1902-022

Nansemond County (Suffolk)

Chancery Causes: Petition of Trustees of African Methodist Episcopal Zion Church

Short, Smith, Hamlin, Ereredge, Ballard, Lessiter, Harris, Roberts, Weyhmann, Weyhman

At a regular meeting of the African Methodist Episcopal Zion Church situated in "West Jericho" in Nansemond county Virginia on the 27th day of January 1900 with the pastor A. W. Souther in the chair and Wilson Boykin clerk,

The congregation being ready for budiness, on motion it was ordered that the trustees of the church do sell the lot of real estate now belonging to the said church and situated on the west side of first street in "West Jericho" near Suffolk in the county of Nansemond and State of Virginia and bounded and described as follows ;

"beginning at a certain point on the west side of said first street one hundred and fifty feet north of south ~~es~~ west corner of said first street and Railroad Avenue, in said Jericho, and running thence northwardly and fronting on said first street thirty five feet ; thence running westwardly at a right angle to said first street one hundred and fifteen feet more or less ; thence running southwardly and parallel with first street thirty ~~five feet~~ five feet; and thence running eastwardly one hundred and fifteen feet to the point of beginning;

said sale to be made to Max A. T. Weyhmann, and that the said ~~Max~~ ~~the~~ trustees do take in payment for said lot another lot from said Max A. T. Weyhmann situated on the East side of First street in said "West jericho" in the county and State aforesaid, and bounded and described as follows ;

commencing at a point 256 feet from the south east corner of the intersection of first street and railroad avenue, thence running northwardly 32 feet; thence running back from said first street and at right angles thereto 120 feet; thence southwardly and parallel with said first street 32 feet ; thence westwardly 120 feet to the point of beginning on said first street;

said lot so taken in payment thereof to be held by said trustess for the benefit of the said congregation of said church, in the same manner as the first mentioned lot is now held ; and that the said trustees do make application to the Honorable Judge of the Circuit court of Nansemond county for authority to make said sale and exchange of said lots of real estate.

A copy from the Church Records. Test:
A W Souther Pastor
Wilson Boykin clerk

In the Circuit Court of Nansemond county ;Virginia .

In the matter of the petition of the trustees of the African Methodist Episcopal Zion Chirch in Nansemond county Virginia situated in " West Jericho " in Nansemond county Virginia for authority to exchange the real estate now belonging to said Church for another lot of real estate now belonging to Max A. T. Weyhman .

Ex Parte .

To the Honorable Robert R. Prentis, Judge of the Circuit Court of Nansemond county; Your petitioners Andrew Short, Harry Smith, Kenny Hamlin, Martin Everedge; ~~john Ballard~~ Johnson Ballard, George Lassiter ~~and~~ Henderson Harris and Nick Roberts D. J. Holloman, trustees of the African Methodist Episcopal Zion Church situated in "West Jericho" in Nansemond county, Virginia, respectfully represent and show to your Honor the following case ;

the said church is now the owner and holder of a certain tract or lot of land situated in said West Jericho in the county and State aforesaid and bounded and described as follows ;beginning at a certain point on the west side of First street in said west Jericho one hundred and fifty feet north of the ~~north~~ south west corner of said First street and Railroad Avenue and running thence north-wardly and fronting on said First street thirty five feet; thence running westwardly and at a right angle to said Fisrt street one hundred and fifteen feet more or less ; thence running southwardly and parallel with said First street thirty five feet ; and thence running eastwardly one hundred and fifteen ~~more~~ feet more or less to thepoint of beginning ; which was conveyed to the trsutees of the said church by Max A. T. Weyhmann by deed dated the 8th day of October I898 and duly recorded in the clerk's office of Nansemond county court in D. B. No. 42 page 29;

and your petitioners further say that Max A. T. Weyhmann is now siezed and possessed in fee simple of a certain other lot of real estate situated on the ~~wes~~ east side of said First street in said West Jericho in the county and State aforesaid and bounded and described as follows; commencing at a point 256 feetfrom the south east corner of the intersection of first street and railroad avenue thence running northwardly 32 feet ; thence running back from said first street and at right angles thereto I20 feet; thence running southwardly and parallel with said first street 32 feet ; thence westwardly I20 feet to the point of beginning on said first street

and they further say that it is the wish and pleasure of the congregation and members of said church and also in their opinion it will be for the welfare of the said church and much to the benefit thereof, to exchange the lot heretofore ~~entioned~~ mentioned in this petition and belonging to said church for and with said Max A. T. Weyhmann for his said lot of real estate heretofore described in this petition; it being a more suitable location for a place of worship than their present location or the site of their present lot; that in fact they soon discovered this after purchasing the present lot from the said Weyhman and proposed to him a for an exchange of lots some time since, to which proposition he agreed ; and that in fact when they came to build their house of worship they located the same on the lot which now belongs to the said Weyhmann with the understanding that he would at the proper time convey the said lot to them and take thier old lot in excahnge; which said wish and desire of the said chucrh is attested by a certain motion and resolution or action of the said church adopted at a meeting held on the 27th day of January 1900 with their pastor A.W. Souther in the chair and Wilson Boykin acting as clerk, which is herewith filed amd marked exhibit " A " and prayed to be read as a part of this petition .

Your petitioners therefore respectfully pray that your Honor will grant them the authority to make the exchange of said lots of real estate giving them authority to make to said Max T. Weyhmann a deed for the the real estate now belonging to said church and hereinbefore fully described ; and to take from him a deed for the said lot of real estate now belonging to him and heranbefore fully described ; and for authority to do all in the premises that is right and proper they should do in order to make the said exchange and to carry o ut and fulfil in legal form the wishes of the said church; and your petitioners will ever pray &

Writes as to all.

Emmett Rawles

Andrew his x Short, Trustee.
Kenny his x mark Hamlin, Trustee.
Henderson his x mark Harris Trustee.
George his x mark Lazelor Trustee.
Johnson his x mark Ballard Trustee.
Nick x Robal, Trustee
Martin his x mark Evereage Trustee.
Harry Smith Trustee.
R J Holloman Trustee

Virginia ; Nansemond County to-wit ;

I,R. H. Rawles a notary public for the county aforesaid in the State af Virginia do certify that Andrew Short,Harry Smith,Kenny Hamlin,Martin Everedge,Johnson Ballard,George Lassiter ~~and~~ Henderson Harris and Nick Roberts D. J. Holloman trustees of the African Methodist Episcopal Zion Church in Nansemond county Virginia whos e names are signed to the writing above and foregoing petition have this day personally appeared nefore me in my county aforesaid and made oath that the statements contained in the said petition are true to the best od the knowledge information and belief ; andthey all acknowledged the signatures to the said petition. Given under my hand this 30th day of January I900/

R H Rawles. N. P.

Witness as to all.

Emmett Rawles

Andrew his X mark Short, Trustee
Kenny his X mark Hamlin, Trustee
Henderson his X mark Harris Trustee
George his X mark Lassiter Trustee
Johnson his X mark Ballard Trustee
Nick his X mark Roberts, Trustee
Martin his X mark Everedge Trustee
Harry Smith Trustee
D. J. Holloman Trustee.

Subscribed and sworn to before me in my county of Nansemond on this 30th day of January I900 by the above trustees.

R. H. Rawles
N. P.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, in Vacation, on the 1st. day of May 1900.—

Ex parte Petition of the Trustees of the African Methodist Episcopal Zion Church.

This day this cause came on to be heard upon the petition of Andrew Short, Harry Smith, Kenny Hamlin, Martin Everedge, Johnson Ballard, George Lassiter, Henderson Harris, and Nick Roberts, the Trustees now in office of African Methodist Episcopal Zion Church, in the County of Nansemond, praying to be allowed to encumber their real estate, which petition is supported by affidavits of Andrew Short and Kenny Hamlin, and was argued by counsel.

On consideration whereof, and it appearing to the Court from said petition, from the evidence produced, and from the affidavit of George Lassiter filed in support thereof, that it is the wish of the said congregation that the trustees aforesaid be allowed to negotiate a loan and secure the same by a deed of trust on the property held by them to the extent of $350.00, the court doth adjudge, order and decree that the said Trustees, Andrew Short, Harry Smith, Kenny Hamlin, Martin Everedge, Johnson Ballard, George Lassiter, Henderson Harris and Nick Roberts, Trustees of said African Methodist Episcopal Zion Church, be and they are hereby authorized to negotiate a loan of not to exceed $350.00. and to execute as security for said loan, a deed of trust on the real estate mentioned and described in said petition, as follows: All that certain lot of land with improvements thereon on the East side of First Street in "West Jerico", commencing at a point 256 feet from the south-east corner of the intersection of said First Street and Railroad Avenue, thence running Northwestwardly 32 feet, thence back from said Street and at right angles thereto 120 feet, thence Southwardly and paralel with First Street 32 feet, thence Westwardly 120 feet to the beginning on said First Street, it being property conveyed to them by Max A. T. Weyhmann, said property having upon it a frame building now used as a church; and they shall make report to Court.

Robert R. Travis

To the Clerk of the Circuit Court of Nansemond County:

Enter May 1, 1900

No Sett. Fees

Entered in Chancery
Order Book No 3 Page
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In the Circuit Court of Nansemond County, in vacation on the 10th day of May I900.

In the matter of the trustees of the African Methodist Episcopal Zion Church situated in West Jericho in Nansemond county Virginia for authority to exchange real estate belonging to said Church for another lot of real estate belonging to Max A. T. Weyhmann .

Ex Parte .

This ~~cause came on this~~ day ~~to be~~ again ~~heard on the papers formerly read as well as on the report of~~ causes Andrew Short and ~~the~~ others trustees of said church ~~which said~~ report ~~was filed on the day of May I900~~ and filed their report made under the order entered on the 3d day of February 1900, ~~and~~ to which no exception has been filed, and was argued by counsel ; On consideration whereof, the court doth confirm the said report, and it apearing from the same, that the said trustees and the said Max A. T. Weyhmann, mentioned in said papers ~~in said cause had~~ have duly ~~exchaeng~~ exchanged lots, in accordance with said order, and have made to each other, deeds for the same, and that nothing now further remains to be done ~~in said cause~~ herein it is ordered that ~~the cause~~ this proceeding be removed from the docket .

To the Clerk of the Circuit Court of Nansemond County.

Decree Confirming Report of Trustees.

Entered May 10, 1900

Robert C. Ellis

Entered in Chancery
Order Book No 3
Page 295.

To The Honorable Robert R. Prentiss, Judge of the Circuit Court of Nansemond County ;

The Undersigned Andrew Short, Harry Smith, Kenny Hamlin, Martin Everedge, Johnson Ballard, George Lassiter, ~~D. J. Holloman~~, Henderson Harris and Nick Roberts, trustees of the African Methodist Episcopal Zion Church situated in West Jericho, in Nansemond county Virginia, beg laeve to report to court, that pursuant to a decree rendered by said court in Vacation on the 3rd day of February 1900, and by virtue of the power vested in them by said decree, they have exchanged the two pieces of real estate mentioned in the petition and decree, one of which belonged to said church and the other to Max A. T. Weyhman ; that they have made to the said Max A. T. Weyhmann a good and sufficeint deed for the lot formerly belonging to said church and mentioned and described in said decree, and delivered the same to him ; and that they have taken from him the said Max A. T. Weyh mann a good and sufficient deed for his said lot or that formerly owned by him and which is fully described in said decree an petition in said cause, said cause being an ex parte matter on a petition from said church trustees for the power an d privilege of making this said exchange of said real estate; and that they have fully carried out and performed all that was required of them by said decree .
All of which they respectfully submit .

Wihney & all sig mark

J. E. Wash

Andrew his X mark Short, Trustee
Harry Smith Trustee
Kenny his X mark Hamlin Trustee
Martin his X mark Everedge, Trustee
Johnson his X mark Ballard, Trustee
Geo mark Lassiter Trustee
Henderson his X mark Harris, Trustee
Nick his X mark Roberts, Trustee

Trustees of the African Methodist Episcopal Zion Church in West Jericho in Nansemond County Va.

Report of Trustees

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

The undersigned Stewards of the African Methodist Episcopal Zion Church of Suffolk, Va., do hereby respectfully represent to the Court that D.J.Holloman. one of the Trustees appointed by the Court in a previous decree, or order entered by your Honor, has removed from Suffolk, and out of the jurisdiction of this Church, and that at a regularly constituted meeting of the said Church the said D.J. Holloman was removed as said trustee, and they respectfully ask the Court to confirm their action and remove the said Holloman from his office .

April 26th 1900.

Respectfully submitted,

Witness.
Geo Lassiter

Rebecca her X mark Roberts
Mariah her X mark Boykin
Carrie her X mark Smith
Eliza her X mark Emmett
Lucy her X mark Hatcher
Sealie her X mark Lassiter
Susan her X mark Short
Virnia her X mark Hinton
Mildrid Jones
Williams Bayton

McLemore & Corbett p.p.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, in vacation, on the 1st day of May 1900.

Ex parte Petition of the Stewards of African Methodist Episcopal Zion Church.

This day this cause came on to be heard upon the petition of Rebecca Roberts, Mariah Boykin, Carrie Smith, Eliza Everett, Lucy Hatcher, Sealie Lassiter, Susan Short, Vinnia Hinton, Mildred Jones and Wilson Boykin, Stewards of African Methodist Zion Church, in Nansemond County, Virginia, praying the Court that D. J. Holloman, appointed by the Court as one of the Trustees of said Church in a previous decree, be now removed from his office.

On consideration whereof and it appearing to the Court from said petition signed by the Stewards, being the proper authorities, of African Methodist Episcopal Zion Church, that the said D. J. Holloman, heretofore appointed by the Court one of the Trustees, has moved from Suffolk, and out of the jurisdiction of the church, and that at a regular constituted meeting, it was decided that it was the wish of the church that the said D. J. Holloman be removed as Trustee, the Court doth adjudge, order and decree that the petition of said Church be granted and that the said D. J. Holloman be removed from his office as trustee.

Robert R. Prentis.

To the Clerk of the Circuit Court of Nansemond County:

Enter May 1, 1900

Robert R. Lewis

Entered in Chancery
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To the Honorable Robert R. Prentis, Judge of the Circuit Court of Nansemond County ;

We the undersigned A. W. Lowther pastor, and Wilson Boykin Clerk, of the African Methodist Episcopal Zion Church in Nansemond county, situated in "West Jericho" in the county of Nansemond and State of Virginia do certify that the following members of the said church have been duly elected by the congregation of said church, as trustees of said church, and church property, and we do respectfully pray that the same may be duly appointed by your Honor in the manner prescribed by law.

Names of trustees ;Andrew Short, Harry Smith, Kenny Hamlin, Martin Evered Johnson Ballard, George Lassiter and D. J. Holloman + Henderson Harris. and Nick Roberts.

Respectfully &

A. W. Lowther Pastor

Wilson Boykin Clerk.

Virginia Nansemond county to-wit ;

I? R. H. Rawles, a notary public for the county aforesaid, in the state of Virginia do certify that A. W. Lowther and Wilson Boykin whose names are signed to the writing above dated the 29th day of January 1900 have this day acknowledged the same before me in my county aforesaid . Given under my hand this 29th day of January 1900.

R. H. Rawles
N. P.

Entered July 3, 1900.

Robert Shultis

Entered Chancery
Order Book No 3 Page
261.

Circuit Court of Nansemond County , on the 3d day of February 1900,
In Vacation .

In the matter of the trustees of the African Methodist Episcopal Zion Church situated in "West Jericho" in Nansemond county Virginia, for authority to exchange ~~tch~~ the real estate now belonging to said church for another lot of real estate now belonging to Max A. T. Weyhmann.

Ex Parte .

This cause came on this day to be heard on the petition of Andrew Short, Harry Smith, Kenny Hamlin, Martin Everedge, Johnson Ballard, George Lassiter ~~and~~ Henderson Harris and Nick Roberts D. J. Holloman, trustees of the African Methodist Episcopal Zion Church situated in "West Jericho" in Nansemond county, Virginia, and on the exhibit filed with said petition marked Exhibit " A ".

On consideration whereof, it appearing that ~~is~~ it is the wish and desire of the congregation of the said church, and also of the members and trustees thereof, to exchange the lot of real estate now belonging to to said church, for another lot of real estate now belonging to Max A. T. Weyhmann, they being of the opinion that it is for the welfare of the said church, that said exchange be made, therefore the court doth order and decree that the said trustees may make such exchange adjudge and that when the said Max A. T. Weyhmann shall sell and convey to the said trustees the following real estate for the use and benefit of the said church and as the property of the said church, to-wit; "a certain lot of land situated on the east side of First Street in West Jericho in Nansemond county Virginia commencing at a point two hundred and fifty six (256) feet from the south east corner of the intersection of said First street and Railroad avenue thence running Northwardly thirty two (32) feet; thence back from said street and at right angles thereto, one hundred and twenty (I20)feet; thence southwardly and parallel with First street thirty two (32) feet; thence westwardly one hundred and twenty (I20) feet to the beginning on said First Street,"

then and in that event, they, the said trustees of the said church shall have the power and authority, and are hereby authorized, to make a deed to the said Max A. T. Weyhmann conveying to him the following real estate to-wit ;

" all that certain lot of real estate, situated on the west side of First street, in "West Jericho", in Nansemond county, Virginia, beginning at a certain point on the west side of said First street, one hundred and fifty (I50) feet north of the south west corner of said First street and Railroad Avenue in said Jericho, and running thence northwardly and fronting on said First street thirty five (35) feet ; thence running westwardlyh at a right angle to said First street one hundred and fifteen (II5) feet more or less; thence running southwardly and parallel with First street thirty five (35) feet; and thence running eastwardly one hundred and fifteen (II5) feet to thepoint of beginning ."

And the said trustes shall make report to this court of their transactions under this decree: and this cause is continued .

Robert R. Travis

To the Clerk of the Circuit Court of Nansemond County .

Entered July 3, 1900

Robert R. Prentis

Entered
Chancery Order
Book No 3 Page 262.

TO THE HONORABLE ROBERT R. PRENTIS, JUDGE OF THE CIRCUIT COURT OF NANSEMOND COUNTY.

Your petitioners, Andrew Short, Harry Smith, Kenny Hamlin, Martin Everedge, Johnson Ballard, George Lassiter, Henderson Harris and Nick Roberts, Trustees of African Methodist Episcopal Zion church, of the County of Nansemond, humbly petitioning showeth to your honor that they, the aforesaid Andrew Short, Harry Smith, Kenny Hamlin, Martin Everedge, Johnson Ballard, George Lassiter, Henderson Harris and Nick Roberts, are the Trustees of African Methodist Episcopal Zion church, now in office, that they hold as said trustees, a certain lot of land on the East side of First Street in "West Jerico" commencing at a point 256 feet from the south-east corner of the intersection of said First Street and Railroad Avenue, thence running Northwardly 32 feet, thence back from said Street and at right angles thereto 120 feet, thence Southwardly and parallel with First Street 32 feet, thence Westwardly 120 feet to the beginning on said First Street, it being property conveyed to them by Max A. T. Weyhmann, said property having upon it a frame building now used as a church.

Your petitioners declare that said building is too small for the present church purposes and that it is desired by the members of said church to enlarge and improve said building. A meeting of the church members having been held on April 11th., 1900, it was decided that improvements and the enlargements should be undertaken forthwith. The church being without funds it was decided in the meeting heretofore mentioned to mortgage said property for the sum of $350.00, which amount would be necessary to do the work. And your petitioners were instructed to ask the court that permission be given said trustees to execute mortgage for the amount of $350.00 for the purposes aforesaid.

For-as-much as your petitioners are remediless save in a court of chancery where matters of this sort are properly cognizable, your petitioners respectfully pray your honor to make such order as may be proper providing for the mortgage of said property, and that any fur-

ther orders may be made as is adapted to the nature of the case.

And your petitioners will ever pray, &c.

Andrew Short
Harry Smith
Kenny Hamlin
Martin Enwedge
Johnson Ballard
George Lassiter
Henderson Harris
Nick Roberts

McLemore & Corbitt p.p.

VIRGINIA, NANSEMOND COUNTY, To-wit:

This day Andrew Short and Kenny Hamlin appeared in person before me, a Notary Public in and for the County and State aforesaid, and made oath that the matters in the foregoing bill are true.

Given under my hand this 28 day of April 1900.

J. Walter Harris Notary Public

We the undersigned stewards of African Methodist Episcopal Zion church do certify that at a meeting of the members of said church, regularly called for April 11th. 1900, it was decided by said members that the building now used as a church is too small for the present church purposes, and that it is desired by the members of said church to enlarge and improve said building.

The church being without funds it was decided in the meeting heretofore mentioned to mortgage the church property for the sum of $350.00, which amount would be necessary to do the work, and the Trustees of the church were instructed to ask the court to pass such order as may be proper providing for the mortgage of said property, and any further orders as may be adapted to the nature of the case.

Given under our hands this 26 day of April 1900.

Witness:

geo: Lassiter

Rebecca her X mark Roberts

Mariah her X mark Boykin

Carrie her X mark Smith

Eliza her X mark Emmett

Lucy her X mark Hatcher

Sealie her X mark Lassiter

Susan her X mark Short

Vinnia her X mark Hinton

Mildred Jones

Wilson Boykin

VIRGINIA,

NANSEMOND COUNTY, to-wit:

This day George Lassiter appeared in person before me, a Notary Public in and for the county and state aforesaid, and made oath that he witnessed the signatures to the writing hereto annexed signed by the stewards of African Methodist Episcopal Zion church, and furthermore says on oath that he was present at the meeting held by the members of the church on April 11th., 1900, and that the proceedings of the meeting are correctly set forth in the annexed certificate.

Given under my hand this 27th day of April 1900.

J. Walter Davis N.P.

Ex parte African Methodist Epis. Zion Church } Petition of Trustees.

McLennan & Carlett, Pp.

Trustees of African
Methodist Episcopal
Zion Church
Application

Final Decree
May 10th 1900.