

1882-003
Nansemond Co. (Suffolk)

Chancery Causes: Edward W. Savage vs Matilda A. Weatherly et al

Harre II

Edward W. Savage

15 } Chy. Notes

Matilda A. Weatherly Hal

1881. Nov: 12th: High: awarded Bill L

" " 14th: ^{But rejected} Sand in Chy. joined to ~~Adm.~~ Rules, 1881

" Dec: 3rd: Socia. Hist. & doffs

1882. Jan: 2nd: Decm. was Cupid & cause set for hearing
on mo. of Puff's Counsel

Chy: Notes

the statements of fact made in the foregoing Bill, so far as made of his own knowledge are true, and so far as made from knowledge or information derived from others he believes them to be true.

Given under my hand this 12. day of November 1881.

Robert D. Prentiss.
Commissioner in Chancery.

Injunction is awarded in accordance with the prayer of the Bill to enjoin, prohibit and restrain the defendant Matilda A. Weatherly, her agents, and all other persons from cutting any more timber upon the real estate devised to her for life ~~from~~ by the will of Washington Weatherly deceased, and from committing any waste or damage upon the said real estate permissive or otherwise, until the further order of the Circuit Court of Hansemond County. But this order is not to be executed until the Complainant or some one for him shall have executed before the Clerk of the Circuit Court of Hansemond County a proper Injunction Bond in the penalty of \$200 - with good personal security.

Wm. R. Riddick.
Judge C. C. of Hansemond.

Withers Prentiss. p. 9.

Edward W. Savage

Bill

Matilda A. Weatherly -

In the Circuit Court of Hanson and Co.
Edward W. Savage

vs.

} In Chancery: -

Matilda A. Weatherly et al:

Your complainant Edward W. Savage, respectfully represents, That Washington Weatherly departed this life in 1874, leaving a will a copy of which is herewith filed marked "A" that the said Washington Weatherly the great uncle of your complainant left two sisters, one Matilda A. Weatherly the other Margaret Harrell the wife of Oliver Harrell, and no children - That the exhibit filed herewith marked "A" gone to Edward W. Savage in fee simple the farm on which he the said Washington Weatherly lived with in life right to his sister Matilda A. Weatherly, that your complainant took possession of the property named in the will and paid off the doctors and undertakers bill, and the small amount he owed in the way of store accounts, amounting in all to some one hundred dollars, that the said Matilda A. Weatherly has been living upon the said property and receiving all the rents & profits of the same

from the date of the death of the said
Washington Weatherly up to the present
time, that the said will also gave to
the said Edward Weatherly all of his
Chattel Estate subject to a charge of
ten Dollars for the benefit of the sister
of the said testator Margaret Harrell &
a life right to his sister Matilda A.
Weatherly. Your complainant rep-
resents and says that the said Matilda
A. ^{Weatherly} ~~Harrell~~ the life tenant under the
will is having cut from the said
lands ship timber & is selling the same
for her own benefit and advantage and
at great sacrifice, to the great damage
of your complainant the fee simple
owner of the property aforesaid. That
your complainant is advised and
so states that he has no objection
& that Matilda A. Weatherly has
the right to cut off a sufficient
amount of timber to make all necessa-
ry repairs to the property, but that
by reason of her present course
the lands are much damaged and
that your complainant when he
comes into the possession of the
same will find them utterly worth

less, thereby defeating the object & intention of the testator and working a great hardship to your complainant. That the rents and profits are amply sufficient to support her indeed more than sufficient as John Wilson Darden and his family consisting of a wife and four children are the present tenants and they make a support out of the farm. That Matilda A. Weatherly is an old lady at least sixty five years old her tastes and wants are simple and few and she has never suffered nor shall she suffer for the comforts of life. But your complainant is poor and desires to protect his rights in the property left him by his uncle as a means of support for himself & family. And your complainant prays that Matilda A. Weatherly and John W. Harrell be made parties defendant to this bill and required to answer the same upon their corporal oath. - And that the said Matilda A. Weatherly her agents & all others may be enjoined & restrained by the injunction of this honorable Court from cutting any more timber

upon the said land, devised to him
in fee by his uncles will, unless the
same be applied to repairing or im-
proving the said reversionary right
of your complainant, and from
permitting any further waste or
spoil on or to the said premises or any part
thereof: That a writ of injunction may
be issued & that such other further and gener-
al relief may be granted your orator as the
nature of his case may require or to equity
may seem right. And your orator further
specially prays that the timber already
cut by W. H. White may be sold to the best
advantage and so much of the proceeds
as may be necessary applied to make
any needed repairs to the buildings upon
the said premises & the balance be turned
over to your orator. May it please the
Court to grant your orators prayer
And your orator will ever pray &c.

Edward W. Savage

State of Virginia,

County of Hansemond, to wit:

This day Edward W. Savage personally
appeared before me and made oath that

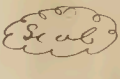
I Washington Weatherly a citizen of Hansman
County and state of Virginia, being sick of
body but of sound mind and judgment, do make
and ordain this as my last will and testament
in manner and form as follows:

~~1st~~. After the payment of all my just debts
and funeral expenses I give to my beloved
sister Matilda A. Weatherly, all my estate both
real and personal during her natural life,
and after her death I give the same to my
nephew Edward W. Savage to him and to his
heirs forever, if however the said Edward W.
Savage should die without a lawful heir, I
give the aforesaid property to the heirs of
~~John~~ W. Harrell to them and to their heirs
forever.

2nd. I give to beloved sister Margaret
Harrell, Ten dollars to her and to her heirs
forever.

Lastly. it is my request that at my death that
the said Edward W. Savage shall take possession
of the aforesaid property and use the same for
the benefit and interest of my sister Matilda
A. Weatherly during her life, or so much of
the same as shall be necessary for her comfort
and support and the excess he shall use for his
own benefit.

Given under my hand and seal this 13th day
of August 1874

Witnessed before being sealed, & Washington Weatherly 
Signed Sealed and acknowledged

in Presence of
A. H. Jones
J. M. Jones

Virginia.

In the County Court of Vanseman
September 14. 1874,

The Last Will and Testament of W.
Weatherly deceased was this produced in Court
proved by the oaths of A. H. Jones and J. M.
Jones the two subscribing witnesses thereto
and ordered to be recorded.

Teste:

W. E. Leohon clm

A Copy

Teste: W. E. Leohon clm

Washington Weatherly's

Will

"A"

(com)

Filed with Bill of
Edw H. Savago -

N. 3
Matilda A. Weatherly -

Edward W. Savage
vs. J. M. Chey
Matilda a Weekly sal

This cause came
on this day, and it appearing to
the Court that all matters in con-
troversy having been satisfactorily
adjusted, and all matters in
dispute, being settled, It is ordered
that after the plaintiff pay the
costs of this suit, that the cause
be stricken from the docket.

Edmund Selinger

Walter A. Witherington

To be entered
Apr. 10th 1882.

Geo. Blow.

A. Winters
R.R. Printer
atty for P.C.

Entered Order Book No 1
page 822

1 Know all men by these presents, that we, Edward W. Savage and Simon
2 Savage, are held and firmly bound unto the Commonwealth of Virginia, in
3 the sum of Two hundred (200) dollars, to the payment whereof well and
4 truly to be made to the said Commonwealth, we bind ourselves and
5 each of us, our and each of our heirs, executors and adminis-
6 trators, jointly and severally, firmly, by these presents. Sealed
7 with our seals and dated this 14th. day of November, AD,
8 1881, and in the 106th. year of the Commonwealth. And we
9 hereby waive our Homestead Exemption, as to this obligation.

10 The Condition of the above obligation is such, that Whereas
11 The said Edward W. Savage on his Bill in Chancery against Matilda
12 A. Weatherly and John W. Handl, in the Circuit Court of Nausemound
13 County, has obtained an Injunction from the Honorable Nathaniel
14 Riddick, Judge of the County Court of Nausemound County, to enjoin pro-
15 hibit and restrain the defendant, Matilda A. Weatherly, her agents and
16 all other persons, from cutting any more timber upon the Real Estate devised
17 to her for life, by the Will of Washington Weatherly, deceased, and from committing
18 any waste or damage upon the said Real Estate, permissive or otherwise, until
19 the further order of the said Circuit Court of Nausemound County:

20 And Whereas, it is provided by the order of the said Judge of the said County Court,
21 who awarded the said Injunction, that the Complainant or some one for him,
22 shall enter into and acknowledge a bond with good security before
23 the Clerk of the Circuit Court of Nausemound County in the
24 penalty of Two Hundred (200) dollars:

25 Now therefore, if the said Edward W. Savage shall
26 pay all costs as may be awarded against him
27 and all damages which may be incurred
28 in case the said Injunction be dissolved,
29 then, this obligation to be void, otherwise to
30 remain in full force and virtue.

31 Witnesses

Edward W. Savage (Seal)
Simon Savage (Seal)

Edward W. Savage
In & Injun: Bond
Commonwealth.

Nov. 14th 1881 Executed, acknowledged
Filed

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Matilda A. Weatherly and*
John W. Howell,

to appear at the Clerk's Office of the Circuit Court of Nansemond County, at the Rules to be
held for the said Court, on the first Monday in *December* next to answer a
Bill in Chancery, exhibited against *Them,*
in the said Court by *Edward W. Savage,*

and have then and there this Summons. Witness. PETER B. PRENTIS, Clerk of our said
Court, at his office, this *14th* day of *November* 1881, in the *106th*
year of the Commonwealth.

Teste:

Peter B. Prentis Clerk.

Memo:

To enjoin, prohibit and restrain the defendant, Matilda A. Weatherly, her agents and all other persons, from cutting any more timber upon the Real Estate devised to her for life, by the Will of Washington Weatherly, deceased, and from committing any Waste or Damage upon the said Real Estate permissive or otherwise, until the further order of the Circuit Court of Nausemond County.

Teste:
Peter B. Prentiss, Clerk

Withers Prentiss 49

Edward W. Savage

vs { Sum. in Chy. de

Matilda A. Weatherly Ad.

To Decr. Rules, 1881

Pro. B. No. 1. page

Cur. Co.

Exhibit a copy of the within delivered to Matilda A. Weatherly, and John W. Haines
J. D. Frighum Siff
Nov 17th 1881