

1874-017
Nansemond Co. (Suffolk)

Chancery Causes: Joseph E. Fell vs Edward Shoemaker

THE COMMONWEALTH OF VIRGINIA,

To the SHERIFF OF NANSEMOND COUNTY—Greeting:

YOU ARE HEREBY COMMANDED TO SUMMON *Edward Shoemaker*

to appear at the Clerk's office of the *County* COURT OF NANSEMOND COUNTY, at the Rules to be holden for the
said Court, on the first Monday in *February* next, to answer

a Bill in Chancery, exhibited against *him*
in the said Court, by *Jos. E. Fell to enforce mechanics*
lien

and have then and there this Summons. Witness, WILLIS E. COHOON, Clerk of our said Court, at his office,
this *25th* of day *January* 187*2*, in the *96th* year of the Commonwealth.

Willis E. Cohoon Clerk of the Court.

Executed Jan'y 24th 1872 and a true copy delivered to
Edward Shoemaker

W. H. E. by Sheriff

Jos. E. Full
vs } Sumner Chomay

Edward Shoemaker

2. February Rules

John R. Kelly kg

(60 6d)

(88)

At a Court held for Hampshire County Court
March Term 1873.

Joseph E. Fell

vs

Eduard Shoemaker.

Plff

Def

In Chancery

This cause came on this day to be heard on the bill
of the Complainant to him for confessed as to the defendant on
whom process had been duly served and he still failing to
appear and make defence, and on the exhibits filed with the
said bill and was argued by counsel. On consideration
whereof the Court doth adjudge order and decree that unless
the defendant or some one for him shall pay to the said
plaintiff the sum of \$85.³¹ with interest thereon from the
26th day of July, 1871 up to a credit of \$12.⁰⁰ on that day &
the sum of \$23.⁰⁰ on the 17th January 1872 which the plaintiff
acknowledges he has received, and all cost of this suit, that then
and in that event the Sheriff of Hampshire County is
directed to see at auction before the Court House door
of said County on some Court day the house on the land of
said Shoemaker built by the plaintiff and on which
he has a Mechanic's lien, the sale to be on six months
credit with interest from date, and the purchaser to give
bond and good security and the title to be returned till the
order of Court, and which sale to be advertised for at least
fifteen days by notice at the Court House door of Hampshire
County and at Bernting's Store Landing near the premises
and once a week for two weeks in the Suffolk Herald
a news paper published at Suffolk Virginia and

make report to court. the cost of suit and. expenses
of sale to be cash

2nd

refers E. Graham clerk

Costs £ \$6. 85-

\$ 30

at 16 16. 00

Pub 5. 00

\$28 35

Joseph E. Felt

25

Edward Hammer

decease

March Term 1873

\$33.50
To Bond

Full

n.

Shoemaker

To the Circuit Court of Tansemond
of Tansemond County,

The undersigned - Sheriff of
Tansemond County, reports to the Court, that
pursuant to the Decree of said County, made
at the March Term 1873 of Tansemond County Court,
in the cause therein pending wherein Joseph
E. Full is plaintiff & Edward Shoemaker is
defendant, he duly advertised the House therein
named, & did on the 13th July 1874 (being
Court day,) before the Court house door of Tansemond
County, sell the said ^{on the terms named in said Decree} House at auction, when
the same was purchased by the Farmers Bank
of Tansemond for thirty three dollars & fifty cents

which the Bank paid in cash	\$33:50
To paid Expenses, viz	\$2.50

clerk	6.85
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att'y.	16.00
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shff.	.50
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advertising sale.	3.00
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5 per Cent Com.	1.47
	<u>\$30:52</u>

add. cnts	2.98
	<u>\$33:50</u>

Respectfully submitted

J L Fugham } shff

July 14 1874.

Full
m.

Shoemaker

Report of sale &c.

Filed August 1st 1874

1874 July 14. Rec^d of Geo. L. Sullivan. \$21.33
Twenty one dollars, eighty three cents, with
am. herein, 1/2 of ship, Cons.

John R. Kilby

P. V.

Tell

m

Shoemaker

This cause came on this day to be heard on the Bill of the Com-plainant taken for compels as to the defendant, on whom process has been ~~disseminated~~ ~~issued~~ and ~~he~~ still failing to appear and make defence to the exhibits filed with the said Bill, and was argued by Counsel. On consideration whereof the Court doth adjudg. order & decree that unless the defendant or some one for him, shall pay to the said plaintiff the sum of \$85.31 with Interest thereon from the 26th July 1871 less a credit of \$12. on that day & the sum of \$23. on the 17th Jan'y 1872, which the plaintiff admits he has received, ~~and also~~ costs of this suit, that then, & in that event, the Sheriff of Hanscom County is directed to sell at auction ~~before the Court house or~~ ^{County on some Court day} ~~of said~~ the House on the Land of said Shoemaker built by said plaintiff for which he has a Mechanics Lien, the sale to be on six months credit with Interest from date, & the purchaser to give Bond & good security & the title to be retained till the order of Court, & which sale to be advertised for at least fifteen days by notice at the Court House door

of Hansemond County & at Bunting's Landing
near the premises, and once a week for
two weeks in the Suffolk Herald, a news-
paper published at Suffolk, Virginia, &
make report to Court; The costs of print &
expresses of sale to be cash.

File

W

Shoemaker

1893

March 20. or

Decease

To be entered

Thos. J. Garnett Jr.

Entered

To 48 $\frac{3}{4}$ days work at
rebuilding a house for
Edward Shoemaker at
175^{cts} per day making
\$ 85.31

which 12 have been paid 12 on
the above I acknowledge to
be a correct account

Edward Shoemaker

85.31
12.00
== \$ 73.31

whereas, I, Joseph E. Zell, a general Contractor
& Carpenter, having built for Edward Shremaker
a two framed house, two stories high, thirty
eight feet long & eighteen feet wide, on the
Steele's Point farm, in Nansemond County
Virginia, now owned by said Shremaker,
the work for which building has been done by
me, and for which there is due me the
sum of seventy three dollars & thirty one
cents, with interest from this day, & which
work has been completed less than thirty
days since, Know all men therefore by
this writing I claim a Mechanic's
Lien on said House for the said sum of
money, under the act of the General
Assembly of Virginia passed the 11 July
1870 entitled "an act in Relation to
Mechanics' Lien"

Given under my hand this 26th
July 1871.

Joseph E. Zell

Nansemond County Court.

I, John R. Kelly a Notary Public
in and for said County, do certify that Joseph E.
Zell whose name is signed to the foregoing writing
this day made oath before me that the same is correct.
Given under my hand 26 July 1871

John R. Kelly
Notary Public

17

Joseph E. Felle

(Thecharius

3
4
Seen

Edward Shrenaker

1872

Jan 13 Paid \$16

7

23

J. R. Kilby & Co.

Received Certified

and

Admitted to Record

July 27th 1871

Full

100 } Cent. males "A"

Edward Thacker

Seed Book No 2

68.9 2nd

Tees & Tay Road

In the clerk's office of Transmontane County Court
July 8/7th 1871 This Lien was admitted to
Record upon the Certificate annexed of
John R. Kelly Notary Public

Inst C

W. E. C. Hoan Club

Free
Shoemaker }
n

This cause came on this day to be again heard ~~on~~ the papers formerly read and in the report ^{of} ~~of~~ J. L. Gulshan Esq. made pursuant to the Decree of March Term 1873 of the said County Court - 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 and made final between the parties; and nothing remaining to be done in the cause it is ordered to be removed from the Docket.

Tell
m.
Shoemaker

1874
Sep. 01
Final Debit

To be entered,
Yours truly,
[Signature]

Entered

To the Hon. J. S. Garnett Jr. Judge of the County
Court of Hancumond County.

Complaining shew unto the Court your Com-
plainant Joseph E. Felle.

Your Complainant respectfully represents
to the Court and says, That he is a Mechanic, - a
Carpenter by trade, (and that at the request of
Edward Shoemaker of said County, he rebuilt
a house on the Land of said Shoemaker, ~~which~~
Land lies on the left Bank of Hancumond River
in said County, and adjoins the Lands of Saml.
L. Taylor and others, being part of the Land called
and known as Hill's Point.

That there is due to your Complain-
ant by said Shoemaker for the work done by your
Complainant aforesaid the sum of \$85.31
less \$12. which was paid on account -

That your Complainant has a Lien
on said house for said amount by virtue
of Law - That your Complainant, in
order to obtain & secure said Lien did
as required by Law, execute & sign & have
recorded in the Clerk's Office of Hancumond
County Court, a writing setting forth the amount
due, and claiming said Lien, in the mode
required by Law - which writing is filed
herewith as part of this Bill marked "A".

That said writing was recorded in said

Clerk's Office on the 27 July 1871, and that
this suit was commenced before the expiration
of six months thereafter, and that your
Complainant's Lien is now complete.

That the said Shoemaker has failed
to pay your Complainant his said Demand &
now your Complainant prays that the said
house may be sold, to pay your Complainant's
Demand, as also such portion of said Land on
which the said house is situated, as may be
necessary for that purpose.

In consideration whereof and as this
Court has jurisdiction to grant all adequate
relief - To the End your Complainant prays
that the said Edward Shoemaker may be
made defendant hereto & be required to
answer the allegations herein, and that your
Complainant's prayers may be granted as above
set forth, and that all other good further
relief may be granted, consistent with Equity &c.

Jos. E. Dell
by John R. Kilby atty.

Cash

cen - \$6.85-

shff - 50

att'y fees 16.00

Publication 5.00

\$28.35

70 March 1873

Kilby

Joseph E. Full

{ Bill

Mr.

Edward Shoemaker

1872. July 7th Bill & Exhibit

" " " Filed & Described

" Mar 6. Bill Pro. Confess

" " " Set for hearing

" " " ~~Conced~~

" June 11 " "

1873 March Term Decree to
sell house at

1873 Aug Term

Removed to Cir Ct

Nash? Co. Ct.