1869-014

NANSEMOND COUNTY
(SUFFOLK)

RICHARD E. PARKER VS W.H. MATHIAS

1869
CHANCERY CAUSES

Costs

Clerk	10:00
Atto: Stat	15:50
Sheriff	30
Printer	6.25
	32:25

Costs

Clerk	$10.00
Atto: Stacy	15.50
Staff	50
Printer Sun"	1.25
	$32.25

Costs

KNOW ALL MEN BY THESE PRESENTS, That we Richard E. Parker and Thomas Parker.

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA, *in the just and full sum of* Five 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* 22nd *day of* July _____ *in the year one thousand eight hundred and* sixty-eight, *and in the* 93rd *year of the Commonwealth.*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That ~~if the above bound~~ Whereas by a Decree of the Circuit Court of Nansemond County, pronounced on the 21st day of April 1868, in the Cause of Richard E. Parker Complainant against W. H. Mathias a non resident of Virginia, Defendant, it was directed that the Real Estate of the defendant described in the proceedings in the said cause be sold, and out of the proceeds of said sale to pay the debt & the interest thereon and the costs of suit: Now if the said Richard E. Parker shall perform such further orders as may be made in said cause upon the appearance of the said W. H. Mathias, and his making defence, _____ ~~shall faithfully discharge the duties of this said trust~~ then the above obligation to be void, or else to remain in full force and virtue.

Executed in presence of P. B. Prentis

R E Parker SEAL.

Thos Parker SEAL.

SEAL.

SEAL.

SEAL.

Richard E. Parker

To

Board

Commonwealth.

July 22nd: 1868 Executed Filed

VIRGINIA.—At Rules held in the Clerk's Office of the Circuit Court of Nansemond County, on Monday, the 2nd day of March, 1868

Richard E Parker,
Complainant,
In Chancery,
Against
W. H. Mathias, a non resident of Virginia,
Defendant.

The object of this suit, is to recover of the Defendant, Two Hundred and Fifteen Dollars with interest, from the 7th day of July, 1866, subject to a credit of One Hundred and Two Dollars and Sixty Seven Cents, on the 24th day of December, 1867, and to subject his real Estate in the County of Nansemond, to the payment thereof, and the said Defendant, is hereby required to appear in the said Clerk's Office, within one month after due publication hereof, and do what may be necessary to protect his interest.

A Copy—Teste.
PETER B. PRENTIS,
Clerk.

ma6-4t
John R. Kilby, p. q.

Price of adv'g $6.25

I do hereby certify that the annexed notice has been published in the "Christian Sun" once a week for four successive weeks, and that the price charged is according to our regular advertising rates. Given under my hand this 28th day of March 1868.

W. B. Wellons
Ed & Propietor

Richard E. Parker

vs } Certif: of Pub:

Wm H. Mathews &c

1818. March 31st: Filed.
CK:

The Commonwealth of Virginia,

To the Sheriff of Nansemond County---Greeting.

YOU ARE HEREBY COMMANDED TO SUMMON W. H. Mathias, a non resident of Virginia

to appear at the Clerk's Office of our Circuit Court for the County of Nansemond, on the first Monday in March next, 1868 . being rule day, to answer a bill in chancery, exhibited against him by Richard E. Parker

and unless he shall answer the said bill by the next rule day thereafter, the Court will take said bill for confessed, and decree accordingly.

And have then and there this writ. Witness, PETER B. PRENTIS, Clerk of our said Court, at his Office, this 13th day of February 1868 , and in the 92nd year of the Commonwealth.

Peter B. Prentis. Clerk.

☞ The Sheriff will, in his return, note the day on which this process is executed on each Defendant.

4

Memo:

The Sheriff is hereby directed to attach a tract of land in Nansemond County, of about One Hundred acres, adjoining the lands of Alfred Vann, James Kelly, Abram Brinkley and others; belonging to the defendant, W. N. Mathias.

Teste,

Peter B. Prentis. Clerk

Richard E. Parker

Kelly. p. q

Sum'ns in Ch: ff

U. N. Mathias, a non resident of Virginia

To March Rules 1868

Pro: B. No: 1. Aug. 32

a: Co:

By virtue of this Process, I did, on the 15th day of February 1868 attach the land in Nansemond County, belonging to the defendant, W. N. Mathias, of about One Hundred Acres, adjoining the lands of Alfred Vann, James Kelly, Abram Brinkley and others.

Wm Day SH ff

Mr William H. Matthews

1868. **To WM. ELEY, Sheriff of Nansemond Co., Dr.**

To	Capitation Tax, 60 cents		
"	100 Acres of Land, value $ 2.50		7 50
"	Ditto for county		1 8
"	County Levies at $2 50, Parish do., 60 cents		
"	Rev. on personal property, bonds, &c		
"	Do. for county		
"	Clerk's Fees		
"	Commissioner's Fees		
			9 3

Received Payment

Wm Eley

.....*Sheriff.*

Mr. H. Mathias

No 3

Col. Wm. Eley

1868 To "Christian Sun" Suffolk, Va., Dr.

August 14th - To publishing Land sale (W. H. Matthias) 18 lines 4 times - $4.50

Received Payment, Oct. 8th, 1868.

L. J. Whitley

" For "Sun"

E. E. B. Sun Com $2.50

At a Circuit Court, held for Nansemond County.
the 13th. day of October 1868:

Richard E Parker ..... Complainant

against } In Chancery.

W. H. Mathias, a non resident of Virginia Defendant.

This Cause, came on this day to be again heard on the papers formerly read and on the report of sale of Wm. Eley Sheriff and Commissioner, made pursuant to the Decree of the 21st day of April 1868, to which report there is no exception and was argued by Counsel, on Consideration whereof the Court doth Confirm the said report, and doth adjudge order and decree that the plaintiff recover of the Defendant, the sum of Two Hundred and fifteen Dollars with interest from the 8th day of July 1866, and that Wm Eley Sheriff and Commissioner aforesaid receive of the Clerk of this Court, who will deliver the same to him on his leaving a receipt therefor) the bond of Jno P. Johnson, for One Hundred and Sixty Dollars, filed in the Cause, and collect the same and out of the proceeds, pay all Costs and Expenses of this suit, and then pay to the plaintiff the balance that may remain, in part payment of the amount decreed to said plaintiff, and make a Deed to said John P Johnson, the purchaser of the real Estate sold under proceedings had in this Cause with special warranty in the usual form, and make report to Court

Costs
Clk. ... $10.00
Atto Fee .. 15.50
Sheff: .. 50
Printer Sum. 6.25
$32.25

A Copy — Teste,

Peter B. Prentis. Clerk

Xmd

Richard E. Parker

vs

& Co: Decree

W. H. Mathews, a non-
resident of Virginia

To the Circuit Court of Nansemond County:

The Undersigned William Eley, Sheriff of Nansemond County and Commissioner begs leave to report that pursuant to the Decree of the 13th. day of October 1868, made in the Cause of Richard E. Parker, Complainant against W. H. Mathias, a non resident of Virginia, Defendant, he has received of the Clerk of said Court the bond of John P. Johnson and Peter B. Prentis, for $160. filed in said Cause, and has collected and paid out the same, and made a Deed for the Real Estate sold under the proceedings to said John P. Johnson the purchaser thereof, in the usual form with special warranty, as directed by said Decree. The following statement and papers attached will show how the fund arising from said bond has been distributed:

By Bond of John P. Johnson and Peter B. Prentis				$160 00
" Int: on the same from 14th. Septr. 1868 to 1st. May 1869				6 05
Making				$166 05
And which has been paid out to the persons entitled thereto, as follows:				
To Paid Peter B. Prentis, Clerk	per sect.	$ 10	00	
" do John R. Kilby, Attn: &c	do	15	50	
" " Wm. Eley, Shff.	"	"	50	
" " Printer "Sun" for advertising	"	10	75	
" " Wm. H. McGuire, Auctioneer	"	2	50	
" reserved to pay for Deed & Stamps		3	00	
" do do for Taxes due on the land sold	"	"	93	
" " for Comm^s. & 5 pr. Ct. on $166.05		8	30	
" paid Richard E. Parker, the Plaintiff in part payment of the amount decreed to be paid to him		$ 114	57	
		$166	05	$166 05

Respectfully Submitted.

Wm Eley Shff. & Commr.

1869. May 1st Received of William Eley. Sheriff & Commr. the sums respectively due us and set opposite our names, as per within report and Statement.

Peter B. Prentis. Clerk $10.00
John R. Kilby atty $15.50
Wm Eley Sheff " 9.73
John R. Kelly for Printer $6.25
John R. Kelly for Plt. $114.57
Peter B. Prentis (for D.S & Stamps) $3.00
McGuire & Bannister 2.50

Richard E. Parker

Report of Payments &c

U. S. Marshal. a non resident of Virginia

1869. May 26th. Filed. c.k.

At a Circuit Court, held for Nansemond County the 21st day of April 1868.

Richard E. Parker. . . . . Complainant

against } In Chancery

W H. Mathias, a Non resident of Virginia. . . . . Defendant.

This Cause, in which the plaintiff has proceeded against W. H. Mathias in the mode prescribed by law against absent defendants came on to be heard on the Bill, & the Complainant and Exhibit filed with the said Bill and was argued by Counsel: On consideration whereof the Court doth adjudge order and decree that the defendant pay to the said plaintiff, the sum of Two hundred and fifteen dollars, with interest from the 7th day of July 1866 till paid and the costs of this suit, and that unless the said Debt interest and costs be paid by the said defendant to the said plaintiff in sixty days from this day, that then and in that case Wm Eley Sheriff of the County of Nansemond proceed to sell before the Court House door of said County on some court day, the Lands of the said defendant attached under proceedings had in this cause, to wit: a tract of land in Nansemond County of about one Hundred acres adjoining the lands of Alfred Vann James Kelly, Abram Brantley and others, having first given Notice of such sale, by notice posted at the Court House door of Nansemond County on some Court day, and at various places in the Neighborhood

of the premises, and also once a week, for four successive weeks in the "Christian Sun" a Newspaper published at Suffolk. The sale to be made on six months credit with interest from date, the purchaser to give bond and good security, and the title to said land to be withheld 'till this Court make order of Court, and make report to Court, and it appearing that the said defendant has not appeared or been served with a copy of the attachment in this case, sixty days previous to this day. Therefore it is ordered that no sale shall be made under this decree 'till the said Richard E Parker, or some one for him shall have given bond with sufficient security in the penalty of Five Hundred dollars with condition to perform such further order as may be made on the appearance of the said defendant and making defence, the said bond to be taken by and before the Clerk of this Court in his office, and be made payable to the Commonwealth of Virginia

A Copy;
Teste,

Peter B. Prentis. Clerk

Costs.

Clk. $10.00
Atto: & Tax 15.50
Shff: ... 50
Printer 1 6.25
$32.25

Rich'd E. Parker
vs
W. H. Mallory's.

To The Circuit Court of Nansemond County:

The Undersigned respectfully reports to Court, that pursuant to the annexed Decree of the Circuit Court of Nansemond County, pronounced on the 21st: day of April 1868. in the cause therein pending, wherein Richard E. Parker is Complainant, and W. H. Mathias, a non-resident of Virginia, is Defendant, he proceeded to advertise the tract of land referred to in said Decree, in the manner therein directed, and did, on Monday, the 14th: day of September 1868 (being Court day) sell the same, at Auction, on the terms named in said Decree, when John P. Johnson became the purchaser thereof at the price of One Hundred and Sixty Dollars for which I took his bond with Peter B. Prentis security, dated this day and payable six months after date with interest from date — and which said bond is herewith returned.

Respectfully submitted

1868. Septr: 14th. Wm Eley Sheriff

of Nansemond County

Richard E. Parker

vs } Report of Sale

W. H. Mathews, a non-
resident of Virginia

1868. Sept. 15th. Filed.
clk.

Nansemond County, to wit.

I, Richard E. Parker of Nansemond County Virginia, being duly sworn do declare that W. H. Mathias, is indebted to him the sum of two hundred and fifteen dollars with interest from the 7th day of July, 1866, subject to a credit of one hundred and two dollars and sixty seven cents on 24th Oct 1867 - That the said debts is a just one, and that there is present cause of action thereof. and that the Defendant resides in the State of South Carolina, & is a non resident of Virginia, and that the said W. H. Mathias, has estate in Nansemond County Virginia, in which County suit has just been brought on said claim, to wit. a tract of land of about one hundred acres, adjoining the lands of Alfred Vann, Jane Kelly, Abram Brinkley and others -

That this affidavit is made to obtain an attachment according to law.

R. E. Parker

Sworn to before me in my Office. Feby: 13th 1868.
Peter B. Prentis. Clerk

Richard E. Parker

vs. Affidavit

W. St. Matthews, a non
resident of Virginia

July: 13th 1868 Made & filed
clk.

Parker v. Mathias

This cause came on this day to be again heard on the papers formerly read and on the Report of the Elec Staff. & Commissioners, made pursuant to the decree of 13th Octo. 1868 — to which report there is no exception — and was argued by Counsel. On consideration whereof the Court doth confirm the said Report and doth adjudge, order and decree that the proceedings had in this cause be Confirmed, & that the cause be removed from the Docket.

Parker

v

Mathias

1869

Ch. Ct.

Final decree

To be Entered

E. P. Pitts

Parker &c

v

Matthias &c

This cause came on this day to be again heard on the papers formerly read & the report of sale of Wm Eley, Sheriff & Commissioner made pursuant to the decree of the 21st day of April 1868 - to which report there is no exception, and was argued by Counsel: On Consideration whereof the Court doth Confirm the said report and doth adjudge, order & decree that the plaintiff recover of the defendant the sum of $215. with Int. from the 8th day of July 1865 & paid that Wm Eley, Sheff. & Com. apply and receive of the Clerk of this Court (who will deliver the same to him on his leaving a receipt therefor) the Bond of Jno. P. Johnson for $160. filed in the cause and collect the same; and out of the proceeds pay all costs & expenses of this suit, and then pay to the plaintiff, the Balance that may remain, in part payment of the amount decreed to said plaintiff, and make a deed to said John P. Johnson, the purchaser of the real estate sold, under proceedings had in this cause, with special warranty in the usual form, & make report to Court.

Parker

v.

Matchin &c

1868

Oct. Court. Decree

To be Entered

R. H. Baker

Entd

Parker

vs.

Matthias

This cause, in which the plaintiff has proceeded, in the mode prescribed by Law against Wm H. Matthias absent Defendants, ~~[illegible]~~, came on to be heard on the bill of the Complainant, and exhibit filed with the said Bill, and was argued by Counsel. On consideration whereof the Court doth adjudge, order and decree that ~~[illegible]~~ the defendant pay to the said plaintiff the sum of $215., with interest from the 7th day of July 1866, the paid and the costs of this suit; and that unless the said Debt, Interest & costs be paid by the said Defendant to the said Plaintiff in sixty days from this day, that then and in that case Wm H. Eby Sheriff of the County of Jefferson, proceed to sell before the Court house door of said County on some Court day, the Land of the said Defendant, attached under proceedings had in this cause, to wit. a tract of Land in Jefferson County, of about one hundred acres, adjoining the Lands of Alfred Vann,

James Kelly, Abram Brinkley and others, having first given notice of such sale by notice posted at the Court house door of Accomack County on some Court day, and at various places ~~near~~ the neighborhood of the premises and also once a week for four successive weeks in the "Christian Sun" a newspaper published at Suffolk - the sale to be made on six months credit with Interest from date, the purchaser to give bond and good security & the title to said land to be withheld till the further order of Court - and make report to Court. and it appearing that the said defendants has not appeared or been served with a copy of the attachment in this case sixty days previous to this day, therefore it is ordered that no sale shall be made under this decree till the said Rich? E. Parker, or someone for him, shall have given Bond with sufficient security, in the penalty of $500. with condition to perform such future order as may be made on the appearance of the said defendant and making defence; the said bond to be taken by and before the Clerk of this Court in his office & made payable to the Commonwealth of Virginia.

R. E. Parker

v.

W. H. Matthews

1868

April Ct. Decree

To be entered

R. H. Baker

Entered

$215.00

One day after date I promise to pay to R E Parker or order the just and full sum of two hundred and fifteen dollars, for value received as witness my hand and seal this the 7th day of July 1866

Wm H. Mathews

Seal

Rec'd One hundred and two dol-
-lars and sixty seven cents
in part of the within note
Dec 24th 1867

W. H. Martin's
Note
$215.00/100

363

(87)

To the Hon: Richard H. Baker, Judge of the Circuit Court of Nansemond County.

Complaining shew unto the Court your Complainant R. E. Parker of the County of Nansemond.

Your Complainant respectfully represents to the Court and says, That one W. H. Mathias, who is a non resident of Virginia, is justly indebted to your Complainant, the sum of Two hundred and fifteen dollars, due by Bond dated the 7th day of July 1866 and payable one day after date - which Bond is filed herewith as part of this Bill marked (A.) and on which is a credit of $102.67 on 24th Dec'r. 1867 -

Your Complainant says, That his said demand is just, and that he has present cause of action therefor, and that said W. H. Mathias is a non resident of Virginia and has estate in Nansemond County, Virginia, where this suit is pending, to wit. a Tract of Land in said County, State of Virginia, containing by estimation One Hundred (100) acres, more or less, and adjoining the Lands of Abram Brinkley and others -

Your Complainant charges that the

said Land is liable to be sold to pay his said demand, and he prays that such sale may be made and for that purpose —

In Consideration whereof, and for as much as this Court can grant due proper relief, To the End your Complainant prays That the said W. H. Mathias may be made Defendant hereto, and be compelled to answer the allegations herein, and that the said Land may be sold & the proceeds applied to the payment of your Complainants' demands. & that such other and further relief may be granted, as may be consistent with Equity &.

John R. Kilby
P. Q.

Kilby p. C

Rich^d. E. Parker

vs Z Bice

W. H. Matthews

Nans^d. Cir. Ct.

Parker
vs
Watkins

S. Chy: Notes

1868. Feby: 13th Affidavit &c, filed & Summ: in Chy: with Attachment issd

" March 2d Bill &c filed.

" " " Or: Pub: awarded 4 weeks

" " 31st Certif: of Pub: filed

" April 6th Or: Pub: having been published 4 weeks according to Rule no: appear: cause set for hearing on motn: of Pltffs: Counsel

" 21st Decree for Sale & (July 2d) Bond & Security filed

" Septr: 15th Report of sale filed. Octo: 13th Decree Confirm: & Deed ord

1869. April: 21st continued (May 26th) Report filed (& payments) (Octr. 11) Final Decree

Chy: Notes