1901-023
Nansemond County (Suffolk)

Chancery Causes: Petition of Trustees of East Suffolk 9 Magnolia Charge Portsmouth District (Virginia Conference) Methodist Episcopal Church South

Channell, Philhower, Becker, Cheatham, Cheek, Knight, Moore, Cotton

Exhibit A.

At the Fourth Quarterly Conference for the current year 1895-96 held for East Suffolk and Magnolia Charge in the Portsmouth District of the Virginia Annual Conference of the Methodist Episcopal Church, South, at East Suffolk Church, in the County of Nansemond, Virginia, on the 19th. day of October 1896, Joseph H. Amiss, Presiding Elder in the chair, James O. Savage, was elected Secretary.

On motion it is ordered that the Trustees of ~~the~~ this charge do borrow the sum of five hundred dollars for the purpose of erecting a residence for the minister of this charge on the lot or parcel of land adjoining East Suffolk Church Building, - Such lot of land being that which by deed dated the first day of August 1894 and recorded on the 21st. day of July 1896 on page 91 in deed-book No. 38 in the office of the clerk of the County

court of Nansemond County was conveyed by The Central Land Company to Trustees for the use and benefit of this charge and the ministers thereof and especially as a place of residence for said ministers.

And said Trustees are authorised to execute their bond for said sum of money, payable to the lender of the money in such manner and bearing interest not to exceed the legal rate as to them shall seem best and to take such steps by proceedings in Court or otherwise as may be required by law to enable them to execute a valid deed of trust, or mortgage conveying said lot of land to secure the payment of said bond and sum of money; it being the wish of the members of ~~said~~ this charge or church, and of this Conference, representing said members, that said money shall

be borrowed for the purpose a=
foresaid and said lot en=
cumbered as aforesaid to se=
cure its payment.

A copy.
Teste:

Jos. H. Amiss Presiding Elder.

J. O. Savage Secretary.

J. O. Savage Recording Steward.

In the Circuit Court of the County of Nansemond, Va.

In the matter of the Petition of the Trustees of East Suffolk and Magnolia Churches of the Methodist Episcopal Church, South, to mortgage, or encumber certain land which they hold for the use and benefit of said churches. } Ex parte

To Honorable Robert R. Prentis, Judge of the Circuit Court of the County of Nansemond:

Your Petitioners Philip Becker, Emmet K. Channelle, James O. Savage, Adam Knight, James B. Philhower, Edward A. Daughtrey, Jacob R. Philhower, Richard D. Philhower and James B. Moore, respectfully represent and show unto Your Honor, the following case:

That by a Deed of Bargain and Sale made on the first day of August 1894 and recorded on the 21st. day of July 1896 on page 91 in Deed-book No. 38 in

the office of the Clerk of the County court of the County of Nansemond. The Central Land Company sold and conveyed with general warranty unto Henry R. Culley, Joseph King, Emmet K. Channell, Robert E. Whitehead, Albert B. Daughtrey, William Exley, Elbert E. Brisco, Adam Knight and Richard P. Philhower, Trustees for the purposes stated in said deed, the following real estate, to wit:

All that certain lot, or parcel of land situated on the east side of Beech Street in the eastern suburbs of the Town of Suffolk in Cypress Magisterial District in said County, fronting on said Street fifty (50) feet running back eastward from said Street between parallel lines one hundred and forty-four (144) feet and bounded on the North by the lot upon which East Suffolk Church (formerly Beech-Street Church)

of the Methodist Episcopal Church, South, is located, on the east by the land of said Company, on the South by the land of Frank W. Cross and on the West by said Street together with all and singular the appurtenances belonging to the same.

That the above-described land was conveyed to the Trustees named in said deed in trust to be held, kept, and maintained by them and their successors in office as a place of public and divine worship for the use and benefit of the ministers and members of the Methodist Episcopal Church, South, and its lawful successor, or as a place of residence for the use and occupancy of the ministers of said Church and its lawful successor, who may from time to time be appointed in said place, subject to the usages and Discipline of said Church and its lawful successor as from

time to time authorised and declared by the General Conference of said Church and the Annual Conference, or other lawful authority of said Church and its lawful successor within whose bounds the said land is or may be situated.

That Your Petitioners are the lawful and legal successors in office of the trustees named in said deed and now, as trustees and such successors, hold said land in trust for the uses and purposes named in said deed.

That the said land is held specially by Your Petitioners as a place of residence for the use and occupancy of the minister who has been, and shall hereafter be, appointed to, and placed in charge of, East Suffolk and Magnolia churches, or congregations, of said Methodist Episcopal Church, South,

by the lawful authority of said Church.

That the said East Suffolk and Magnolia Churches, the members thereof and your Petitioners wish to borrow, and have arrange to borrow, the sum of five hundred dollars to enable them to erect on said land a dwelling-house and such other houses ~~on said land~~ as may be necessary for a residence for the minister of said Church now in charge of said East Suffolk and Magnolia Churches and the ministers who may hereafter be lawfully appointed and placed in charge of such Churches, and to execute a valid deed of trust, or mortgage conveying said land to secure the payment of said sum of money, it being the wish of the said churches, the members thereof, and their lawful authorities to borrow said money for the purpose aforesaid and to secure its payment by said deed of trust, as will appear by the paper herewith filed and

marked Exhibit A.

Your Petitioners, therefore, pray that Your Honor will make such order as may be proper, providing that said land held by them as aforesaid may be encumbered in the manner specified to secure the payment of such sum of money as they may see fit to borrow, not exceeding the sum of five hundred dollars, for the purpose aforesaid.

And Your Petitioners will ever pray etc.

Philip Becker
Emmet K. Chamele
James O. Savage,
Adam Knight
James B. Philhower
Edward A. Daughtrey
Jacob R. Philhower
Richard P. Philhower
James B. Moore
Trustees

By Wilbur J. Kilby,
their Counsel.

21 Octo. 1896,

State of Virginia
County of Nansemond } to wit:
This day Emmet K. Channell
one of the Trustees of East Suffolk and Magnolia Churches of the Methodist Episcopal Church, South, appeared in person before me Lee Britt a Notary Public in and for the county and State aforesaid and made oath that the statements contained in the foregoing Petition are true to the best of his knowledge and belief.

Emmet K Channell

Subscribed and sworn to before me this 21st day of October 1896

Lee Britt
Notary Public

In the matter of the Petition of the Trustees of East Suffolk and Magnolia Churches of the Methodist Episcopal Church, South, to mortgage or encumber certain land which they hold for the use and benefit of said churches. } Ex parte

This cause came on this day to be heard on the Petition of Philip Becker, Emmet K. Channell, James O. Savage, Adam Knight, James B. Philhower, Edward A. Daughtrey, Jacob R. Philhower, Richard P. Philhower, and James B. Moore, Trustees of East Suffolk and Magnolia Churches of the Methodist Episcopal Church, South, in the County of Chowanoke, as the exhibit filed with said Petition, and was argued by counsel.

And consideration whereof, it appearing from said Petition and exhibit that it

is the wish of said East Suffolk and Magnolia Churches and their members and of said Petitioners, who are members of said Churches, to borrow five hundred dollars and to mortgage or encumber the land mentioned in said Petition for the purpose in said Petition stated. The Court doth adjudge, order and decree that the said Trustees be and they are hereby authorised to borrow the sum of five hundred dollars to enable them to erect on said land a dwelling house and such ~~as~~ other houses as may be necessary for a residence for the minister ~~of said~~ of said Methodist Episcopal Church, South, now in charge of said East Suffolk and Magnolia Churches and the ministers who may hereafter be lawfully appointed to and placed in charge of said Churches and to execute a valid

deed of trust, or mortgage, conveying said land to secure the payment of said sum of money to the lender thereof, it being the wish of the said Churches, the members thereof and their lawful authorities to borrow said money for the purpose aforesaid and to secure its payment by a deed of trust as aforesaid.

The land ~~hereby~~ which the said Trustees are hereby authorised to mortgage or encumber as aforesaid is all that certain lot or parcel of land situated on the east side of Beech Street in the eastern suburbs of the Town of Suffolk in Cypress Magisterial District in said County of Nansemond fronting on said Street fifty (50) feet, running back eastward from said Street between parallel lines one hundred and forty-four (144) feet and bounded on the North by the lot upon which

East Suffolk Church (formerly Beech-Street Church) of the Methodist Episcopal Church, South, is located, on the east by the land of ~~said~~ The Central Land Company, on the South by the land of Frank W. Cross and on the west by said Street together with all and singular the appurtenances belonging to the same and being the same land which by deed dated the first day of August 1894 and recorded ~~X~~ on the 21st. day of July 1896 on page 91 in Deed-book No. 38 in the office of the clerk of the county court of said county was conveyed to said trustees by said Company to be held, kept, and maintained by them ~~in trust~~ and their successors in office as a place of public and divine worship for the use and benefit of the ministers and Members of said Church or as a place of residence for the use and occupancy of

the ministers of said Church who may from time to time be appointed to, and placed in charge of said Churches as specified in said deed from said Company

Trustees of East Suffolk and Magnolia Church.

Petition of, for authority to encumber church property and order of Court.

Entered Octo. 22, 1896

Robert R. Mentis.

Entered in Chancery O B 3 Page 60.

Extract from Magnolia Church Conference Record.

"Exhibit 1"

A meeting of the Church Conference of Magnolia Church, East Suffolk - Magnolia Charge, Portsmouth District Virginia Conference Methodist Episcopal Church South was held, agreeably to notice previously given, at the Church on Monday March 18th 1901 Rev A B Sharpe Preacher in Charge in the chair Bro J. A. Cheatham was elected Secretary On motion it was resolved by a standing vote of 10 for to 4 against to accept the offer of Mr Cotton and exchange lots.

On motion R P Phelhower J A Cheatham Paul Becker Luther Phelhower J. F. Nelms & Rev A B Sharpe advisory were appointed a committee to prepare plans looking to the erection of a new Church & to submit the same at the next Church Conference

J. A. Cheatham
Sec.

Arthur B Sharpe
Pres

Magnolia March 25 1901. At a meeting of the members of Magnolia Church, L H Phelhower being elected secretary & Rev A B Sharpe PC in the chair, the committee, appointed March 18th to investigate and report as near as possible the amount it would cost to erect a new church and what to do with the old one, reported that they have decided

to tear down and rebuild at a point near the station

L H Phelhower — A B Sharpe

Sec. — Pres

Extract from the minutes of the Quarterly Conference Record of East Suffolk and Magnolia Charge &c

The 2nd Quarterly Conference of East Suffolk and Magnolia Charge, Portsmouth District Virginia Conference Methodist Episcopal Church was held at Magnolia Church on April 6th 1901 Rev Wesley C Vaden Presiding Elder in the chair. Bro Geo L Phelhower was elected secretary.

"Exhibit 2"

On motion it was

Resolved that the Trustees be and are hereby directed to take the necessary legal steps to effect the exchange of the Magnolia Church lot for ½ an acre of land more or less offered by Mr Cotton for the purpose and situate next to Mr Dukes store.

Resolved that Bro R L Phelhower Bro J. A. Cheatham & Bro J. J. R Robinson be and are hereby constituted a building committee to undertake the removal of the Church Building from its present site and the erection of a Church upon

a lot near the Depot

Geo D Phillower Sec

W. C. Vaden
Pres

I hereby certify that the above are true & correct copies of the Minutes of the Magnolia Church Conference record and the East Suffolk & Magnolia Quarterly Conference records respectively

Arthur B Sharpe
Preacher in Charge

In the matter of the Trustees of East Suffolk and Magnolia Charge, Portsmouth District, Virginia Conference Methodist Episcopal Church, South for authority to exchange the real estate now held by them near Magnolia in the County of Nansemond and State of Virginia for another lot of real estate situate in the same vicinity and now owned by John W. Cotton.

----In the Circuit Court of Nansemond County----

------In Vacation------

This cause came on this 7th day of May 1901 to be heard on the petition of E.K. Channell, Philip Becker, J.A. Cheatham, J.R. Philhower, J.H. Cheek, J.B. Philhower, J.B. Moore, R. P. Philhower and Adam Knight, Trustees of East Suffolk and Magnolia Charge, Portsmouth District, Virginia Conference, Methodist Episcopal Church, South, holding the title to the Magnolia Church real estate situate near Magnolia, in Nansemond County, and State of Virginia, and on the exhibits filed with said petition and marked "exhibits Nos. I and 2", and prayed to be read as a part of this petition.

On consideration whereof, it appearing that it is the wish and desire of the congregation, members and trustees of said Magnolia Church to exchange the lot of real estate now belonging to the said Charge for another lot of real estate now belonging to one John W. Cotton, situate as hereinafter described, they being of the opinion that it is for the best interests and welfare of the said Church and Charge that said exchange be made, therefore the Court doth order, adjudge and decree that the said Trustees may make such exchange, and that when the said John W. Cotton shall sell and convey, with general warranty deed, to the said Trustees the following real estate for the use and benefit of said Magnolia Church, and as the property of said East Suffolk and Magnolia Charge, Methodist Episcopal Church, South, to wit:-That certain lot, or parcel, of land situate in Sleepy Hole Magisterial District, in the County of Nansemond and State of Virginia, near Magnolia, or Stevers Station in said County, fronting one hundred

and five(I05) feet on the East side of the County Road leading from said Magnolia Station to Drivers in said County, thence running back from the said County Road, Eastwardly, between straight lines, on the South side one hundred and fifty six(I56) feet and on the North side one hundred and two (I02) feet, and running between the Northeastern and Southeastern corners, in a straight line, one hundred and fourteen(II4) feet. Then, and in that event they, the said Trustees, shall have power and authority, and they are hereby authorized to make a deed and deliver the same to the said John W. Cotton conveying to him the following real estate now held in trust by the said Trustees for said Church, to wit:-All that certain lot or parcel of land situate in said Sleepy Hole Magisterial District, in the County of Nansemond and State of Virginia, on the public road leading from Suffolk to Portsmouth, Virginia, and a short distance North of Magnolia, or Stever's Station, on the Seaboard&Roanoke Railroad, and bounded by the lands of John B. Pinner(formerly Emily A. Vinson's) and by said public road leading from Suffolk to Portsmouth.
And the said Trustees shall make report to this Court of their transactions under this decree.

Robert R. Lewis

To the Clerk of the Circuit Court)
of Nansemond County:)

Filed May 7, 1901

Entered in Chancery
Order Book No. 3
Page 367

In the Circuit Court of Nansemond County-

---In Vacation---

To the Honorable Robert R.Prentis,Judge of the Circuit Court of the County of Nansemond,Virginia:-

Your petitioners,E.K.Channell,Richard P.Philhower, Philip Becker,J.A.Cheatham,Jacob R.Philhower,J.H.Cheek, James B.Philhower,Adam Knight and James B.Moore,composing the Board of Trustees of East Suffolk and Magnolia Charge,Portsmouth District,Virginia Annual Conference, M.E.Church,South,respectfully represent that they hold the title to a certain parcel of real estate situate in Sleepy Hole Magisterial District,in the County of Nansemond and State of Virginia,described as"all that certain lot or parcel of land forty(40) yards square, situate on the public road leading from Suffolk to Portsmouth,Virginia,and a short distance North of Stevers Station on the Seaboard&Roanoke R.R.,and in Sleepy Hole Magisterial District in said County and State,and bounded by the lands of John B.Pinner(formerly Emily A.Vinson's)and by said public road leading from Suffolk to Portsmouth",evidenced by a certain deed to the trustees of said Charge recorded in Deed Book No.13,Page 655 in the Clerk's Office of the County Court of Nansemond County,upon which land is erected a church building ,in trust for the use of the membership and congregation of said Magnolia Church in said Charge as a place for divine and public worship and other church purposes.That the best interests of the said Magnolia Church and the spiritual growth of its members are not promoted and advanced by reason of the present location of the said building on the land aforementioned,and it is the desire and wish of the members of said Church that the said parcel of land above described should be exchanged for a lot or parcel of land now owned by John W.Cotton,as shown by a vote of the members of said Church at a meeting of the Church Conference of said

Magnolia Church held on Monday March 18,1901,at the said church,evidenced by a copy of the minutes of said meeting herewith filed and marked "exhibit I",and prayed to be read as a part of this petition,which parcel of land now owned by said John W.Cotton and desired by said Magnolia Church as a location for the erection of the said church building thereon,is situate in said Sleepy Hole Magisterial District in said County and State,near Magnolia Station,fronting one hundred and five(105) feet on the East side of the County Road leading from said Magnolia Station to Drivers in said County,thence running back from the said County Road,Eastwardly,between straight lines,on the South side one hundred and fifty six(156) feet and on the North side one hundred and two (102) feet,and running between the Northeastern and Southeastern corners,in a straight line,one hundred and fourteen (114) feet.That the said exchange of land will best promote the interests and welfare of the said Magnolia Church and that the said John W.Cotton is willing to make the exchange aforesaid.

That at the 2nd Quarterly Conference of East Suffolk and Magnolia Charge,Portsmouth District,Virginia Conference,Methodist Episcopal Church,South,held at Magnolia Church on April 8,1901,the following resolution was adopted,to wit:-"Resolved,That the Trustees be and are hereby directed to take the necessary legal steps to effect the exchange of the Magnolia Church lot for one half an acre of land,more or less,offered by John W. Cotton for the purpose,and situate next to Mr.Duke's store," a copy of which resolution is herewith filed marked "Exhibit 2".

Your petitioners therefore pray that your Honor will make such order,as may be proper,directing that your petitioners,as said Trustees,convey the parcel of land now held by them to the said John W.Cotton in consideration of the sale and conveyance to the said Trustees of the parcel of land hereinbefore described as the

Cotton land by the said John W.Cotton .
And your petitioners will ever pray &c.

E K Channell
Philip Becker
J.N.Cheatham
J. R. Philhower
J.P. Check
J.B.Philhower
I B Wynn
R R Philhower
Adam Knight

} Trustees of East Suffolk and Magnolia Charge, Portsmouth District Virginia Conference Methodist Episcopal Church South

State of Virginia,
County of Nansemond,To wit:-
This day J.N.Cheatham,one of the Trustees of East Suffolk and Magnolia Charge,Portsmouth District,Virginia Conference,Methodist Episcopal Church,South,who signed the foregoing petition,appeared in person before me,Lee Britt, a Commissioner in Chancery of the Circuit Court for the County of Nansemond,in the State of Virginia,and made oath that the statements contained in the said petition are true to the best of his knowledge and belief.
Given under my hand this 4th day of May 1901.

Lee Britt
Commissioner in Chancery.

Trustees of East
Suffolk and
Magnolia Churches
On an application
1901 May the 7th.