

1896-005 Chancery Causes Petition of R. S. Thomas & al, trustees of Christ Church, Smithfield
Dale of Wight County

other surnames, [Christ Church,
Smithfield], Day, Jordan, Hart,
Chalmers, Andrews, Todd, Goodrich,
Morrison, Lawson, [Christ
Protestant Episcopal Church,
Smithfield, Virginia], [Christ
Church of the Protestant Episcopal
Church]

At a meeting of the Vestry of Christ Church
Newport Parish held at the residence of J. P.
Andrews on Decr. 27/98 the following resolution
was offered and adopted

Whereas the congregation of Christ Church-
Smithfield of the Parish of Newport and of the
Diocese of Southern Virginia are engaged in
rebuilding their Church and are greatly in need
of funds to complete the work now in progress,
and to refurnish the said Church: And whereas
the said congregation own a Rectory Lot on
which there is no lien or encumbrance of
any kind, and they can borrow the requisite
money, by placing a Deed of Trust on the same, to
secure the repayment of the money to the lender;
whereas it is the wish of the congregation of
the said Christ Church of Smithfield, that
the sum of Sixteen Hundred Dollars should
be borrowed to secure a small floating debt,
to complete the work now in progress on the Church
and to refurnish the said Church -

Therefore be it resolved -

That it is the sense, wish, and judgment
of the said congregation of Christ Church-
Smithfield, of the Parish of Newport and of
the Diocese of Southern Virginia, that
R. S. Thomas, C. F. Day, E. M. Morrison, J. H.
Jordan, and O. R. Chalmers the Trustees of
the said Church, holding the Title of the said
Rectory Lot, borrow the aforesaid sum of
Sixteen Hundred Dollars to complete the
rebuilding of the Church now in progress.

to refurnish the said Church, and to
~~to~~ secure a small floating debt due by the
aforesaid congregation of Christ Church
Smithfield, and that they be authorized to
secure the payment of the same to the lender,
by placing a deed of trust on the aforesaid
Rectory Lot.

Resolved ^{2nd} That a copy of this
resolution duly signed by the Rector and
Register be furnished to the aforesaid
Trustees as showing the wishes and requests
of the aforesaid congregation of Christ
Church Smithfield

J. G. Scott
Rector

J. C. Goodrich
Register

Exhibit "C"

R. S. Thomas &
als. ^{Importers} Exporters

Filed 14. Dec,
1895.

J. D. Jordan, E. M. Morrison, C. C. Chalmers,
A. R. Chalmers and Jno. W. Lanson, of even
date herewith, payable five years after
date, with interest from the first day of
January, 1893, grant and convey with
general warranty unto R. S. Thomas, C. F.
Day, E. M. Morrison, J. D. Jordan and A. R.
Chalmers, trustees as aforesaid of the
Congregation of Christ Church, Smithfield
Virginia, of the parish of Newport of
the Diocese of Virginia under the
aforesaid decree of the said Circuit
Court of Isle of Wight County, of April
20th, 1892, as aforesaid, all of that certain
piece and parcel of land aforesaid
which beginning at the northeast
corner of the lot of J. D. Cooper, runs in
a straight line thence seventy feet
towards the brick dwelling commonly
called the Grove House, and from
thence in a straight line in a west-
erly direction about (184) one hundred
and eighty four feet to the line of the
property of Irene Hayden as aforesaid,
and thence down and along this line
in a southerly direction seventy feet
to the lot of J. W. Mitchell, thence in an
easterly direction along this Mitchell
line to the lot of J. D. Cooper, thence in

the same easterly direction along this
J. D. Caper line, to the point of beginning.

The said J. Q. Thomas and Martha W.
Thomas covenant that they have the
right to convey the said land to the
said trustees, that they have done
no act to encumber the said land,
that the said trustees shall have
quiet possession of the said land
free from all incumbrances, and that
they the said parties of the first part
will execute such further assurances
of the said land as may be requisite.

And the said J. Q. Thomas covenants
and agrees that he will open up Pierce
Street from its present termination to
the aforesaid brick dwelling, commonly
called the Grove House, so the lot of
land herein conveyed shall front on
this said extension of the said
Pierce Street. Witness the following
signatures and seals, this 10th day of
August, A. D., 1892:

J. Q. Thomas *Seal*
M. W. Thomas *Seal*

Virginia

Isle of Wight County, to-wit:

I, A. S. Banitt a Notary-public in and
for the County of Isle of Wight do
certify that J. O. Thomas and M. W. Thomas,
whose names are signed to the writing
above, bearing date the 10th day of
August, 1892, have acknowledged the
same before me in my County aforesaid
Given under my hand, 29th day of
August, A. D., 1892.

A. S. Banitt
Notary Public.

In the Clerk's Office of the County Court
of Isle of Wight County, Sept. 26th, 1892,
this deed was received and with the
certificate annexed, admitted to record.

Teste - H. P. Young, Clk -
by H. F. Young, Deputy.

A copy.

Teste, H. P. Young Clk.

Thomas at al
Freeston
400. 3 Mc Cleys
Cyphra

Exbt "D" filed with
the petition.
—

Whereas that certain house and lot on Main Street in the town of Smithfield opposite to the hotel now called Broom Hotel which since 1873 has been known as the Rectory of Christ Church of the Protestant Episcopal Church of the Diocese of Virginia, of the parish of Newport in the town of Smithfield, was on the 23^d day of August, 1873 conveyed by C. B. Hayden and M. M. R. Todd to John R. Purdie, James Thomas, C. F. Wrenn and R. S. Thomas, vestry men of the aforesaid Christ Church, Smithfield, in trust, for the congregation of the said Church and for a residence for the minister of said Church as will be seen by their deed of that date duly recorded in the Clerk's office of the County Court of Isle of Wight County in Deed Book 43, page 46, to which reference is here and now made; and whereas M. F. Jordan and others did in 1891, bring a suit in Chancery in the Circuit Court of Isle of Wight County against John R. Purdie and R. S. Thomas, surviving trustees to sell the said property and to invest the same in another house and lot under the terms of the said deed of August 23^d 1873, and whereas the said Circuit Court of Isle of Wight, did

at its term October 1891, order and directed
M. F. Jordan as special Commissioner to
make sale of the said house and lot
on the premises in the town of Smithfield
on the terms and conditions mentioned in
the decree for sale; and whereas he, the
said M. F. Jordan did as such special
Commissioner after having first complied
with the terms and conditions of the
decree of sale, make sale of the aforesaid
Rectory Lot at public auction on the prem-
ises, on the 28th day of November, 1891, to
James P. Andrews the highest bidder, at
and for the sum of Two Thousand and
Ten Dollars, and make report of the
sale the said Court at its April term
A. D., 1892. And whereas the said
Circuit Court of Isle of Wight County
in the said suit aforesaid did upon
the 20th of April, 1892, confirm the sale
and order the investment of the proceeds
of sale in another house and lot for the
use and benefit of the congregation of the
said Christ Church of Smithfield of the
Protestant Episcopal Church of the
Diocese of Virginia aforesaid and as
and for a Rectory, or residence of the
minister of that Church and congregation.

And whereas, R. S. Thomas, G. F. Day, E. M. Morrison, J. D. Jordan and A. R. Chalmers were upon the request of the Vestry of the said Christ Church of Smithfield appointed trustees by the decree of the said Court at its April term as aforesaid, to hold any other house and lot that might be bought with the aforesaid proceeds of sale, for the use and benefit of the said Congregation of Christ Church in the town of Smithfield and as and for a Rectory or residence for the minister of that Church and to invest the said proceeds of sale in a house and lot for the said Congregation and minister as aforesaid, under the said deed and trust of the aforesaid deed of Hayden and Todd, of August 23^d, 1873, And whereas the Vestry of the said Christ Church of Smithfield have bought of J. A. Thomas, a part and parcel of his Grove Property which beginning at the north east corner of the lot of J. D. Coffin, runs in a straight line seventy feet towards the Grove House, and from thence in a straight line in a westerly direction about (184) one hundred and eighty four feet, to the line of the property now belonging

to Irene Hayden, lately known as the
C. B. Hayden line, thence down and
along this Irene Hayden line in a
southerly direction seventy feet, to the
lot of J. W. Mitchell, thence in an
easterly direction along this Mitchell
line to the property of J. D. Ceper,
thence in an easterly direction along
this Ceper line to the point of begin-
ning, and desire the same to be
conveyed to the said R. S. Thomas, C.
F. Day, E. M. Morrison, J. D. Jordan, and
A. R. Chalmers trustees as aforesaid.

Now therefore, this Deed, made this 10th
day of August, A. D., 1892, by and between
J. A. Thomas and Martha W. his wife, of
the town of Smithfield and County of
Isle of Wight and State of Virginia
parties of the first part and R. S. Thomas,
C. F. Day, E. M. Morrison, J. D. Jordan and
A. R. Chalmers trustees as aforesaid of
the congregation of Christ Church of
the town of Smithfield as aforesaid, of
the second part. Witnesseth: that the
said J. A. Thomas and Martha W. his
wife do for and in consideration of the
sum of Four Hundred Dollars due by
the bond of V. Wynn, M. F. Jordan,

In the Circuit Court of the County
of Isle of Wight the 20th day of April
1892.

Jl. J. Jordan et als.

Plffs.

vs. J. D. Day;

Jno. R. Purdie & R. S. Thomas,

Surviving trustees, &c.

Defrs.

Abstract from a decree rendered
in the above styled suit in the
circuit court aforesaid on the day
and year above written. To wit:
"And it further appearing to the
court that James Thomas and R. S.
Thomas have departed this life,
and that the vestry of the said
Church have, by a resolution and
request in regular meeting, asked
that R. S. Thomas, C. F. Day, E. M. Mor-
rison, J. D. Jordan and A. R. Chalmer
be appointed trustees to hold any
other lot that may be bought with
the above mentioned proceeds for
the use and benefit of the Congrega-
tion of Christ Church of the Protestant
Episcopal Church of the Diocese
of Virginia of the Parish of Newport
in the town of Smithfield as a Recto-
ry for a minister of that Church,
the court doth adjudge, order and
decree that the said R. S. Thomas,
C. F. Day, E. M. Morrison, J. D. Jordan
and A. R. Chalmer be appointed

trustees as aforesaid, And that
as such Trustees they received the aforesaid
sum of \$2010.00 with interest
thereon, from the said M. J. Jordan
special Commissioner as aforesaid,
and invest the same in another house
and lot in this town, as Trustees
for the use and benefit of the Congregation
of said Christ Church in
Santhfield as a rectory or residence
for a minister for the said Church
and congregation."

Test,

A. P. Youngy clk
)

R. W. Stearns et
al. vs. M. J. Jordan
~~vs.~~ Dr. Clay.
Exhonor

Exh. A. filed
with petition.

IN VACATION: Circuit Court of Isle of Wight County, on the 14th. day of December 1895.

In the matter of the Petition of R. S. Thomas and others, Trustees of Christ Protestant Episcopal Church, Smithfield, Virginia, for leave to borrow money and encumber property.

This day came R. S. Thomas, C. F. Day, E. M. Morrison, J. D. Jordan and A. R. Chalmers, Trustees for the congregation of Christ Church, Smithfield, and filed their petition under section 1406 of the Code of Virginia, asking leave to borrow ~~money~~ the sum of sixteen hundred dollars, and secure the same by deed of trust; accompanied by the resolution of the vestry signed by the rector and register of the congregation, and the affidavits of R. S. Thomas, E. M. Morrison, J. D. Jordan, E. M. Todd, M. F. Jordan, J. P. Andrews, John W. Lawson, J. C. Goodrich and A. R. Chalmers showing that it is the wish of the said congregation that the prayer of the petition be granted.

On consideration whereof, evidence being produced that it is the wish of the said congregation to encumber the property described in the petition, therefore it is adjudged, ordered and decreed that the prayer of the petition be granted, and the said Trustees are hereby authorised and empowered to encumber by deed of trust, all that certain piece or parcel of land lying and being in the town of Smithfield, or immediately adjacent to its corporate limits which beginning at the North East corner of the lot of J. D. Cofer runs thence in a straight line seventy feet towards the dwelling of J. O. Thomas called The Grove House, thence in a straight line Westwardly one hundred and eighty four feet to the line of the property of Irene Hayden, thence along the said Hayden line in a Southerly direction seventy feet to the line of J. W. Mitchell, thence Easterly along the line of said J. W. Mitchell to the line of J. D. Cofer, thence in the same Easterly direction along this

line of J. D. Cofer to the beginning ; to secure the sum of
Sixteen Hundred Dollars and interest, to such person or per-
sons as may be willing to make such loan, and on such terms
as may be agreed upon.

Robert R. Minter

To the Clerk of the Circuit

Court of Isle of Wight County.

Thomas and
export

Entered Dec. 14, 1895.
Robert J. Huntis.

Received and
entered Jan. 14.
1896.

Teste,
A. O. Young & Co

County of Lake Michigan, Town of

State of Illinois

as may be required upon.

sons as may be willing to make such loan, and on such terms
sixteen hundred dollars and interest, to each person or per-
line of J. D. Collier, to the beginning; to secure the sum of

To the Hon Robt-R. Prentiss

Judge of the Circuit-Court of the County
of Isle of Wight in Chancery sitting

Your Petitioners R. S. Thomas, C. F. Day
E. M. Morrison J. D. Jordan and A. R.
Chalmers most-respectfully represent-
and state

That they were duly appointed trustees for
the congregation of Christ-Church, Smith-
field of the parish of Newport and of the
then Diocese of Virginia as well appear
by a copy of the order of the Circuit Court-
of Isle of Wight herewith filed marked
"A" and prayed to be taken as a part-
of this Petition

That as such trustees there was con-
veyed to them by J. D. Thomas and wife
on the 10th of August-1892 all of that
certain piece and parcel of land lying and
being in the town of Smithfield, or immedi-
ately adjacent to its corporate limits which
beginning at the North East corner of the
lot of J. D. Bogan thence in a straight-
line (70) seventy feet towards the dwell-
ing of the said J. D. Thomas called the
Grove House, thence in a straight line
Westwardly (184) One Hundred and Eighty

from foot to the line of the property of the
late C. B. Hayden, and the property of
his daughter Gene Hayden, thence along
the said Hayden line in a southerly direc-
-tion (70) seventy feet to the line of J.
W. Mitchell, thence easterly along the
line of the said J. W. Mitchell to the
line of J. D. Cofer thence ~~also~~ in the
same easterly direction along the line
of J. D. Cofer to the beginning "as
will be seen by a copy of the said deed
herewith filed as Exhibit "B" and prayed
to be taken as a part of this petition.

That the aforesaid congregation
of Christ Church Smithfield is, and
for some months past, have been engaged
in making such extensive repairs and
improvements on their church that
it may be reasonably said they are prac-
-tically rebuilding it.

That it will have to be entire-
-ly refurnished in every particular.

That to complete the work
now in progress, and to refurnish the
said church, the said congregation
is greatly in need of money.

That they can borrow the
sum of (\$1600.00) Sixteen Hundred dol-

1
-Lans from W. N. Hart- and N. L. Hart- which
is needed to ~~subsidize~~ complete the rebuilding
and refurnishing of the church and to pro-
vide for a small floating debt- due by the
said Congregation by placing a Deed of
Trust in the Rectory Lot- heretofore and
before mentioned conveyed to us as Trustees
of the said Congregation by the said J. O.
Thurmont Wife by their said Deed of August
10th 1892 (Exhibit-B.)

That it is the wish of the said Congrega-
-tion of Christ-Church, I manifested that
the said sum of \$1600- should be borrowed
for the purposes mentioned and that its
payment- shall be secured by a Deed of
Trust in the said Rectory Lot-

That at a meeting of the Vestry of
the said Church held on the 2^d of December
1895 a Resolution was adopted saying
that it was the sense, wish and judgment
of the said Congregation that the said sum
of \$1600- should be borrowed for the
purposes aforesaid and that it should
be secured by a Deed of Trust in the said
rectory lot- as stated as will be seen by
a copy of the said Resolution herewith
filed as Exhibit-"C" and prayed to be ta-
-ken as a part of this Petition

That as a further evidence of

the fact they present the affidavits of
E. M. Morrison, Senior Warden, and
James D. Judan, Junior Warden, of the
said Congregation and of the Vestry, E. M.
Toot and others, which give expression
to the unanimous wishes of the Congrega-
tion. If there be any objection, or opposition
to them and to our sentiments it is un-
known to us.

That the present Vestry is composed of
E. M. Morrison, J. D. Judan, M. F. Judan
James P. Andrews, E. M. Toot, J. C. Good-
rich and R. S. Thomas

That there is a small bond of \$200-
and another of \$400 due by the said Congre-
gation to J. O. Thomas

It is proposed to get Mr Thomas to
assign these two bonds to ~~both~~ the said
W. N. Hart and N. L. Hart

It is proposed that the Vestry men
mentioned (Morrison and others) shall exe-
cute their bond to the said W. N. and N.
L. Hart for \$1000 - and to secure the
three bonds amounting to \$1600 - by a
Deed of Trust in the said Rectory lot as here-
in above and before mentioned

Wherefore your Petitioners pray that
they may be allowed to borrow the

Said sum of \$1600— from the said W. H.
and N. L. Hart or any other person
that they may take the bond of the
said E. M. Morrison, J. D. Jordan, M. F.
Jordan, James P. Andrews, E. M. Toos
J. C. Goodrich and R. S. Thomas for \$1000—
and to have the said bonds of the said E. O.
Thomas assigned to the said lender who-
ever he may be, and to secure the said
three bonds by a deed of trust in the
said and aforesaid Rectory Lot with
the usual provisions except that no
sale shall be made of the property except
after an advertisement by printed hand-
bills of at least thirty days of the time
terms & place of sale.

And they will ever pray &c

R. S. J.
C. F. W.
S. M. M.
J. D. J.
A. R. C.

R. S. Thomas Trustee
C. F. W.
E. M. Morrison "
J. D. Jordan "
A. R. Chalmers "

I, R. S. Thomas, Trustee as above, do
solemnly swear that the statements
contained in the above petition are
true and correct to the best of my
knowledge, information and belief
R. S. Thomas

Petition of
R. S. Shuman & others
Trustees

Ex parte

Decr. 14th 1895
Petition filed &
evidence filed
& decreed to make
loan \$20

Sworn to and subscribed before
me a notary public for the County
of Long Weigh - on this 9th
day of December A.D. 1895

N. L. Fink

Notary Public

Virginia

Isle of Wight - County - to wit.

I

E. M. Morrison of the town of Smith-
field and County of Isle of Wight do solemnly ~~swear~~ swear that I am 34

years of age: that I reside in the town
of Smithfield: that I am a member of
the Congregation of Christ-Church
and its ^{senior} ~~senior~~ ^{board} ~~board~~
Smithfield: that I know as a fact
that the said Congregation has ^{been} for some
months past extensively engaged in
repairing, and practically rebuilding
the said Church: that it will need re-
pairing in its interior in every
particular: that the Congregation of
the said Church is greatly in need of some
(\$1600.00) Sixteen hundred dollars
to complete the rebuilding & the re-
pairing and to secure a small float-
ing debt - and that it is their wish and
Desire, ^{and the wish and desire of this assembly} that the said Sum of 1600.00
be borrowed and secured with a Deed
of Trust in the Rectory Lot which
was conveyed by J. D. Thomas & wife to
R. D. Thomas and other trustees for the
said Congregation as is shown by Exhibit-
"B" filed with their Petition
E. M. Morrison

I. J. D. Jordan so solemnly swears that I am 50 years of age: that I am a resident of the Town of Smithfield and a member of the Congregation of Christ-Church Smithfield; that the said Congregation is now, and for months past have been engaged in making extensive repairs and improvements upon the exterior, and interior of their Church: that they greatly need money to complete the work now in progress in the church and to reform it: that they can borrow the sum of Sixteen Hundred Dollars to complete this work and to secure a small floating debt of the said congregation by placing a deed of Trust in the Rectory Lot to secure the money loaned: that it is the desire of the congregation of the said Church, ^{and of this affiant} that this money shall be borrowed and used, and secured in the manner specified and that the said congregation regard these steps as necessary, wise, judicious and proper.

J. A. Jordan

I, E. M. Todd of the County of Iolo of
Wright - and of the town of Smithfield
do solemnly swear that I am 68
years of age: that I am a resident of
the said town and County: that I am
a member of the Congregation of
Christ - Church Smithfield: that the
said Congregation has for months been
extensively engaged in making repairs
and improvements on their church: that
they are greatly in ~~now~~ need of money to
complete the work now in progress and to
repay with the said Church and to secure
a small floating debt: that it is the wish
of the Congregation ^{and of this assembly} that the sum of Six
hundred dollars be borrowed
for this purpose and that it be ~~so~~
secured with a Deed of Trust - on the Rectory
Lot: that they regard this measure
as urgently necessary, and eminently
wise and proper

E M Todd

I, M. F. Jordan, do solemnly swear
that I am 51 years of age: that
I am a citizen of the County of Iolo of Wright
a resident of the town of Smithfield and

a member of the congregation of Christ-
church Smithfield: that the said congre-
-gation is greatly in need of funds to
complete the work now in progress in
this church, to reformat it, and to se-
-cure a floating debt: that it ~~is~~ owns
a valuable Rectory Lot - upon which there
is no lien or ~~other~~ encumbrance: that
they can borrow Sixteen Hundred Dol-
lars by securing the lender by a Deed
of Trust - with the usual provisions
on the aforesaid Rectory Lot: that it is
the wish of the said Congregation to
borrow the said money for the purposes
specified and to secure its repayment to
the lender by a Deed of Trust - on the said
Lot: that they, and this affiant regard
it - as absolutely necessary, judicious,
and proper

W. L. St. Jordan

I, J. P. Andrews, do solemnly swear that I am 34
years of age: that I am a resident of the town of Smithfield
and am a member of the congregation of Christ Church
Smithfield: that I have heard all of the preceding affi-
dants read and that I concur in, and endorse all
of the statements they contain

J. P. Andrews

I, John W. Lawson of the County of Soler
Wright and of the town of Smithfield do
Solemnly swear that I am 58
years of age; that I am a member of
the Congregation of Christ Church, Smith-
field: that the said Congregation is now
and for months past has been engaged in
making extensive repairs and improve-
ments upon the exterior, and interior
of their church: that they are greatly
in need of money to complete the work
now in progress: that the said Con-
gregation owns a large and valuable
Rectory Lot: that they can borrow
the sum of £1600- by placing a
Deed of Trust in the said Rectory Lot-
to secure the repayment of the money to
the lender: that it is the wish of
the said Congregation to borrow the
said money ^{to} and apply it to the purpo-
ses mentioned: and to secure it in the
manner indicated and that this affiant
regards this measure as necessary, judi-
cious and proper.

John W. Lawson

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J. C. Goodrich do solemnly swear that I am 58 years of age: that I am a resident of the town of Smithfield and a member of the Congregation of Christ-Church, Smithfield: that the sum of \$1600— is needed to complete the rebuilding and reformation of the church, and to secure a small outstanding debt due to J. D. Thomas: that it is the wish of the congregation that this sum of money shall be borrowed & be used for the purposes mentioned in the Petition of the Trustees, and that the three bonds therein mentioned be secured by a deed of Trust in the said Rectory Lot: that this is the general wish of the congregation and that it is necessary and proper.

J. C. Goodrich

L. A. R. Chalmers do solemnly swear that I am ~~an~~ ^{seventy} years of age: that I am a member of the Congregation of Christ-Church, Smithfield: that the Congregation desire the sum of Sixteen Hundred Dollars

shall be borrowed, used for the pur-
-pose of completing & reforming
the church, for taking up a small
floating debt, and that the whole
money borrowed shall be secured
by a Deed of Trust in the Rectory
Lot, as I, and the other Trustees
have fully set forth and explained.

A. R. Chalmers

Virginia
County of Loudoun

L. R. S.

I, Thomas a notary public for the
County aforesaid in the State of Virginia
do hereby certify that E. M. Morrison, J. D.
Jordan, E. M. Todd, M. F. Jordan
J. P. Anderson, Geo W. Lawson
J. C. Goodrich and A. R. Chalmers
this day appeared before me and each
made oath that the statements
contained in their affidavits respec-
-tively were true and correct to the best
of their knowledge, each & respectively
information & belief.

Given under my hand this 6th day
of December A. D. 1895

R. S. Thomas
Notary Public

Affidavits 7
E. M. Morrison et al

Filed 14. Dec.
1895.