godwin & al

3rd January ruled
1910

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Case set down for
hearing

Final decree February
26, 1914

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

TO THE HONORABLE B. D. WHITE, JUDGE OF THE CIRCUIT COURT OF
THE COUNTY OF ISLE OF WIGHT:

Mary Virginia Godwin, Mills E. Godwin
and Arthur M. Godwin,.....Plaintiffs.

vs.) In Chancery.

Alice M. Godwin, Caroline Frances Godwin
and William H. Godwin, Infants,.....Defendants.

Humbly complaining, sheweth unto the Court, your orators, Mary Virginia Godwin, Mills E. Godwin and Arthur M. Godwin, that your complainants' father, William H. Godwin, deceased, was in his life time seised and possessed of all that certain tract, piece or parcel of land lying, situate and being in the County of Isle of Wight, State of Virginia, containing by estimation, one hundred and eighteen acres, more or less, lying adjacent to the land of the late John E. Thomas, known as the Whitehouse tract, now owned by A. J. Vellines' children and J. W. Stott and others on Batten's Mill Pond, late Thomas Mill Pond, being the same land of which William W. Chapman died seized and possessed, and which was conveyed to the said W. H. Godwin by deed from J. W. Stallings, which deed is recorded in Deed Book No. 46, page 598. A certified copy of said deed is herewith filed, marked "Exhibit A" and made a part of this bill.

And being so seized and possessed of the said real estate, on _____, the said William H. Godwin departed this life leaving your orators, and the said Alice M. Godwin, Caroline Frances Godwin, William H. Godwin and Gullia B. Godwin, as his only heirs at law;

That since the death of the said William H. Godwin the said Gullia B. Godwin has departed this life and by her last will and testament she devised her interest in the real estate aforesaid to Mills E. Godwin, as will more fully appear from a certified copy of the said will herewith filed marked "Exhibit B"

and made a part of this bill;

That the ages of the infant defendants are as follows, namely, Alice M. Godwin _____ years, Caroline Frances Godwin _____ years, and William H. Godwin _____ years;

And your complainants further state that the real estate can be advantageously partitioned in kind, and if the same cannot be advantageously partitioned in kind, the interests of those who are entitled to the said real estate will be promoted by the sale of the whole of the said real estate;

And your complainants further state that should a partition in kind be found impracticable, that L. L. Vellines has offered to pay the sum of \$1500.00 in cash for the tract of land aforesaid. And your complainants are advised and believe that it would be to the interest of all parties in interest to accept the said offer made by L. L. Vellines.

In tender consideration whereof, and for as much as your complainants are remediless in the premises save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, your complainants pray that the said Alice M. Godwin, Caroline Frances Godwin and William H. Godwin, infants, may be made parties defendant to this bill, and required to answer the same; an answer under oath being hereby expressly waived as by the statute in such cases made and provided; (that a proper guardian ad litem be assigned to the infant defendants to defend their interest in this suit) that proper process issue; that the said real estate be divided in kind, but, if such division cannot be advantageously made, that the whole of the said real estate be sold for a division; that a reasonable fee be allowed your complainants' attorney for his services in this cause; that all proper orders and decrees may be made, and proper inquiries directed, and that all such other further and general relief may be afforded your complainants

as the nature of their case may require, or to equity and
good conscience may seem meet.

And your complainants will ever pray, etc.

M. G. Godwin
A. M. Godwin
Mary Virginia Godwin,
By Counsel

E. H. WILLIAMS
ATTORNEY-AT-LAW
SMITHFIELD, VA.

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

Mary Virginia Godwin, Mills E.
Godwin and Arthur M. Godwin,..... Plaintiffs.

vs.)

Alice M. Godwin, Caroline Frances Godwin
and William H. Godwin, Infants,..... Defendants

The answer of Alice M. Godwin, Caroline Frances Godwin and William H. Godwin, infants under the age of twenty one years, by T. C. Selby, a discreet and competent attorney at law, their guardian ad litem assigned to defend them in this suit, and the answer of the said T. C. Selby guardian ad litem of the said infant defendants, to a bill of complaint exhibited against the said infants by Mary Virginia Godwin, Mills E. Godwin and Arthur M. Godwin, in the Circuit Court of the County of Isle of Wight.

For answer to the said bill the said infant defendants by their guardian ad litem answer and say that being of tender years they do not know what their true interests are in relation to the subject-matter of the said bill, nor do they know whether the statements therein contained are true or not. They confide the protection of their interests therein to the care of the court. And the said guardian ad litem of the said infant defendants for answer to the said bill answers and says that he knows nothing as to the truth or falsity of the statements in the bill contained. He prays full protection for the infant defendants. And now, having fully answered, these defendants pray to be hence dismissed, with their costs, etc.

By, _____
Guardian ad litem.

Guardian ad litem for the said infants

Godwin et al

vs. Subpoena in Chancery

Godwin et al

Returnable to Gregory
rules 1910

I hereby accept
due, legal and
sufficient service
of the within process
J. C. Selby
Guardian ad Litem

VIRGINIA:

TO THE SHERIFF OF THE COUNTY OF ISLE OF WIGHT, GREETING.

We command you that you surron Alice M. Godwin, Caroline Frances Godwin and William H. Godwin, infants under the age of twenty one years, to appear at the clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be holden for the said court on the fifth Monday in January,, 1910, to answer a bill in chancery exhibited against them by Mary Virginia Godwin, Mills E. Godwin and Arthur M. Godwin, and have then and there this writ.

Witness, A. S. Johnson, Clerk of our said Court, at the courthouse, the 24th. day of January, 1910.

 Clerk.

Exhibit 'D'

Isle of Wight County, to-wit:

I, Isaac N. Jones, a Notary Public in and for the county aforesaid and State of Virginia, do certify that James W. Stallings, party to the foregoing deed dated the 10th. day of August, 1882, has acknowledged the same before me in my said county. And I further certify that Susan E. Stallings, the wife of said James W. Stallings, who is also a party to said deed, personally appeared before me in my said County and being examined by me privily and apart from her said husband and having the said deed fully explained to her, the said Susan E. Stallings acknowledged the same to be her act and declared that she had willingly executed the same and that she does not wish to retract it.

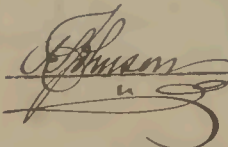
Given under my hand as a notary public aforesaid this 10th. day of August, 1882.

I. N. Jones, N. Public.

In the Clerk's Office of the County Court of Isle of Wight County the 24th. day of August, 1882, this deed from James W. Stallings and wife to William H. Godwin was admitted to record upon the annexed certificate of I. N. Jones, Notary Public.

N. P. Young, Clerk.

A copy,

Teste,  Clerk.

Copy made January 24th. 1910.

James W. Stallings and wife

To) Bargain and sale. D.E. No. 46, page 598.

W. H. Godwin.

THIS DEED, made this 16th day of August, 1882, between James W. Stallings and Susan T. his wife, of the County of Isle of Wight and State of Virginia, of the one part, and William H. Godwin, of the county and state aforesaid, of the other part:

~~WITNESSETH: That the said James W. Stallings and wife for and~~
in consideration of the sum of six hundred and sixty five dollars to them paid, do grant with General Warranty unto the said William H. Godwin the following property, to-wit: All that tract of land lying and being in the county aforesaid being the same tract which was conveyed to the said James W. Stallings by C. B. Hayden, Commissioner in the bankruptcy of William W. Chapman under a decree of the U. S. District Court dated the 12th. day of August, 1882, and containing, by estimation, one hundred and eighteen acres, be the same more or less, ~~lying adjacent to the land of the late John E. Thomas, known as the Whitehouse tract, now owned by A. J.~~

Vellines' children and J. W. Stote and other on Bettens Mill Pond, late Thomas Mill Pond, being the same tract of which William W. Chapman died siezed and possessed and in which his widow, Georgeana R., who after his death, married James S. Carpenter, held dower and which dower right has been conveyed by said Carpenter and wife to said Stallings by deed dated the 11th. day of August, 1882, and being the same tract that was devised by Benjamin Chapman to his wife Elizabeth Chapman and which was conveyed by her to said William W. Chapman by deed duly recorded in Book 40 in said county. The said James W. Stallings and wife covenant that they have a right to convey the said land to the said grantee; that they have done no act to encumber the same, and that they will execute such further assurances as may be requisite for said land.

Witness the following signatures and seals:

James W. Stallings, (SEAL)

Sue E. Stallings, (SEAL)