1891-012
Nansemond Co. (Suffolk) Chancery Causes: Wilkin Manufacturing Co. vs Gay Manufacturing Co. et al

Bosley, Taylor, Jones, Camp, [George W. Truitt & Bro.]

STATE OF VIRGINIA.—IN THE Clerk's office of the Circuit Court for the county of Nansemond, in vacation, on Monday, the 17th day of June, A. D. 1889—

The Wilkin Manufacturing Company (a corporation).....Complainant

AGAINST

The Gay Manufacturing Company (a corporation), William H. Bosley and Archibald H. Taylor, trustees, and others, Defendants.

IN CHANCERY.

The object of this suit is to recover of the said defendant, The Gay Manufacturing Company, the sum of seventeen hundered and ninety-two dollars and seventy-seven cents, with interest thereon from the 13th day of April, 1889, until paid, subject to a credit of six hundred and ninety-two dollars and seventy-seven, cents for debt due from said The Gay Manufacturing Company to the said complainant, The Wilkin Manufacturing Company, and to enforce the lien commonly called a mechanics' lien perfected under the provisions of chapter 110 of the Code of Virginia (edition of 1887) and filed in the Clerk's office of the County Court of said county on the 16th day of February, 1889, in favor of the said complainant for said sum of money upon the saw-mill buildings and structures, machinery and other property of the said The Gay Manufacturing Company, located at Suffolk, in said county, and so much land therewith as shall be necessary for the convenient use and enjoyment of the premises for the work done for, and materials furnished to, the said The Gay Manufacturing Company by the complainant, and to ask for the appointment of a receiver of the property of the said The Gay Manufacturing Company if one should be necessary.

And affidavit having been made that the said defendants, William H. Bosley and Archibald H. Taylor, trustees, are not residents of this State, and that there are or may be persons interested in the subject to be divided or disposed of in said suit whose names are unknown, the said William H. Bosley and Arcbibald H. Taylor, trustees, and said unknown persons, are required to appear within fifteen days after due publication of this order in the Clerk's office of our said Circuit Court at rules to be holden therefor and do what is necessary to protect their interests. And it is ordered that a copy of this order be forthwith published once a week for four successive weeks in the SUFFOLK HERALD, a newspaper printed in the town of Suffolk, in said county, and be posted at the front door of the Courthouse of said county on the first day of the next County Court for the said county after the date of this order. A copy—Teste:

WM. B. CAUSEY, Clerk.

WILBUR J. KILBY, p. q. je21-4w

Office of The Herald.

Suffolk, Va. Aug 5th 1889

I hereby certify that the order of which the annexed is a copy has been published in THE SUFFOLK HERALD in the manner prescribed by law—once a week for four successive weeks. from the 21st day of June 1889.

E. Booker

Publisher & Editor Herald.

Suffolk, Va. 188

Kiln Manf'g Co

TO SUFFOLK HERALD, DR.

J. E. BOOKER, PROPRIETOR

BOOK AND JOB PRINTING A SPECIALTY

1889

Jun 21 To Publishing order of
Pub'n — in Suit Vs
Gay Mf'g Co
4 in 4W $9.00

All Available Text Successfully Captured

STATE OF VIRGINIA.—IN THE Clerk's office of the Circuit Court for the county of Nansemond, in vacation, on Monday, the 17th day of June, A. D. 1889—

The Wilkin Manufacturing Company (a corporation).....Complainant

AGAINST

The Gay Manufacturing Company (a corporation), William H. Bosley and Archibald H. Taylor, trustees, and others,

Defendants.

IN CHANCERY.

The object of this suit is to recover of the said defendant, The Gay Manufacturing Company, the sum of seventeen hundered and ninety-two dollars and seventy-seven cents, with interest thereon from the 13th day of April, 1889, until paid, subject to a credit of six hundred and ninety-two dollars and seventy-seven, cents for debt due from said The Gay Manufacturing Company to the said complainant, The Wilkin Manufacturing Company, and to enforce the lien commonly called a mechanics' lien perfected under the provisions of chapter 110 of the Code of Virginia (edition of 1887) and filed in the Clerk's office of the County Court of said county on the 16th day of February, 1889, in favor of the said complainant for said sum of money upon the saw-mill buildings and structures, machinery and other property of the said The Gay Manufacturing Company, located at Suffolk, in said county, and so much land therewith as shall be necessary for the convenient use and enjoyment of the premises for the work done for, and materials furnished to, the said The Gay Manufacturing Company by the complainant, and to ask for the appointment of a receiver of the property of the said The Gay Manufacturing Company if one should be necessary.

And affidavit having been made that the said defendants, William H. Bosley and Archibald H. Taylor, trustees, are not residents of this State, and that there are or may be persons interested in the subject to be divided or disposed of in said suit whose names are unknown, the said William H. Bosley and Archibald H. Taylor, trustees, and said unknown persons, are required to appear within fifteen days after due publication of this order in the Clerk's office of our said Circuit Court at rules to be holden therefor and do what is necessary to protect their interests. And it is ordered that a copy of this order be forthwith published once a week for four successive weeks in the SUFFOLK HERALD, a newspaper printed in the town of Suffolk, in said county, and be posted at the front door of the Courthouse of said county on the first day of the next County Court for the said county after the date of this order. A copy—Teste:

WM. B. CAUSEY, Clerk.

WILBUR J. KILBY, p. q. je21-4w

am now prepared to show you
the most complete line of
CLOTHING,
including all the Latest Styles

Virginia.
County of Dansemond } to wit:

~~Charles H. Causey Jr. deputy for~~ William B. Causey, Clerk of the Circuit Court of Dansemond County, this day appeared in person before me, Wilbur J. Kilby a Commissioner in Chancery of the Circuit Court of said County and made oath that on the first day of the County Court of said County at the July term thereof in the year 1889, he posted a copy of the order of Publication of which the annexed is a copy at the front door of the Courthouse of the said County.

Wm. B. Causey Clerk

Subscribed and sworn to before me this 5th. day of August 1889.

Wilbur J. Kilby
Comr. in Chancery.

The Wilkin Manuf. Co.

vs. } In Chy.

The Gay Manuf. Co. & al.

Affidavit of Clerk of Court as to posting Order of Publication at Court-house door.

State of Virginia:

In the Clerk's office of the Circuit Court for the County of Rockbridge in vacation on Monday, the 17th. day of June A.D. 1889:

The Wilkin Manufacturing Company (a corporation) - - Complainant

Against } In Chancery

The Gay Manufacturing Company (a corporation), William H. Bosley and Archibald H. Taylor, Trustees and others, Defendants

The object of this suit is to recover of the said defendant, The Gay Manufacturing Company, the sum of Seventeen hundred and ninety-two and 77/100 dollars, with interest thereon from the 13th. day of April 1889 until paid, subject to a credit of Six hundred and ninety two and 77/100 dollars for debt due from said The Gay Manufacturing Company to the said Complainant, The Wilkin Manufacturing Company, and to enforce the lien, commonly called a Mechanic's lien perfected

under the provisions of Chapter 110 of the Code of Virginia (Edition of 1887) and filed in the Clerk's office of the County Court of said County on the 16 day of February 1889 in favor of the said Complainant for said sum of money upon the saw-mill buildings and machinery and other property structures of the said The Gay Manufacturing Company located at Suffolk in said County and so much land therewith as shall be necessary for the convenient use and enjoyment of the premises for the work done and Materials furnished ~~by the Complainant~~ to the said The Gay Manufacturing Company by the Complainant, and ~~for~~ to ask for the appointment of a Receiver of the property ~~and~~ of the said The Gay Manufacturing Company, if one should be necessary.

And affidavit having been made that the said defendants, William H. Bosley and Archibald H. Taylor Trustees, are not residents of this State and that there are or may be persons interested in the subject to be divided or disposed of in said suit, whose names are unknown, the said William H. Bosley

and Archibald H. Taylor, Trustees and said unknown persons are required to appear within fifteen days after due publication of this order ~~and do what is necessary~~ in the Clerk's office of our said Circuit Court at Rules to be holden therefor and do what is necessary to protect their interests. And it is ordered that a copy of this order be forthwith published once a week for four successive weeks, in the Suffolk Herald, a newspaper printed in the Town of Suffolk in said County and be posted at the front door of the Courthouse of said County on the first day of the next County Court for the said County after the date of this order.

Wm. B. Causey Clerk

Wilbur J. Kilby p.q.

The Wilkin Manuf. Co.
vs. } In Chy
The Gay Manuf. Co. Et als.

Order of Publication

CHANCERY SUMMONS.

The Commmnwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON The Isaac Manufacturing Company (a corporation), William H. Bosley and Archibald N. Taylor Trustees, The Farmers Bank of Nansemond, William H. Jones Jr. William N. Camp, George W. Truitt, George W. Truitt and Irving Truitt partners trading as Geo. W Truitt & Bro. and all other persons who are or may be interested in the subject to be divided or disposed of in this suit, whose names are unknown, made defendants hereto by the general description of parties unknown

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 July — next, to answer a — Bill in Chancery, exhibited against them in the said Court by The Wilkins Manufacturing Company (a Corporation)

and have then and there this summons.

Witness, ~~PETER B. PRENTIS~~ Wm B. Causey, Clerk of our said Court, at his office, this 17th day of June 1889, in the 113th year of the Commonwealth.

Teste:

Wm B. Causey Clerk.

I served this process on the within named, William H. Jones Jr. William N. Camp. George W. Truitt and Irving Truitt by delivering a copy thereof to each of them in person; and on the within named, The Farmers Bank of Nansemond by delivering a copy thereof on the 18th. day of June 1889 in person to John R. Copeland, President of said Bank, in the Town of Suffolk in Nansemond County, wherein he resides, his place of business is, and the Principal office of said Bank is located; and on the within named The Gay Manufacturing Company by delivering a copy thereof on the 18th. day of June 1889 in person to George L. Barton, Treasurer of said Company, in ~~said~~ ~~Town and~~ said County wherein he resides, his place of business is, and the Principal office of said Company is located, — the President or other chief officer of said Company being a non-resident of the State of Virginia,

Wm. H. Howell

Shff—

Nelms P. q.

The Williams Manufacturing Company.

vs } Summons in Chy

Thelyay Manufacturing Company and others.

1889.

In July Rules.

(First Monday.)

Pro. Book 2. fo. 17

Cir Co.

State of Virginia
Nansemond County. } to wit
This day Wilbur J. Kilby appeared in person before me, Lee Pruitt a Notary Public for the County and State aforesaid and made oath that William H. Bosley and Archibald H. Taylor, Trustees, against whom and others The Wilkie Manufacturing Company (a Corporation) has this day instituted a suit in Equity in the Circuit Court of said County of Nansemond are non-residents of the State of Virginia, and that there are or may be persons interested in the subject to be divided or disposed of in said suit, whose names are unknown

Wilbur J. Kilby

Subscribed and sworn to before me this 17th. day of June 1889.

Lee Pruitt
Notary Public

The Wilkin Manuf. Co.

vs. } In Chy.

The Gay Manuf. Co. and others

Affidavit of non-residence etc.

1889

July 1 ~~Process issued~~ Bill filed with two exhibits A & B. and process returned executed ~~as to~~ all the defendants except non-resident and unknown defendants & Decree nisi as to defendants on whom process has been served & who failed to appear.

July 15 Decree nisi confirmed & Bill taken for confessed and on motion of complainant cause set for hearing as to defendants on whom process has been served, and cause continued for completion of execution of order of Publication, entered & dated as of 17 June 1887 as to non-resident & unknown defendants.

July 5 Executing of order of Publication ~~has~~ having been completed more than 15 days & Certificate & affidavit thereof filed & cause set for hearing as to non-resident & unknown defendants who have failed to appear on motion of complainant if executing is

Memo. of

Rules

The Wilkin Manufacturing Company (a Corporation)

vs.

The Gay Manufacturing Company and others.

This cause, at Rules regularly matured and set for hearing as to all the defendants, and in which the Complainant has proceeded against the defendants, William H. Bosley and Archibald H. Taylor, Trustees, who are not residents of this Commonwealth, in the mode prescribed by law against absent or non-resident defendants and as to all other persons who are or may be interested in the subject to be divided or disposed of herein whose names are unknown, in the mode prescribed by law against unknown defendants, came on this day to be heard on the Bill of the Complainant taken for confessed as to all the defendants, The Gay Manufacturing Company (a Corporation) ~~William H. Bosley and Archibald H. Taylor, Trustees,~~ The Farmers Bank of Annsemond, William H. Jones Jr.,

on the order of publication which has been duly published and posted, as required by law as to said absent and non-resident defendants, and

William A. Camp, George W. Smith and George W. Smitt and Irving Smitt partners trading as Geo. W. Smitt & Bro. being defendants, on whom process had been duly served, and all the defendants they still failing to appear and plead, answer or demur to the said Bill, and on the exhibits filed with said Bill and was argued by Counsel.

On consideration whereof the Court doth adjudge, order and decree that the papers in this Cause be referred to one of the Commissioners of this Court who is directed to take state and report to Court the following accounts, to wit:

1. An account of the claim of the Complainant against the defendant, The Gay Manufacturing Company, and of the lien of the Complainant, as specified in the Bill herein, showing the amount and character thereof.

2. An Account of the real estate or other property of said The Gay Manufacturing Company, subject

to said lien.

3. An Account of ~~any other liens~~ all other claims if any against the said The Gay Manufacturing Company, secured by liens upon said real estate or other property ~~& which it~~ subject to the lien in favor of the Complainant.

4. An Account of any other matters specially stated deemed pertinent by said Commissioner, or which may be required by any of the parties to be so stated.

And it is ordered that notice of the time and place of taking said Accounts be published once a week for four successive weeks in the Suffolk Herald, a convenient newspaper published in the Town of Suffolk in this County and that such publication shall be equivalent to personal service of such notice on the parties ~~hereto~~ to this Cause.

The Wilkin Manufacturing Co.

vs. } In Chy.

The Gay Manuf. Co. et al.

In the Circuit Court of Chancery County. October 10th. 1889

Decree

To be entered

C. Wilkin

Entered Chancery Order Book No 2 page 285.

The Wilkin Manuf. Co.

vs.

The Gay Manuf. Co. Sal.

On the motion of the Complainant by counsel, who says the claims of the Complainant against the defendant, the The Gay Manufacturing Company, has been paid, it is ordered that this cause be dismissed.

The Wilkin Manuf. Co.

vs. } In Chy.

The Gay Manuf. Co.

In the Circuit Court
of Nansemond County
April 11th. 1891

Order
To be entered.

CMW

Entered in Chancery
Order Book No 2
Page 376,

Final Decree

NOTICE.

In Re., John S. Gittings
vs. } In Equity.
The Gay Manufacturing Company and others. To the Gay Manufacturing Company, all creditors thereof and all other parties interested:

Take notice that, in obedience to a decree entered in the Circuit Court of the United States for the Eastern District of Virginia, on the 24th day of August, 1889, in the above entitled cause now pending in said court at Norfolk in said District, which said decree appoints the undersigned a special commissioner to take, state and report to the court with all convenient speed the accounts hereinafter mentioned, and provides that notice of the time and place for taking the said accounts shall be advertised once a week for four successive weeks in some newspaper published in the city of Norfolk, I shall, on

TUESDAY, OCTOBER 1ST, 1889, AT 11 O'CLOCK A. M.,

at my office, Room No. 21 in "Lowenberg Block," Main street, Norfolk, Va., (over No. 78 Main street), or upon such day or days thereafter as from necessity or convenience may be fixed by adjournment, proceed to take and state the following accounts, to-wit:

First. An account showing the assets of the Gay Manufacturing Company, the character of the same, where located, and their estimated value.

Second. An account showing who are the creditors of the Gay Manufacturing Company and the liens on the property of the said corporation, or any special portions thereof with their priorities, if any.

Third. Any other account specially stated deemed pertinent by the Master, or required by any of the parties to be so stated.

JAMES A. KERR,
Special Commissioner.

sel su4w

The Wilkin Manufacturing Company, states that it is a corporation duly organized and existing under the laws of the State of Wisconsin. That its principal place of business is in the city of Milwaukee in said state and it was at the dates and times hereinafter mentioned and still is engaged in the manufacture and sale of mills and machinery and mechanical appliances.

That The Gay Manufacturing Company is a corporation organized and existing under the laws of the State of Virginia, and its place of business is Suffolk in the county of Nansemond in said State of Virginia.

That in accordance with a contract made and entered into on the 31st day of August 1888, the said Wilkin Manufacturing Company sold and delivered to said Gay Manufacturing Company, at its special instance and request the following described mill Machinery and Mechanical appliances of which the following is a correct statement and account, showing the amount and character of the work done and materials furnished the prices charged therefor, the

payments made and the balance due to wit:

Sept. 26th 1888. 1 L.H. Band Mill complete except saws and offsets as per specifications per contract f. o. b. Milwaukee $1.800.00

Nov. 17th " Cr By Cash 30.00

" Dr. To Balance $1,770.00

Sept. 26th. 2 Stretching Wheels for band saw
1 Filing clamp
1 Brazing Table
1 saw stretcher (1-17-16" Rolls)
with band mill

Oct. 1st. 1 Rich Aut band saw sharpener for L. H. mill

" 2nd 1 Pack Aut. Band saw swage as per contract 587.00

Nov. 5th 1888 Cr By Cash 587.00

Nov. 16th: 1 Anvil 86 lbs. 12c. 10.32

" 1 Rd. faced Hammer 3+2 lbs 50 1.75

" 1 Sq. " " 4 " 50 2.00

" 2 Handles for Do. " " 35 .70

" One 5 ft. straight edge 1.00 per foot 5.00

" One 12 " " " 1.00

" One No 3 Offset swage 2.00

Balance due $1,792.77

That said materials were furnished

for the construction, repair and improvement of certain saw-mills and planing mills and are now permanently annexed to, and located upon, the lands of said The Gay Manufacturing Company hereinafter mentioned and described:

That it is the intention of the said The Wilkin Manufacturing Company as claimant to claim the benefit of the lien granted by the provisions of section 2475 of the Code of Virginia, Edition of 1887 for the work done and materials furnished as aforesaid to the amount of said sum of $1792.77 upon the said materials machinery, and mechanical appliances and upon said mills and buildings in which they have been located and to which they have become permanently annexed and upon so much of said land therewith as shall be necessary for the convenient use and enjoyment of the premises, which said land upon which said Mills are located and to which said material are attached is situated on the east

side of the Town of Suffolk in Nansemond County in the State of Virginia between the Railroad of the Suffolk and Carolina Railway Company and Holladay Street in said Town, contains by estimation eleven (11) acres, more or less and consists chiefly of the land which by deed dated the first day of May A. D. 1888 and recorded the 4th day of May 1888 on page 100 of deed book No. 70 in the office of the Clerk of the County Court of Nansemond County, Virginia was sold and conveyed by William N. Camp and wife and Charles I. Pitt Jr. and wife unto the said Thelay Manufacturing Company together with all and singular the appurtenances belonging to the same.

That said Mills and buildings or structures and the setting up and fixing of said machinery on said premises have not yet been completed nor the work thereon terminated, of if completed or said work ~~thereon~~ terminated, the same not been completed ~~&~~ or said work terminated

thirty days.

That the claimants agent and assistant has been at work on said machinery since its delivery as aforesaid setting the same up and placing it in fulfillment of its warranty and agreement with said Gay Manufacturing Company as aforesaid.

Dated this 12th day of February A.D. 1889

The Wilkins Manfg. Co.
by John W. Morris
Secy.

State of Wisconsin }
Milwaukee County } ss.

John W. Morris being duly sworn on oath says that he is the Secretary and Treasurer of The Wilkin Manufacturing Company.

That the same is a corporation duly organized and existing under the laws of the State of Wisconsin.

Deponent further says that he makes this affidavit and verification for and in behalf of said corporation and is duly authorized to make the same. That he has read the foregoing statement or claim for a

lien and signed the same for and on behalf of said corporation and was duly authorised so to do. Deponent further says that he is personally acquainted with all the matters and things therein stated and the same is true of his own knowledge.

John W. Morris

Sworn and subscribed to before me this 12th day of February A.D. 1889.

Chas. L. Goss
Notary Public
Mil. Co. Wis.

Chas. L. Goss Notary Public Milwaukee Wis.

State of Wisconsin County of Milwaukee } ss.
Office of the Clerk of the Circuit Court

I, A. de Lisser, Clerk of the Circuit Court of the County of Milwaukee, the State of Wisconsin, the said Court being a Court of record and having a seal, do hereby certify that Chas. L. Goss Esquire, whose name appears subscribed to the annexed instrument, was at the date thereof a Notary Public within and for said State, residing in said County duly ap-

pointed and qualified and empowered by the laws of said State to administer Oaths, take depositions and acknowledgements of deeds, and perform such other duties as by the law of nations, or according to commercial usage may be performed by Notaries Public, and that to his acts and attestations as such, full faith and credit is and ought to be given in Court and out. I further certify that I am well acquainted with the signature and handwriting of said Goss and I verily believe said signature, purporting to be his, is genuine, that the seal thereto attached is a correct impression of his official seal, and that said instrument is executed and acknowledged according to the laws of said State.

Circuit Court of Milwaukee Wisconsin Co.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said Court of Milwaukee, in said County and State, on this 12th day of February One Thousand Eight Hundred and Eighty-Nine.

A. de Leuw

Clerk of Circuit Court as aforesaid.

In the Clerk's Office of Nansemond County Court, the 16th: of February, 1889.

This Mechanic's Lien was this day filed and admitted to record.

Teste:

C. N. Causey Jr. D.C.

a Copy

Teste:

C. N. Causey Jr. D.C.

Exhibit B. filed with the Bill.

The Wilkins Manuf. Co. vs. The Gay Manuf. Co. et al.

Ins Chy.

X.....d.

HENRY MANN, Pres't THEO. S. WILKIN, Vice Pres't & Gen'l Mgr JOHN W MORRIS, Secy & Treas

THE WILKIN M'F'G. CO.

FOUNDERS AND MACHINISTS.

Suffolk Va ~~Milwaukee Wis.~~ Aug 31 st 1888

Band Mill ~~$ 3010~~
Saw Filer ~~$ 3014~~

Mess's The Gay Mfg Co
Suffolk Va

Gentlemen

We Purpose to furnish you with one of our Complete Iron frame Band Mills K. H. with Iron wheels above and below, the lower wheel very heavy and the upper wheel as light as is consistent with strength required. The lower shaft to be 6" diam the upper shaft 5" diam with both tilting and cross line movement. guide to be lowered and raised by power. the sawyer to stand behind the saw. In fact our most approved Band Mill Complete Except Saws and offset f. o. b. Milwaukee Wis on or before the 15th of sept for the sum of one thousand Eight hundred dollars

We also furnish you with 2 stretcher wheels, one saw stretcher one Filing

The Gay Manufacturing Company,

Manufacturers of Rough & Dressed Lumber.

Suffolk, Va. _____ 188

Vise Brazing clamps. Rick Aut"
Saw sharpener. one Aut Parkswage
for the sum of five hundred and
Eighty seven dollars, which you
are to pay for on receipt of goods
The Band mill we guarantee in
Every respect and that it will
Cut 20 M per day of ten hours
of 1" lumber and make good merchan
table lumber. you to furnish a good
and competent filer. You to
have 20 days trial on the mill when
if it proves as represented and
comes up to our guarantee. You
are to pay $600.00 and $1200.00
30 & 60 days thereafter in two Equal
payments.

Very Respy Yours
The Gay Mfg Co
Leo S Gay Jr Pres.

We accept of the above proposition
in full

The Gay Mfg Co
Per W R Edmunds Pres

8/31/88

The Gay Mfg Co

Suffolk, Va.

✓ 1 L. H. Band Mill

$310

✓ 2 Stretcher Wheels
✓ 1 Saw Stretcher
✓ 1 Filing Vise
✓ Bracing Clamps
✓ Saw Sharpener
✓ Aut. Swage

$301.50

Billed

The Metkin Mfg. Co.
Carbons.
vs. } Sm Cty.
The Gay Mfg. Co.
Plaintiffs

Exhibit A
Filed with the Papers

In the Circuit Court of the County of Nansemond, State of Virginia;

The Wilkin Manufacturing Company (a Corporation)

Against } In Chancery.

The Gay Manufacturing Company (a Corporation), William H. Bosley and Archibald H. Taylor, Trustees, and others.

To the Honorable Chandler W. Hill, Circuit Court Judge for the County of Nansemond:

Humbly Complaining respectfully represents and shows unto Your Honor, Your Complainant, The Wilkin Manufacturing Company, That it is a corporation duly organized, existing and doing business under the laws of the State of Wisconsin: that its principal place of business is in the City of Milwaukee in said State: and that it was at the dates and times herein men-

tioned and still is engaged in the Manufacture and Sale of mills and machinery and mechanical appliances.

That the Gay Manufacturing Company is a Corporation organized existing and doing business under the laws of the State of Virginia; that its principal place of business is in the Town of Suffolk and the County of Nansemond in the State of Virginia; and that it was at the dates and times herein mentioned ~~and still is~~ engaged in the manufacture and sale of lumber.

That in accordance with a contract made and entered into on the 31st. day of August 1888, the said The Wilkin Manufacturing Company sold and delivered to said The Gay Manufacturing Company at its special instance and request a certain iron-frame Left-hand, Band-saw Mill for sawing lumber together with sundry parcels of machinery and mechanical appliances for the

sum of two thousand three hundred and eighty-seven dollars ~~to be paid~~ as specified in said contract, which is herewith filed as part of this Bill and marked Exhibit A.

That the said The Wilkin Manufacturing Company afterwards, to wit, on the 16th. day of November 1888, sold and delivered to said The Gay Manufacturing Company at its special instance and request the following articles in addition to those mentioned in said contract, to wit:

1 anvil 86 lbs. @ 12¢ =	$10.32
1 Round-faced hammer 3½ lbs. 50¢	1.75
1 Square " " 4 " "	2.00
2 handles for ditto 35¢	.70
1, 5 foot straight edge @ $1. per foot	5.00
1 12 inch " " "	1.00
1 No. 3 upset swage	2.00
Total	$22.77

That in consequence of said contracts and sales and the delivery of said articles by said Complainant to said The Gay Manufacturing Company, as aforesaid, the said Gay Man-

ufacturing Company became indebted to the Complainant for said articles, in the sum of $2409.77

That the said The Gay Manufacturing Company on the 5th. day of November 1888 paid the sum of $587.00 and on the 17th. day of November 1888 paid the sum of $30. to the Complainant making a total of $617. in part of said sum of $2409.77, leaving the sum of $1792.77 still due the Complainant.

That said articles, mill, materials, machinery etc. were sold and furnished by the Complainant for the construction, repair and improvement of certain structures or buildings, to wit certain saw-mills and planing mills belonging to the said Gay Manufacturing Company and were and are now permanently annexed to, and located upon the land of said Gay Manufacturing Company herein mentioned and described along ~~along~~ with said structures and buildings

That after the delivery of said articles sold as aforesaid by the Complainant to said The Gay Manufacturing Company and the payment by it of said sum of $617. on account thereof. the said The Gay Manufacturing Company neglected and refused to pay the balance of the money to wit. said sum of $1792.77 due to the Complainant on account of said articles as specified in the contracts of sale.

That in order to secure the payment of said sum of $1792.77 the Complainant, on the 16th. day of February 1889. filed in the Clerk's office of the County Court of Chautauqua County, an account showing the amount and character of the materials furnished as aforesaid. the prices charged therefor. the payments made and the balance due as aforesaid verified by the oath of the Complainant with a statement attached declaring its intention to claim the benefit of the lien

commonly called the "Mechanics' Lien" provided by section 2475 of the Code of Virginia, Edition of 1887. and giving a brief description of the property on which said lien is claimed, as will ~~will~~ appear by a duly certified copy of said account and statement herewith filed as part of this Bill and marked Exhibit B.

That said account was filed in said office after said materials had been furnished by the Complainant and before the expiration of thirty days from the time said buildings or structures were completed or the work therein had been otherwise terminated.

That in said account filed as aforesaid the Complainant declared its intention to claim the benefit of said lien for the materials furnished by it as aforesaid to the amount of said sum of $1792.77 upon said materials and upon said structures in which they have been located and

to which they have become permanently annexed and upon so much of said land therewith as shall be necessary for the convenient use and enjoyment of the premises.

That said land is situated on the east side of Suffolk in said County of Nansemond between the Railroad of the Suffolk and Carolina Railway Company and Holladay Street in the Town of Suffolk. Contains by estimation eleven (11) acres, more or less and consists chiefly of the land which by deed dated the first day of May 1888 and recorded the 4th. day of May 1888 on page 100 of deed book No. 20 in the office of the Clerk of said County Court was sold and conveyed by Wm. A. Campand wife and Charles F. Pitt Jr. and wife to said The Gay Manufacturing Company together with all and singular the appurtenances belonging to the same.

That since said lien was perfected as aforesaid, the said Gay Manufacturing Company has paid to Your Complainant the

further sum of $692.77 on account of said sum of $1792.77, leaving a balance of $1100. now due and payable to your Complainant and which said Gay Manufacturing Company still refuses and neglects to pay to Your Complainant.

That the lien perfected by Your Complainant as aforesaid in pursuance of the law in that case made and provided, is the first lien upon said materials and structures and so much of said land therewith as shall be necessary for the convenient use and enjoyment of the premises for said materials furnished as aforesaid to the amount of $1100. still due by the said Gay Manufacturing Company to Your Complainant on account of said materials as aforesaid.

But Your Complainant is informed and so alleges that there are other liens upon said property subsequent to its lien aforesaid ~~in favor by~~ by

virtue of judgments and otherwise in favor of The Farmers Bank of Gainesville, William H. Jones Jr. William A. Camp Geo. W. Smith George W. Smitty and Young Smith ~~and~~ partners trading as Geo. W. Smith & Bro. and other persons whose names are unknown to Your Complainant.

That by a deed of trust or mortgage made by said Gay Manufacturing Company on the first day of February 1889 and recorded on the 5th. day of February 1889 on page 753 of deed book No. 21 in the office of the clerk of said County Court The said Gay Manufacturing Company conveyed all its property of every kind and description including said materials, mills, machinery structures, buildings and so forth to William H. Bosley and Archibald H. Taylor, Trustees, in trust to secure certain bonds to the amount of $60,000. issued by said Gay Manufacturing Company and to be sold or negotiated for the purpose of raising money to enable said Gay Manufacturing to pay its indebtedness. Your

Complainant is informed that only a part of said bonds have been disposed of, but does not know who holds them

Your Complainant charges that said deed of trust or mortgage was made after said materials had been furnished by it to said Gay Manufacturing Company and that, therefore, it does not or cannot operate on said land or structures, unless the said lien in favor of your Complainant shall have been satisfied, as specified in section 2483 of said Code.

That said Bosley and Taylor are not residents of the State of Virginia

That said Gay Manufacturing Company is practically insolvent being largely in debt and unable to meet its current expenses and pay its debts. In fact it has ceased to operate its mills for want of money to pay its employees and is thus disabled from performing

↑ and that those are or may be persons interested in the subject to be affected or disposed of in this suit, whose names are unknown, such as the holders of said Bonds and others,

any of the functions or purposes for which it was incorporated.

That a Receiver should be appointed to take into his custody management and control all the property, including the assets, and franchises of said Gay Manufacturing Company and to operate or dispose of the same as the Court may see fit to direct, to the end that the same may be properly subjected to the satisfaction of the lien of the Complainant and all other liens upon it. That said property is in danger of being wasted, sacrificed and depreciated in value unless committed to the care and custody of a Receiver until the same can be properly disposed of in satisfaction of said liens.

In consideration whereof Your Complainant, being without remedy save in a Court of Equity, prays that said The Gay Manufacturing Company (a Corporation), William H. Bosley and Archibald H. Taylor, Trustees,

The Farmers Bank of Hausemond William H. Jones Jr., William A. Camp, George W. Smith, George W. Smith and Irving Smith partners trading as Geo. W. Smith & Bro. and all other persons who are or may be interested in the subject to be divided or disposed of in this suit whose names are unknown ~~made defendants hereto by the general description of parties unknown~~, may be made parties defendant to this bill and ~~be required~~ (said persons whose names are unknown by the general description of parties unknown, and be required) to answer all the allegations hereof, but answers under oath are hereby waived; that the lien aforesaid of Your Complainant may be enforced and the property subject to it sold for the satisfaction of Your Complainants claim aforesaid; that a Receiver of said property may be appointed if, at any time during the progress of this suit, one should be necessary: that an account of all liens upon said property

may be taken by one of the Commissioners of this Court and reported to Court showing their priorities if any: that such fee or Compensation as may be proper may be allowed and paid to your Complainants Counsel out of such money or property as may come under the control of the Court in this cause: and that all such other further and general relief may be given Your Complainant as the nature of its case may require, or to Equity shall seem meet: and as in duty bound, Your Complainant will ever pray etc

The Wilkie Manufacturing Company (a Corporation)
By Wilbur J. Kilby
Attorney!

17 June 1889

The Wilkie Manuf. Co.

vs. } In Chy.

The Gay Manuf. Co. & others.

Bill