

1894-002

Nansemond Co. (Suffolk)

Chancery Causes: Sarah E. Matthews & husband vs Viola Vashti Matthews, infant

Burns, Godwin, Cox, Crittenden, Phillips

# **VALUABLE LAND FOR SALE!**

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By virtue of a decree of the Circuit Court of Nansemond county, pronounced on the 13th day of April, 1887, in the chancery cause of Matthews et als. vs. Matthews, I shall sell at public auction, before the Courthouse door of this county,

**On Monday, May 9th, 1887,**

the following Real Estate, to wit: A small piece of Land, supposed to contain one acre, more or less, in Barrett's Neck, Nansemond county, Va., and adjoining the lands of William T. Matthews, and on the north by the road leading by Ebenezer Church to H. L. Gray's store, it being the land belonging to Sarah E. Matthews and Viola Vashti Matthews jointly, and which they came into possession of by deed made by A. S. Darden, trustee, James E. Godwin and Margaret A. Godwin, dated November 23, 1878.

For terms of sale apply to the undersigned.

**R. H. RAWLES,**

**Special Commissioner.**

Rec'd of R H. Rawles Special Commissioner  
Five dollars for selling land in the  
course of Malheur vs Malheur. \$5.00

R H. Brinkley  
Clerk.

Suffolk, Va.,

188

Mr R. H. Rawls atty

To Suffolk Herald, Dr.

Fine Job Work a Specialty.

TRANSIENT ADVERTISEMENTS and  
SUBSCRIPTIONS Payable in Ad-  
vance.

Annual Advertisers Required  
to Settle Quarterly.

JOB WORK, CASH ON DELIVERY.

1887

Apr 15 To Printing 50 papers of Sam  
of Matthews Lane

Received Payment J. E. Booker

\$125-  
 57  
 \$176.

Recd of R. H. Rawls special  
 Commissioner, one hundred  
 and seventy six dollars, being  
 one hundred and twenty five  
 dollars principal and  
 fifty one dollar interest, said  
 balance being the whole and  
 entire account due to me in  
 the Chancery suit of Sarah E.  
 Mathews et al vs Viola Vashli  
 Mathews pending in the Circuit  
 Court of Nassau County for  
 the sale of a certain tract  
 of land mentioned in the  
 bill in said cause.  
 Feb 28<sup>th</sup> 1894.

Viola Vashli <sup>for</sup> Burns  
 who was formerly Viola Vashli Mathews  
 W. B. ~~Mathews~~  
 atty  
 Minn Briggs.

Receipt.

---

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON *Viola Vastti Matthews,*  
*an infant,*

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 *March (1887)* next, to answer a

Bill in Chancery, exhibited against her

in the said Court by *Sarah E. Matthews and Henry J.*

*Matthews, her husband,*

and have then and there this summons.

Witness, PETER B. PRENTIS, Clerk of our said Court, at his office, this *1st* day of  
*March* 1887, in the 11<sup>th</sup> year of the Commonwealth.

Teste:

*Peter B. Prentis* Clerk.

Rawles. p. 9  
Sarah E. Matthews and  
Henry J. Matthews, her husband

$\frac{4}{20} \sum$  Sum<sup>4</sup> in Chy:

Viola Vaskti Matthews, an  
infant

To March Rules, 1887

**Know All Men by These Presents,** That we, *R. H. Rawles*  
and *Richard H. Matthews*

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full  
sum of *Five hundred (500)* 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 \_\_\_\_\_ day of \_\_\_\_\_  
in the year one thousand eight hundred and eighty \_\_\_\_\_, and in the  
year of the Commonwealth. The obligors herein hereby waive all benefit of the homestead exemp-  
tion as to the obligation of this bond, and also waive any claim, right or privilege to discharge any  
liability arising under said bond in any currency, funds, counter claims or offsets other than legal tender  
currency of the United States. Sealed with our seals and dated this 9th day of May in the  
year one thousand eight hundred and eighty-seven, and in the 11th year of the Commonwealth.

THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bound  
*R. H. Rawles*

was, by a Decree of \_\_\_\_\_  
who ~~has~~ this day qualified before the *Circuit* Court of Nansemond County,  
pronounced on the 13th day of April 1887, in the Chancery Cause of *Sarah E. Matthews*  
*Matthews* and *Henry D. Matthews*, her husband, Plaintiffs, against, *Vida Vasth*  
*Matthews*, an infant Defendant, appointed a Special Commissioner, to sell  
certain Real Estate, in said Cause described, shall faithfully discharge his  
duties as such Commissioner under said Decree or any other decree  
he may be required to execute, in said Cause

shall faithfully discharge the duties of his said trust, then the above obligation to be void, or else to  
remain in full force and virtue.

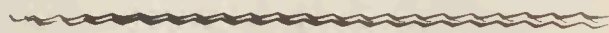
Executed in presence }  
of the Court.  
*Peter B. Smith, Clerk*

*R. H. Rawles*  
*R. H. Matthews*  
*made*



R. H. Rawles, Spl.  
Comm<sup>tr</sup>

To  $\Sigma$  Bond  
Commwealth.



May 9th: 1887  
Exchd & Filed

# VALUABLE LAND FOR SALE!

By virtue of a decree of the Circuit Court of Nansemond county, pronounced on the 13th day of April, 1887, in the chancery cause of Matthews et als. vs. Matthews, I shall sell at public auction, before the Courthouse door of this county,

**On Monday, May 9th, 1887,**

the following Real Estate, to wit: A small piece of Land, supposed to contain one acre, more or less, in Barrett's Neck, Nansemond county, Va., and adjoining the lands of William T. Matthews, and on the north by the road leading by Ebenezer Church to H. L. Gray's store, it being the land belonging to Sarah E. Matthews and Viola Vashti Matthews jointly, and which they came into possession of by deed made by A. S. Darden, trustee, James E. Godwin and Margaret A. Godwin, dated November 23, 1878.

For terms of sale apply to the undersigned.

**R. H. RAWLES,**

**Special Commissioner.**

I, Peter B. Prentiss clerk of the Circuit Court of Nansemond County do hereby certify that the bond required of special Commissioner R. H. Rawles in the above cause has been duly given. Given under my hand this  
9th day of May 1887.

Peter B. Prentiss Clerk.



Virginia:

At Rules in the Clerk's Office of The Circuit  
Court of Nausseman County, on Monday, the  
7th day of March, 1887

Sarah E. Matthews and Henry Matthews,  
her husband. . . . . Complainants

against  $\Sigma$  In Chancery  
Viola Vashti Matthews, an infant. . . Defendant

On the motion of the Complainants by Counsel, Peter  
B. Prentiss is appointed guardian ad litem to the Defendant;  
<sup>in this suit.</sup> and it is ordered, that the said guardian be notified of  
his appointment, by serving upon him, a copy of this  
order.

Teste:

Peter B. Prentiss. Clerk

1887. March 7th: I hereby acknowledge due and sufficient  
service of the foregoing order, and that I have received a  
copy thereof.

Peter B. Prentiss.  
Gd. ad litem

Sarah E. Matthews and  
Henry Matthews, her husband

Order, affixing your ad  
dresses

Viola Vashti Matthews, an  
infant.

To the Hon. C. W. Hill Judge of  
the Circuit Court of Nausemick  
County;

The undersigned special Commissioner  
in the Chancery Cause of Sarah E. Mat-  
thews et al. vs Viola Worth Matthews  
appointed to sell the land in the  
proceedings mentioned begs leave  
to submit the following account  
of his transactions;

After complying in all respects  
with the terms of the decree of sale  
I sold at public auction the  
said land to Sarah E. Matthews  
the plaintiff, who was owner of  
one half interest of said land,  
on the 9<sup>th</sup> day of May 1887. for  
the sum of three hundred dollars:  
she paid in cash \$50. to pay the  
expenses of the suit and sale and  
reserved her half of the remain-  
der, and gave her note for \$125<sup>00</sup>/<sub>100</sub>  
the other half of said purchase  
money, secured by deed of trust  
on said land, so that the  
account now stands as follows;

|                         |                |
|-------------------------|----------------|
| Sold land for           | \$300.00       |
| Paid costs as follows:- |                |
| Commission on sale      | \$15.00        |
| Writing deed            | 5.00           |
| Atty tax fee            | 15.00          |
| Auctioneer              | 5.00           |
| Clerk's costs           | 10.00          |
|                         | <u>\$50.00</u> |
|                         | \$250.00       |

|                                                                                                 |                 |
|-------------------------------------------------------------------------------------------------|-----------------|
| Amount received by the purchaser<br>Sarah E. Matthews, she being one<br>half owner of said land | \$125.00        |
|                                                                                                 | <u>\$125.00</u> |
| Took note for the other half                                                                    | <u>125.00</u>   |

On Feb. 28<sup>th</sup> 1894 the note and interest on same amounted to \$176.<sup>00</sup>/<sub>100</sub> which was due to Viola Vankki Matthews, she being the other half owner of said land, and she being also the daughter of the plaintiffs, Sarah E. Matthews and R. H. Matthews; she having become of age and having married Ernest Burns, and she having stated her willingness to accept the said land as payment of her debt in full payment, I have assigned the same to her, and herewith file her receipt. I have made a deed

to the purchaser, paid all the costs,  
and closed the case. The land sold  
for a good price and I respectfully  
ask that the sale be confirmed  
and also the making of the deed  
to the said purchaser.  
All of which is respectfully submitted.

R. H. Rawls Special  
Counsel.

Report of Sale,  
making of deed  
and distribution.

Whereas I, W<sup>m</sup> M. Reid, bid off  
at public auction the Matthews land  
which was sold at the Court house  
door on the      day of  
1887 and whereas I have been and  
am still wholly ~~and~~ unable to  
comply with my contract made by  
said bid, now therefore, I do hereby  
waive said bid and fully renounce  
and waive and surrender all rights  
whatever under or by virtue of said  
bid. Dec 7<sup>th</sup> 1887.

W. M. Reid      r

Wm M. Reil's wain  
of bid.

To the Hon. C. W. Still, Judge of the  
Circuit Court of Hancock County:-

The undersigned a Commissioner of this  
Court, begs leave to submit the following  
report in the case of Matthews vs Matthews  
which was referred to him in some other  
Commissioner by a decree of April 12<sup>th</sup> 1887;  
that he has acquainted himself <sup>with the facts</sup> in the case  
and that from the depositions of Dr. G. S.  
Phillips, Capt. J. H. Crittenden and Jno. T.  
Cox, all creditable witnesses, which he herewith  
files as a part of his report, ~~but~~ as well  
as from other facts coming to his knowledge  
from outsiders, he has no hesitation in  
reporting that the land in the Bill and  
proceedings mentioned is not capable of a  
division in kind among the parties entitled  
there being only one acre of <sup>land</sup> ~~land~~  
there, and that the interest of the infant  
and all other parties would be much promoted  
as a much better price could be obtained at this time,  
by a sale of the land, which your com-  
missioner respectfully recommends,  
all of which is respectfully submitted.

C. H. Leasurey, Comm<sup>r</sup>.

Matthews vs Matthews  
"

Report of Commissioner

This land was sold to the Plaintiff  
 Sarah E. Matthews for \$300.00  
 She paid the atty fee and costs of suit in cash 50.00  
 Leaving for distribution \$ 250.00  
 Of which she was entitled to and  
 reserved one half 125.00  
 and gave her note for the other half \$ 125.00  
 Secured by trust deed see D.B. No. 19, p. 472.  
 She afterwards sold this land to W.T. Matthews,  
 but he bought it subject to the lien of  
 the said deed of trust.

R.H. Rawles.

Maithew vi Maithew.

Note of explanation.

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# ACADEMY OF MUSIC !

## SUFFOLK.

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The management take unusual pleasure in announcing that they  
have secured for

### ONE PERFORMANCE ONLY,

H. C. Minor's Grand Spectacular Melodrama,

# ZITKA !



# ZITKA !

Which has been pronounced by the entire press of Richmond and  
Norfolk to be the grandest production ever seen in the south.

---

## Friday Evening, Nov. 25th.

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All of the Special Scenery, Costumes and Ap-  
pointments used in the original Great New  
York Production will be presented  
on this occasion.

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|                 |   |   |           |
|-----------------|---|---|-----------|
| ADMISSION,      | - | - | 50 CENTS. |
| Reserved Seats, | - | - | 75 Cents. |

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For terms of sale apply to the undersigned.

**R. H. RAWLES,**

**Special Commissioner.**

Sarah E. Mautens et al.

vs

Viola Vorhti Mautens.

On motion of the plaintiffs  
this cause is dismissed at their cost  
and ordered to be removed from the  
docket.

Matthews vs Matthews.

Oct. 13 1893.

To be entered.

C. M. J.

Entered in Chancery  
Order Book  
No. 2. Page 520.

Commissioner C. H. Conway, in pursuance of the decree entered herein with 12<sup>th</sup> of April, 1880, to which no exception is taken, that it  
shall be to the interest of the parties, both infant and  
adult to have the land sold and the proceeds divided  
among the parties entitled thereto; the land being indivisible  
in kind

It is ordered that so much of the decree entered in this  
cause on the 12<sup>th</sup> of April as declared the bill taken for  
confessed as to the defendant be set aside, and <sup>the</sup> decree  
be amended by inserting after the word ~~and~~  
the words "and upon the answer of the infant defendant  
by her guardian ad litem" and

Matthews vs Matthews

This cause coming on this day to be heard  
upon the Bill and exhibits filed by the  
Complainants, <sup>and upon the answer of the said guardian ad litem</sup> as well as upon the testimony  
of witnesses in the presence of the guardian  
ad litem and was argued by counsel.  
~~And the defendant failing to plead answer  
or demand, the Bill is taken for confessed  
and it further appearing from the testimony in the cause that the land  
in the bill mentioned cannot be equitably  
divided between the joint owners without  
sacrifice of all interests concerned and  
the Court being of opinion that a sale  
and division of the proceeds is the best  
step to be taken in the premises, doth order  
adjudge and decree that R. H. Rawles who  
is hereby appointed a special Commissioner  
for that purpose, shall after having advertised  
the time terms and place of such sale for  
twenty days by public notices posted in at  
least twenty public places and at the Court  
house door of this county, shall proceed to  
sell at public auction before the Court house  
door of this county on some Court day the  
land in the Bill and proceedings mentioned  
to the highest bidder on the following terms~~

to wit, one half cash and the balance in  
six and twelve months, equal installments,  
reserved payments to be secured by good  
notes with good personal endorser, but  
with the option to the purchaser after sale  
to pay the whole of the purchase money  
in cash if he so desire in which  
event the Commissioner shall make to  
the purchaser a deed with the usual  
covenants of title in such cases. And  
the said Commissioner shall make full  
report of all his transactions under this  
decree to this Court. But the said  
Commissioner is not to act hereunder  
until he shall have given bond in  
the clerk's office of Hanscom County  
approved by the Clerk of this Court  
in the penalty of \$500 - conditioned  
according to Law.

Mathews is Mathews

None for sale.

Enter

Apr 13 1887.

P. M. M. M.

For the 12th of 126

Matthews et al vs Matthews: { In Chancery

This cause came on this day to be heard upon the bill and exhibits filed by the complainants and was argued by counsel. And the defendant failing to plead answer or demur the bill is taken for confessed, on consideration whereof the Court doth order adjudge and decree that one of the Commissioners of this Court shall be directed to make report to Court whether the land in the Bill mentioned is divisible in kind among the parties entitled thereto, or whether the interests of all parties would be better promoted by a sale of the said land, and to report such other facts as he may deem necessary in this cause.

mauteur et mauteur

Decree for Commissioner  
to report.

Enter this Apr 12 1887.

C. Noble

Enter ORB No 5/125

~~KATY [illegible]~~

ATTORNEY AT LAW AND NOTARY PUBLIC,  
SUFFOLK, VA.

She has promised to  
take her father, note in  
free willament,  
Rauley



R. H. Rauley  
Atty at Law  
Suffolk Va.



Feb 20<sup>th</sup> 1874.

Cheswite County Va

Mr R H Rawles

Dear Sir

I recieved your letter the other day but it had  
been at the office near a month before  
I recieved it as I was away on a visit  
and my husband will be in Norfolk next  
week to see you about it.

I am so I told you when I was  
at your office willing to sign the note but I being  
not yet twenty one cannot do it.

I told my husband who you told  
me to tell him but he said he would not like  
to have anything to do with it  
and why not let it stand just as it is untill  
I am twenty one and then I can sign it  
I would not like for it to cause my father any  
trouble or bother either my mother is surprised  
to hear of it again for she thought it was all  
settled if the weather is any way agreeable  
I am next week in Norfolk next week and talk  
with you about it.

Yours Truly.

W. W. Burnse.

you spoke of sending the sheep down  
I do not see any need of that none is not losing  
any thing by its standing just as it is till I  
am wiser we are willing to compromise it  
any way that is fair and right

The Depositions of Jno. T. Cox and others  
taken before me in my Office in  
Suffolk, Nansemond County Virginia  
on the day of \_\_\_\_\_ 1887 to  
be read as evidence on behalf of the  
plaintiff in the Cause of Sarah E.  
Mathews and Henry Mathews her husband  
vs Viola V. Mathews now pending in  
the Circuit Court of Nansemond  
County after due and sufficient notice.  
Present Peter B. Prentiss Guardian ad  
litem of Viola V. Mathews an infant.  
R. H. Rawles. Attorney for all parties.

John. T. Cox being duly sworn deposes  
and saith as follows:-

What is your name age residence  
occupation &c?

John T. Cox, Age 28, residence Suffolk Va.  
was formerly Deputy Sheriff of this County  
for a long term but am now a clerk  
at the Kindling Wood Factory.

Are you acquainted with the land in  
the bill and proceedings mentioned?

Yes. I am well acquainted with it.

State whether or not it is capable of  
a division in kind between two parties  
having reference to quantity and quality?

I feel quite sure that it is not.

It is located in such a manner, and there being but one acre of it, in my opinion any attempt to divide it would have a great tendency to lessen the value of both parts, if not really to destroy the whole value. The interests of all parties would certainly be best promoted by a sale of the whole acre and a division of the proceeds.

And further this Deponent saith not,  
J. T. Cox

Dr. S. D. Phillips being duly sworn  
Capt. Jas. H. Crittenden being duly sworn  
deposes or saith as follows:-

- 1 What is your name age and do you know the parties to the suit, and where do you now reside and where formerly?  
A Jas. H. Crittenden, age 57, I know all the parties, I now live in Suffolk, but for about thirty years I lived ~~near~~ in Barrets neck about two miles from this land.
- 2 Are you familiar with the land in the Bill mentioned?  
A I am
- 3 State whether you consider it capable of a division in kind between two parties or

that the interest of the parties would be promoted?

A I do not. I think it would be best to sell the land and divide the money as it runs down in a variety so as to make it difficult to divide in kind. And further this defendant saith not.

J. H. Conittenden

Dr. E. S. Phillips being duly sworn deposes and saith as follows:-

1 What is your name age residence occupation and do you know the parties to this suit?

A Physician, E. S. Phillips, Suffolk Va, age 56 I know the parties.

2 Where did you formerly reside?

A I resided in Chatham for twenty five years

3 Are you well acquainted with the land in the Bill and proceedings mentioned?

A Yes Sir. I am.

4 What is your opinion as to its capability of being divided in kind between two persons?

A It is too small - there is not enough of it it would injure the total value to cut it up - it would without doubt be better to sell the whole and divide the proceeds

The interest of all parties would be best  
promoted by sale of the ~~whole~~ whole tract  
And further this document can't not,

E. D. Phillips

Depositing  
Matthews  $\frac{1}{4}$  Matthews

**This Deed,** Made the 25<sup>th</sup> day  
of January one thousand eight hundred and Eighty Eight  
between R. H. Matthews and Sarah E. Matthews his wife and  
Sarah E. Matthews as feme sole  
his wife, of the county of Nansemond  
and State of Virginia, of the one part, and M. Jones

chosen as trustee for the purposes herein named, of the other part.

WITNESSETH: That the said R. H. Matthews, Sarah E. Matthews his wife  
and Sarah E. Matthews as feme sole his wife, do grant, with general  
warranty, unto the said M. Jones

trustee as aforesaid, the following property, to-wit: All that tract, piece or parcel of land situated,  
lying and being in the County of Nansemond in the State of  
Virginia, and bounded and described as follows:

a certain tract of land supposed to contain  
one acre more or less in Barrett's Neck and  
adjoining the lands of Wm J. Matthews, and  
on the North by the road leading by Ebenezer  
Church to H. L. Gray's stone, it being the same  
land formerly belonging to Sarah E. Matthews  
and Viola Voshli Matthews, and which was this  
day conveyed to Sarah E. Matthews as feme sole  
by R. H. Rawley, special Commissioner, and  
this deed is to secure a part of the purchase  
money

together with all and singular the appurtenances belonging to the same.

In trust, to secure to R. H. Rawles special Commissioner of the County of Nansemond in the State of Virginia the payment of the sum of one Hundred and twenty five (\$125) dollars evidenced by a note of even date with this deed made by R. H. Matthews and Sarah E. Matthews as joint and several payee on demand

and it is covenanted and agreed between the parties aforesaid, that in case of a sale the same shall be made after first advertising the time, place and terms thereof for ten days, and upon such terms as the said Trustee shall direct, and after paying the expenses of executing this trust, if then unpaid, including a commission of five per cent to the said Trustee, then to discharge the amount of money, principal and interest, then due and unpaid of the said debt; and the residue, if any, pay as the law directs. It is also covenanted and agreed this Deed of Trust shall secure any note given in renewal or curtail of the aforementioned. note.

The said party of the first part covenants to pay all taxes, assessments, dues and charges upon the said property so long as he or his heirs shall hold the same, and to keep the said property insured for a reasonable amount for the benefit of the said Commissioner

In case a deed of release is given it shall be at the cost of the said party of the first part. In all other respects this Deed shall be executed according to the law governing trust sales.

Witness the following signatures and seals:

Witness

Peter D. Prentiss

R. H. Matthews  
Sarah E. Matthews  
Sarah E. Matthews as female  
Seal  
Seal  
Seal

State of Virginia,

To wit:

County of Nansemond,

I, R. H. Rawles

a Notary Public

in and for the county aforesaid,

in the State of Virginia, do certify that Sarah E. Matthews the wife of R. H. Matthews whose names are signed to the writing above, bearing date the 25<sup>th</sup> day of January 1888, personally appeared before me in the county aforesaid, and being duly examined by me privily and apart from her husband, and having the writing aforesaid fully explained to her, she the said Sarah E. Matthews acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under my hand this 25<sup>th</sup> day of January eighteen hundred and Eighty Eight. R. H. Rawles Notary Public.

Virginia:

To wit:

County of Nansemond,

I, R. H. Rawles

a Notary Public in and for

the said county, in the State of Virginia, do certify that R. H. Matthews and Sarah E. Matthews as joint and several whose name is signed to the writing above, bearing date the 25<sup>th</sup> day of January 1888, have acknowledged the same before me in the county aforesaid.

Given under my hand this 25<sup>th</sup> day of January 1888. R. H. Rawles Notary Public.

In the Clerk's Office of Nansemond County Court, the 26<sup>th</sup> day of January, 1888. This Deed of Trust was presented with the certificates annexed and admitted to record.

Teste: Peter D. Prentiss, Clerk

**DEED OF TRUST.**

R. H. Matthews et al

**TO**

M. Jones Trustee  
for

R. H. Rawles Special  
Commissioner.

1888.

Jan'y. 26th. Presented in The  
Clerk's Office with the Certifi-  
cates annexed LAR

1893 March 29th

Examined, verified  
and Delivered

A. P. Gomer, C.

Recorded D.B. No. 19. P. 472.

Day Recdg. fee paid . . . \$ .75  
Clerk

Sarah E. Matthews et al.

<sup>vs</sup>  
Vida Vorhies Matthews. } In chancery,

This cause came on this day to be again heard on the papers formerly read and on the report of R. H. Rawls, special Commissioner, filed twenty days before the first day of this term of the Court, and was argued by Counsel, there being no exception to said report, and it showing that the land in the bill mentioned had been sold for a good price, that the money had all been properly collected the debts all paid and the balance properly distributed among those entitled to the same, the Court took on consideration, confirm said report together with the sale and making the deed to the persons, and it appearing that nothing further remains to be done in this cause the Court doth order adjudge and decree that the same be removed from the docket.

Matthews vs Matthews

Final Decree

April 10 1894.

To be entered,

CMSH -

Entered in Chancery  
Order Book  
No. 2. Page 537.

Sarah E. Matthews and Henry Matthews, Complainants,  
her husband

against  $\sum$  In Chancery  
Viola Vaskti Matthews, an infant. Defendant.

The answer of Viola Vaskti Matthews, an infant  
under twenty-one years of age, by Peter B. Prentiss, her  
guardian ad litem to the Bill of Complaint exhibited  
against her in the Circuit Court of Nassau County  
County by Sarah E. Matthews and Henry Matthews, her  
husband

This Respondent, answers and says, that so far as she  
knows, the allegations and statements contained in the Bill  
of Complaint, may be true, but, that, being an infant  
and ignorant of her rights and interests in the  
premises, she submits the same to the keeping of the  
Court, and prays that no order or decree may be made  
herein inconsistent with her rights.

(Signed)

Peter B. Prentiss,  
Guardian ad litem

Sarah E. Matthews and  
Henry Matthews, her husband

to } answer

Viola Vashti Matthews,  
an infant

# This Deed,

made the 23rd day of November

in the year of our Lord, one thousand eight hundred and seventy-eight (1878) between  
Algernon S. Darden, Trustee for Margaret Adaline Godwin, wife of James  
E. Godwin, and the said James E. Godwin and Margaret Adaline, his wife  
of the county of Nansemond and State of Virginia, of the one part, and  
Sarah E. Matthews and Viola Vashti Matthews, daughter of said Sarah E.  
Matthews of the same place  
of the other part, witnesseth: That the said Grantors

in consideration of the sum of Thirty - Five (35) Dollars  
do grant with general warranty, unto the said Sarah E. Matthews and Viola Vashti  
Matthews and to their heirs and assigns, forever, the following real estate, to wit:  
a small piece of land supposed to contain One (1) acre, more  
or less, situated, lying and being in Barrett's Neck, Nansemond  
County aforesaid, and adjoining the lands of Wm. J. Matthews  
on the North, by the lands of the said grantors on the other  
sides, and the road leading by Ebenezer Church, to N. L.  
Gray's store - (The land hereby sold being a part of the  
land, on the South side of the road above mentioned, con-  
veyed by Deed of the 30th Sept 1869 & of record the same  
day, from Charles C. Glover & Rosa, his wife, to said Algernon  
S. Darden, Trustee, as aforesaid)

together with all and singular the appurtenances belonging to the same.

And the said Grantors

covenant that they have the right to convey the said land to the grantee: that the said grantee shall have  
quiet possession of said land: that they have done no act to encumber the said land: and that they will exe-  
cute such further assurances of the said land as may be requisite.

Witness the following signatures and seals:

Witnesses:

✓ A. S. Darden, Trustee  
✓ James E. Godwin  
✓ Margaret A. Godwin  
James E. Godwin



IN THE CLERK'S OFFICE of Nansemond County Court, the

18

This Deed

day of

was

presented and acknowledged by

to be act and Deed. And the said

being examined

by me, privily and apart from

husband, and having said Deed fully explained to

acknowledged that

had willingly executed the same and wished not to retract it. Whereupon

said Deed

is admitted to record.

Teste,

Clerk.

State of Virginia

Nausemound County, to wit {

I, Peter B. Prentiss, a Commissioner in Chancery, for the Circuit Court for the County of Nausemound, in the State of Virginia, do certify, that A. S. Darden, Trustee and James E. Godwin, whose names are signed to the within writing, bearing date the 23rd day of November, 1878 have, severally, acknowledged the same before me, in the County aforesaid.

And I do further certify, that Margaret A. Godwin, the wife of said James E. Godwin, whose name is also signed to said writing, bearing date as aforesaid, personally appeared before me, in the County aforesaid, and being duly examined by me, privily and apart from her husband, and having the writing aforesaid fully explained to her, she, the said Margaret A. Godwin acknowledged the said writing to be her act, and declared that she had willingly executed the same, and does not wish to retract it.

Given under my hand, this 30th day of November, A.D., 1878.

Peter B. Prentiss.  
Commr. in Chy.

XmD

Algermon S. Darden, Trustee.

del.

Deed

Sarah E. Matthews del.

1881

April 22nd. Received in the  
Clerk's Office, certified, & W.R.

Received Deed Book  
No 9 page 274

Any decy: fee paid . . . \$2.50  
Clerk

In the Clerk's Office of Nausemound County Court, the 22nd day of April, 1881.

This Deed was received, and with the Certificate annexed, admitted to record.

Teste:

Peter B. Prentiss. Clerk

To the Hon. C. W. Hill Judge of the  
Circuit Court of the County of  
Nauvumud.

Humbly Complaining sheweth unto your  
Honor, your orators Sarah E. Matthews  
and Henry Matthews her husband  
the following case:-

That your oratrix Sarah E. Matthews is  
a joint tenant with her daughter  
Viola Varkti Matthews in and to a  
certain piece of land supposed to  
contain one acre situated in Barrets  
neck Nauvumud County Virginia, ad-  
joining the lands of Wm. T. Matthews and  
others, all of which appears by the original  
deed herewith filed marked "A" and  
proposed to be taken as a part of this  
bill, and to which deed reference is hereby  
made for better and description of the said  
land. That the land was conveyed to them  
by said deed, by A. S. Darden Trustee for  
Margaret Adeline Godwin, and by James  
E. Godwin and Margaret A. Godwin his  
wife, on the 23<sup>rd</sup> day of November 1878.  
That the daughter Viola V. Matthews is an  
infant, and that in case of her death before  
arriving at the age of twenty one, her heir at  
law would be her father the said Henry Matthews

on determine her mother the said Sarah E.  
Matthews.

Now your oration further states that the  
said real estate is ~~not~~ <sup>to</sup> sus-  
ceptible of partition amongst the parties  
entitled thereto, ~~but if it be not, then~~  
your oration desires the same to be  
sold and the proceeds distributed  
amongst the parties in proportion to  
their respective interest therein.

In tender consideration whereof and  
forasmuch as your oration is remediless  
in the premises save by the aid of  
a Court of equity when matters of this  
kind are alone and properly cog-  
nizable, your orator prays that Viola  
Violetta Matthews be made party defendant-  
to this bill, that a proper guardian  
ad litem be assigned her to defend her  
interest in this suit: that the said  
real estate be divided <sup>if possible</sup> between the  
parties aforementioned entitled thereto and  
your oration prays allowed her:  
and in case the said real estate  
be indivisible in kind, that the same  
be exposed to sale and the proceeds  
thereof be distributed among the parties  
entitled thereto: that proper process

may issue and that such other  
further and general relief may  
be afforded your orator as the nature  
of her case may require or to equity  
shall seem meet. And your orator  
will ever pray &c

R.A. Rawles P.D.

I, R.A. Rawles, a Notary Public for the State  
of County of Nansemond in the State of  
Virginia do hereby certify Henry Matthews  
and Sarah E. Matthews this day personally  
appeared before me and made oath that the  
allegations of the foregoing bill are true  
Given under my hand this      day of  
1887

R.A. Rawles N.A.

Rawls P. L.

Mauchens  $\frac{11}{11}$  Mauchens

Bill

With tax paid.

Sarah J. Matthews and Henry J. Matthews  
her husband

vs Chy: Hous -

Viola Violet Matthews, an infant

1887. March 1st: Sumner Chy: vs to March Rules, 1887

" " 7th: Bill & exhibit filed.

" " " Peter B. Prentiss appointed guardian and receiver to the  
defendant, who filed for our case, to which  
there was a plea: & cause set for  
hearing on mo: w Pltff's Counsel

Chy. Notes