1905-024
Nansemond Co(Suffolk) Chancery Causes: M.F. Pinner, asgn et al vs S.F. Warrington et al

Haynes, [George Tait & Sons], Phillips & Sons], Nansemond Truck Package Co],
Kirn, Nurney, Young, Keeling, Prentis, Holland, Jones, Gage,
Farmers Bank of Nansemond]

✓ Henry Nixon, Sheff. Nyce County ✓

✓ Ralph P. Gage, Trustee
✓ J. R. Young
✓ L. A. Young
✓ C. L. Young
} City of Nyce

To the Clerk of the Circuit Court of Nansemond County:

R. F. Pinner, Assignee of Sarah E. Haynes, Executrix of W. H. Haynes, deceased, James C. Tait, William L. Tait and Robert Tait, partners trading as George Tait & Sons, J. J. Phillips, W. J. Phillips and C. C. Phillips, partners trading as Phillips & Sons, A. D. Miner and H. McClellan, trading as Nansemond Truck Package Company,

v.

S. F. Warrington, C. M. Warrington, Robert R. Prentis, Trustee, Henry Kirn, E. E. Holland, Trustee, George W. Nurney, William H. Jones, Jr., Trustee, The Farmers Bank of Nansemond, Ralph P. Gage, Trustee, J. R. Young, L. A. Young and C. L. Young.

Issue Summons in Chancery to First January 1905 Rules.

Tax $1.50

McLemore & Cowlitt p.q.

December 7th., 1904.

M F Perrier &c
vs
Memorandum
S F Marrineau &c

CHANCERY SUMMONS.

The Commonwealth of Virginia, Norfolk

TO THE SHERIFF OF ~~NANSEMOND~~ COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ~~S. F. Warrington, C. M. Warrington,~~ Robert R. Prentis, Trustee, Henry Kirn, E. E. Holland, Trustee, George W. Nurney, William H. Jones Jr, Trustee, The Farmers Bank of Nansemond, Ralph P. Gage, Trustee, J. R. Young, L. A. Young and C. L. Young

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 January 1905, to answer a Bill in Chancery, exhibited against them in the said Court by M. F. Pinner, Assignee of Sarah E. Haynes, Executrix of W. H. Haynes, deceased, James E. Tait, William L. Tait and Robert Tait, partners trading as George Tait & Sons, J. J. Phillips, W. J. Phillips and C. C. Phillips, partners trading as Phillips & Sons, A. B. Minoer and H. McClellan trading as Nansemond Truck Package Company

and have then and there this summons.

Witness, ~~A. P. GOMER~~ R R Smith, Clerk of our said Court, at his office, this 9th day of December, 1904, in the 129th year of the Commonwealth.

A copy—Teste:
A. P. Gomer D.C.
CLERK.

Teste:
A. P. Gomer D.C.
CLERK.

Executed this 17th day
of December 1904 by
serving a copy of the
within process on
Henry Kirn.

A. C. Cromwell
Shff
By W. S. Newberry
Dpy. Shff.

McLemore Norfolk p. q.

A Copy for
Henry Kirn

vs | In Chancery.

1905

January Rules.

First Monday.

Nansemond Circuit Court.

Process Book No. 2

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CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON S F Harrington, & M Harrington, Robert R Prentis Trustee, Henry Kirn, E E Holland Trustee, George W Nurney, William A Jones Jr. Trustee, The Farmers Bank of Nansemond, Ralph P Gaye, Trustee, J R Young, L A Young and B L Young

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 January 1905, to answer a Bill in Chancery, exhibited against them in the said Court by W F Pinner, Assignee of Sarah E Haynes, Executrix of W H Haynes, deceased James B Tait, William L Tait and Robert Tait, partners trading as George Tait & Sons, J J Phillips, W J Phillips and B L Phillips, partners trading as Phillips & Sons, A B Miner and A McClellan trading as Nansemond Stuck Package Company

and have then and there this summons.

Witness, ~~A. P. GOMER~~ R R Smith, Clerk of our said Court, at his office, this 9th day of December, 1904, in the 129th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: R R Gomer D C, CLERK.

Executed this 13th day of December 1904 by delivering a true
Copy of the within process to each of the within named defts
& Wm Mannington in person.

Executed this 10th day of Dec 1904.
By delivering a true copy of this within process, C. & O. R.R. Gamble, 2 Defendants
Wm Mannington & Cashier Hyslop Bank of Suffolk, each in person.

Fees
For [illegible]

Wm Lemon Corbitt p. q.

Wm F. Skinner
Assignee &c

vs. | In Chancery.

S. F. Darrington
and others

1905

January Rules.

First Monday.

Nansemond Circuit Court.

Process Book No. 21

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CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE ~~SHERIFF~~ Sergeant OF ~~NANSEMOND COUNTY~~ Norfolk City —GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON S. F. Warrington, C. M. Warrington, Robert R. Prentis, Trustee, Henry Kirn, E. E. Holland Trustee, George W. Nurney, William H. Jones Jr., Trustee, The Farmers Bank of Nansemond, Ralph P. Gage, Trustee, J. R. Young, L. A. Young and C. L. Young

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 fisrt Monday in January 1905, to answer a Bill in Chancery, exhibited against them in the said Court by M. F. Pinner, Assignee of Sarah E. Haynes, Executrix of W. H. Haynes, deceased, James C. Tait, William L. Tait and Robert Tait, partners trading as George Tait & Sons, J. J. Phillips, W. J. Phillips and C. C. Phillips, partners trading as Phillips & Sons, A.B. Miner and H. McClellan Trading as Nansemond Truck Package Company

and have then and there this summons.

Witness, ~~A. P. GOMER,~~ R R Smith Clerk of our said Court, at his office, this 9th day of December, 1904, in the 129th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste: C. L. Young D.C., CLERK.

Executed in the City of Norfolk on the 10th day of December 190x by delivering copies hereof to Ralph P. Gage Trustee J.R. Young and C. L. Upping and on the 12th day of December 190x I served a copy hereof on L. A. Young

J. T. Fowlkes Sergt City of Norfolk by C. L. Upping D.Sh.

Sergts fee 2.00 paid C.L.U. DS

38 J 785

M. Lemoe Corbitt p. q.

W. F. Pinner Assignee & others

vs | In Chancery.

S. F. Warrington and others

1905

January ---Rules.

First ---Monday.

Nansemond Circuit Court.

Process Book No. 2

Page 261

W. F. Primm, assignee et als — Plaintiff.

v.

S. F. Harrington et als — Defendants

On motion of the complainants it is ordered ~~that this~~ case be stricken from ~~the~~ docket.

W. F. Prescott
Mch. Chain
S. F. Warrington.

Enter May 11, 1905
Robert R. Prentis

Entered in Chy. Order
Book No. 3. Page 653

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

First January Rules 1905.

S. F. Warrington et als.----------Defendants.

ads.

M. F. Pinner et als.----------Complainants.

Plea in Abatement.

The separate plea of S. F. Warrington to a bill of complaint exhibited against him and others, in the Circuit Court for the County of Nansemond, by M. F. Pinner and others.

The said defendant by protestation, not confessing or acknowledging all or any of the matters and things in the said bill of complaint contained to be true in manner and form as the same are therein set forth, for plea, nevertheless, to said bill, doth plead and aver, that in the writ commanding this defendant to appear at rules to answer the complaint of the plaintiffs, the Imperial ~~Guano~~ Company, does not appear as a party defendant, that on the land in the declaration mentioned, the Imperial ~~Guano~~ Company is a lien creditor of record and a necessary party defendant in this suit, that said Imperial ~~Guano~~ Company is in existance, and at the commencement of this suit, was, and still is a corporation and a resident of this State and within the jurisdiction of this court, to-wit: in the City of Norfolk; and this the defendant is ready to verify.

Wherefore the said defendant prays judgment, whether he shall be compelled to make any other or further answer to said bill, and prays to be hence dismissed with her reasonable costs and charges in this behalf most wrongfully sustained.

S. F. Warrington

Virginia, Nansemond County, to-wit:

This day S. F. Warrington appeared in person before me a Notary Public in and for the state and county aforesaid and made oath that the matters stated in the annexed plea are true, and that the place of residence of the Imperial ~~Guano~~ Company is in Norfolk City, Virginia.

Given under my hand this 2nd day of January 1905.

Emma King, Notary Public.

My commission ex pires Nov. 5, 1908.

1905 Jany 4th Filed
A P Gomey DC

ROBT. W. WITHERS,
ATTORNEY AT LAW,
SUFFOLK, VA.
PRACTICING IN ALL COURTS IN
FIRST JUDICIAL CIRCUIT.

JEWELL & COMPANY, PHILADELPHIA.

LAP OVER MARGIN

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

M. F. Pinner, Assignee of Sarah E. Haynes, Executrix of W. H. Haynes, deceased, James C. Tait, Willian L. Tait and Robert Tait, partners trading as George Tait & Sons, J. J. Phillips, W. J. Phillips and C. C. Phillips, partners trading as Phillips & Sons, A. B. Miner & H. McClellan, trading as Nansemond Truck Package Company, who sue for themselves and such other lien creditors of S. F. Warrington as shall come in, take part in and share the costs of this suit, complaining showeth unto the Court, that at the April term, 1902, of the Circuit Court of Nansemcnd County W. H. Haynes recovered a judgment against S. F. Warrington on an instrument waiving homestead exemption for thc sum of cne hundred and fifty two and 03/100 ($152.03) dollars, with interest from the 21st. day of January, 1902, until paid, and six and 90/100 ($6.90) dollars costs, that afterwards W. H. Haynes departed this life, and that on, to wit, the 22nd. day of July, 1904, the said judgment was assigned to M. F. Pinner by Sarah E. Haynes, Executrix of W. H. Haynes, deceased, a copy of which judgment and a copy of which assignment are herewith filed, marked exhibit "A" and exhibit "B" respectively, and prayed to be read as a part of this bill, that no part of said judgment hath ever been paid, that said judgment was duly docketed on the 7th. day of May, 1902, in the Clerk's Office of the County Court of Nansemond; that at the October term, 1902, of the Circuit Court of Nansemond, James C. Tait, William L. Tait and Robert Tait, partners trading as George Tait & Sons, recovered a judgment against S. F. Warrington for the sum of one hundred and thirty five and 01/100 ($135.01) dollars, with interest cn seventy two and 63/100 ($72.63) dollars from the 1st. day of June, 1900, until paid, and on sixty two and 38/100 ($62.38) dollars from the 1st. day of June, 1901.

until paid, and seven and 45/100 ($7.45) dollars costs, a copy of which is herewith filed, marked exhibit "C", and prayed to be read as a part of this bill, that no part of said judgment hath ever been paid, that said judgment was duly docketed on t the 1st. day of November, 1902, in the Clerk's Office of the County Court of Nansemond; that at the October term, 1903, of the Circuit Court of Nansemond, James C. Tait, William L. Tait and Robert Tait, partners trading as George Tait & Sons, recovered a judgment against S. F. Warrington on an instrument waiving homestead exemption for the sum of two hundred and forty and 00/100 ($240.00) dollars, with interest from the 19th. day of September, 1898, and seven and 45/100 ($7.45) dollars costs, a copy of which is herewith filed, marked exhibit "D", and prayed to be read as a part of this bill, that no part of said judgment hath ever been paid, that said judgment was duly docketed on the 30th. day of October, 1903, in the Clerk's Office of the County Court of Nansemond; that at the May term, 1904, of the Circuit Court of Nansemond, J. J. Phillips, W. J. Phillips and C. C. Phillips, partners trading as Phillips & Sons, recovered a judgment against S. F. Warrington and C. M. Warrington for the sum of one hundred and fifty and 00/100 ($150.00) dollars, with interest from the 8th. day of March, 1901, and seven and 15/100 ($7.15) dollars costs, a copy of which is herewith filed, marked exhibit "E", and prayed to be read as a part of this bill, that no part of said judgment hath ever been paid, that said judgment was duly docketed on the 3rd. day of June, 1904, in the Clerk's Office of the County Court of Nansemond; that on the 6th. day of May, 1904, before J. C. Holladay, a Justice of the Peace for the County of Nansemond, A. B. Miner and H. McClellan, trading as Nansemond Truck Package Company, recovered a judgment against S. F. Warrington for the sum of eighteen and 38/100 ($18.38) dollars, with interest from the 20th. day of

June, 1903, and one and 45/100 ($1.45) dollars costs, a copy of which is herewith filed, marked exhibit "F" and prayed to be read as a part of this bill, that no part of said judgment hath ever been paid, that said judgment was duly docketed on the 16th. day of June, 1904 in the Clerk's Office of the County Court of Nansemond; and that the records of the Clerk's Office of the County Court of Nansemond show that other judgments in favor of other parties have also been recovered against the said S. F. Warrington, which said judgments are apparently not marked satisfied.

In addition to the same the said S. F. Warrington and C. M. Warrington, his wife, have executed, and there are recorded in the Clerk's Office of the County Court of Nansemond, the following deeds of trust binding the interest of S. F. Warrington in the hereinafter described lands:

First- A deed of trust to Robert R. Prentis, Trustee, to secure a debt for three thousand ($3000.00) dollars, with interest, to Henry Kirn, which said deed of trust is recorded in Deed Book No. 29, page 626.

Second- A deed of trust to E. E. Holland, Trustee, to secure a debt for fifteen hundred ($1500.00) dollars, with interest, to George W. Nurney, which said deed of trust is recorded in Deed Book No. 37, page 683.

Third- A deed of trust to William H. Jones, Jr., Trustee, to secure a debt for one thousand ($1000.00) dollars to the Farmers Bank of Nansemond, which said deed of trust is recorded in Deed Book No. 43, page 368.

Fourth- A deed of trust to E. E. Holland, Trustee, to secure a debt for seven hundred and fifty ($750.00) dollars, with interest, to G. W. Nurney, which said deed of trust is recorded in Deed Book No.46, page 471.

Fifth- A deed of trust to Ralph P. Gage, Trustee, to secure a debt for seventeen hundred and eleven and 12/100 ($1711.12) dollars, with interest, to J. R. Young, L. A. Young and C. L. Young, trading and doing business under the firm

name and style of The Imperial Company, which said deed of trust is recorded in Deed Book No. 51, page 175. 3/15/02

Sixth- A deed of trust to Ralph P. Gage, Trustee, to secure a debt for eight hundred and twenty five ($825.00) dollars, with interest, to J. R. Young, L. A. Young and C. L. Yound, trading and doing business under the firm name and style of The Imperial Company, which said deed of trust is recorded in Deed Book No.55, page 332. 5/13/03

Seventh- A deed of trust to Ralph P. Gage, Trustee, to secure a debt for twelve hundred and sixty five and 56/100 ($1265.56) dollars, with interest," to the holder thereof, the payment of one certain promissory note" which said deed of trust is recorded in Deed Book No. 55, page 479. 10/2/03

The said S. F. Warrington is seized and possessed, in his own right, of the following tracts of land:

First- That tract conveyed to Severn F. Warrington by deed from Jacob W. M. Keeling and Elizabeth A. Keeling, his wife, dated December 1st.,1884, admitted to record December 1st.,1884, and recorded in Deed Book No. 13, page 713, in the Clerk's Office of Nansemond County Court, and described in said deed as follows:

"A certain tract, piece or parcel of land, situate, lying and being in Sleepy Hole Magisterial District in Nansemond County aforesaid containing sixty five acres, more or less, and bounded on the North by the lands of the estate of James A. Phelps deceased on the East by the lands of the estate of Virginia Jones, deceased formerly Jeremiah Jones', on the South by the lands of Dr. Wm. T. Jordan and on the West by the lands of John G. Peak formerly the lands of Mrs. Sallie J. Wright and being a part the lands which, by deed, was duly conveyed to said Jacob W. M. Keeling by Wm. W. Wright, Commissioner, and a part of the land formerly owned by Wm. R. Gary now deceased, (together with one half of the right title and interest of the

said Jacob W. M. Keelingin and to a certain common located in the Lower Parish of said County known as the "Cross Swamp") together with all and singular the appurtenances belonging to the same."

Second- That tract conveyed to Severn F. Warrington by E. E. Holland, Trustee, by deed dated February 9th.,1891, admitted to record February 20th.,1891, and recorded in Deed Book No.24, page 457, in the Clerk's Office of Nansemond County Court, and described in said deed as being R. Levy Ames' interest "in and to both those certain tracts of land in Nansemond County, Virginia, the first tract containing three hundred and fifty acres, more or less, and bounded by the lands of T. R. Gaskins on the North, by Nansemond River on the West, on the East by the county road and on the South by the lands of John G. Peake, the second tract containing two hundred and fifty acres, more or less and adjoining the lands of J. G. Peake, W. R. Old, T. R. Gaskins and others and being same land of which his father R. B. Ames died seized and possessed." Said R. Levy Ames' interest in said lands by partition proceedings having been described as " All that part of said land commencing at Bennetts' Creek, a corner with Annie J. Everett, thence along said Creek to the lands of L. D. Ames, thence along the land of L. D. Ames, John G. Peake and others to Nansemond River, also a corner with Annie J. Everett, and thence along said Annie J. Everett's line to the beginning and containing one hundred and eleven acres of high land and one hundred and seven acres of marsh lands."

Your orators aver and charge, that the rents and profits of the said lands will not in five years satisfy the judgments which are liens upon the same, and that they are therefore entitled to have the said lands sold to satisfy their own and the other liens thereon.

In consideration whereof they pray that the said S. F. Warrington, ^ C. M. Warrington, Robert R. Prentis, Trustee, Henry Kirn, E. E. Holland, Trustee, George W. Nurney, William H. Jones, Jr., Trustee, the Farmers Bank of Nansemond, Ralph P. Gage, Trustee, J. R. Young, L. A. Young and C. L. Young be made defendants to this bill, and required to answer the same, but not on oath, the oath being expressly waived; that proper process issue; that all proper orders and accounts be directed and taken; that the lien creditors of the said S. F. Warrington be convened before a master commissioner in chancery of this court; that the lien debts of the said S. F. Warrington be ascertained, and the amounts thereof and their order of priority of lien be established; that if it appears that the rents and profits of the said land will not in five years pay the judgments which are liens upon the same, that it or so much thereof as will suffice to satisfy the liens thereon, and the costs of suit and sale, be sold, and the proceeds thereof be applied to the payment of the said costs and liens; that if such rents will so suffice, the said lands be rented out and the rents and profits thereof be applied to the said liens until they are fully satisfied; and that all such other, further and general relief may be given as in the premises is just and right. And your orators will ever pray, etc.

M. J. Pinner, Assignee
of Sarah E. Haynes, Executrix of W. H. Haynes dec'd.
N. B. Warren for New Land Mfg Co.

McLemore & Corbitt, p. q.

M. E. Pinney, Assignee et als
v. } In Chancery.
S. F. Warrington et als

Bill

Both ways for direct—

W F Purner Assignee &c
vs In Chancery
S F Warrington & others

1904 Decr 9th Process issued returnable to January rules first Monday.

1905 Jany 2. Process returned executed on all defendants. Bill filed and Decree Nisi against said defendants.

" " 16 Decree nisi confirmed and cause set for hearing.

Chancery Notes

Costs –

	382
Clerk's Fee	~~5.00~~
Jay	1,50
Stiff	2,00
Supt N City	2,00
Sty Marquis Co	50
City	15-00
	~~24,00~~ 21,00

Mrs. Fannie Arrington

vs.

L. T. Harrington

Papers in Above Styled Suit
in the Hands of

J. D. Cockrell

Attorney.

July 8 1912

Costs 382
Clerk ~~8.07~~
Jay 150
Shff 3.00
Sergt Mcy 2.00
Sh Mco. 50
Atty 15.00
~~27.07~~

Pinner Assignee

Vs In Chancery

S F Warrington & others

1905

May 11th

Final Decree

Pinner & c Vs Warrington & others

All Available Text Successfully Captured