

1907- 013

Nansemond Co (Suffolk)

Chancery Causes: J.B. Philhower & Son vs Cornelius Goodman

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

July 11th, 1906.

J. B. PHILHOWER & SON.....complainants.

vs. In Chancery

CORNELIUS GOODMAN Defendant.

To R. R. Smith, Clerk.

Issue process commanding the proper officer to summon Cornelius Goodmsn to appear in the Clerk's Office of the Circuit Court of Nansemond County at the rules to be holder for said court on Monday, the 6th day of August, 1906, being the first August Rules, to answer the bill of complaint of J. B. Philhower and J. C. Philhower, partners trading as J. B. Philhower & Son.

Day \$1.50

Robt. W. Nichols, p.g.

R. W. Withers pg
of 13 Philhewert Sen
vs In Chancery
Cornelius Goodman

July 17th 1846.

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Cornelius Goodman

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 *August 1906*, to answer

a Bill in Chancery, exhibited against *him* in the said Court by *J B Phiehower and J C Phiehower partners trading as J B Phiehower & Son*

and have then and there this summons.

Witness, R. R. SMITH, Clerk of our said Court, at his office, this *11th* day of *July*, 190*6*, in the *31st* year of the Commonwealth.

A copy—Teste:

Teste:

CLERK.

CLERK.

R R Smith
By A P Gomer Dep. Clerk

Robt W Withers p. q.

J B Phelkower & Son

vs.

In Chancery.

Cornelius Goodman

190

August Rules.

First Monday.

Nansemond Circuit Court

Process Book No. -----

Page -----

I have this 21st day of July 1906 executed the within
process by delivering a true copy thereof to the
within named Cornelius Goodman in person
in my county of Nansemond.

J H Barker
By R E Norfolk Clerk

"The Original Four"

Greensboro Fire Insurance Companies

SOUTHERN UNDERWRITERS
HOME INSURANCE COMPANY OF GREENSBORO
SOUTHERN STOCK FIRE INSURANCE COMPANY
UNDERWRITERS OF GREENSBORO

Assets Over Three - Quarter Million Dollars

A. W. MCALISTER, MANAGER, GREENSBORO, N. C.

R. R. F.

I have filed this
bill. Also send me
papers in case of
Cramer v. Howell by
your boy when he comes
up for the mail.

R. W. W.

7/11/06

THURSDAY, JUNE 21, 1906.

"The Original Four"

Greensboro Fire Insurance Companies

SOUTHERN UNDERWRITERS
HOME INSURANCE COMPANY OF GREENSBORO
SOUTHERN STOCK FIRE INSURANCE COMPANY
UNDERWRITERS OF GREENSBORO

Assets Over Three-Quarter Million Dollars

A. W. MCALISTER, MANAGER, GREENSBORO, N. C.

R.R.F.

Issue this.

I will pay writ tax
on demand ✓

R.W.W.

7/10/06

TUESDAY, JUNE 19, 1906.

Know All Men by These Presents, That we, Robt. W. Withers and N. R. Withers

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the just and full sum of Six Hundred DOLLARS,

to the payment whereof, well and truly to be made to the Commonwealth of Virginia, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

And we waive the benefit of our exemption as to this obligation, and also waive any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the office, post or trust herein mentioned, with coupons detached from bonds of said State.

Sealed with our seals, and dated this 29th day of January in the year of our Lord one thousand nine hundred and seven, and in the 131st year of the Commonwealth.

In Testimony Whereof, the said has hereto set his hand and seal, and the said

has caused its corporate name to be hereto signed, and its corporate seal to be hereto affixed, this day of in the year of our Lord, one thousand nine hundred and and in the year of the Commonwealth.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound Whereas by a decree of the Circuit Court for the County of Nansemond entered on the 14th day of January, 1907, in the chancery cause pending in said court between J. B. Philhower & Son, Complainants and Cornelius Goodman defendant, it was adjudged, ordered and decreed that the house and lot of land mentioned in said bill be sold and that Robt. W. Withers was appointed Special Commissioner by said decree to sell the same.

Now therefore, if the said Robt. W. Withers shall faithfully discharge his duties under said decree and all other decrees he may be required to execute in said cause, then the above obligation is to be void, otherwise it is to remain in full force and effect.

Robt. W. Withers



N. R. Withers



VIRGINIA:

In the Clerk's Office of the Circuit Court of Nansemond County, on the 29th day of January, 1907:

The above bond was executed and acknowledged before me by the obligors to the same (the security justifying), and ordered to be recorded.

Teste:

A. P. Gomer, J. C.

Robt. H. Withers
To } Free. Com. Bond
The Commonwealth.

1907

Jan'y 29th

Recorded in Official
Bond Book no 2
Page 13.

A Copy.

\$ 98.68

Duffock Va
March 27/07



Received of Robt. W.
Withers Spl. Commr
Ninety Eight 68/100 Dollars
an acct. of Cornelius
Gerodman Mechanic Linn.
JRS Philbrow

\$4.18

Received of Robert W. Withers, Special Commissioner, Nine Dollars
and Eighteen Cents in full for judgment, interest and costs
against Cornelius Goodman.

Whaleville, Va
April 1 / 1907.

Witnessed
A.D. Miller

Andrew Lewis Taylor
Mary

1907 March 13, Received of Robert W. Withers, Special Commissioner, seven dollars and fifty cents, in full of my fee for report made and filed by me in the Chancery Suit of Philhower and Son v. Goodman, pending in the Circuit Court of Nansemond County.

Wilbur J. Kilby
Commissioner in Chancery.

\$15.00

Suffolk, Va - Mch. 13-1907

Received of Robt. W. Stithers, Special
Commissioner Fifteen dollars, taxed attorney's
fee - Philhauer & Goodman

Robt. W. Stithers
attorney for complainants

Suffolk, Va 3/14/07

\$5.00

Received of Robt. H. Nethers
Special Commissioner Five Dollars
in full for fee for drawing deed to
J. B. Philhams

Robt. H. Nethers

March 13th 1907. Received R W Winters
Spec bear. the sum Ten Dollars & four ten
cents for Clerk's Cost & exp. sent Jay and
his friends in the case of Philhower vs
Goodman.

A J Gomer DC

Suffolk, Va., March 27, 1907.

Received of Robert W. Withers, Special Commissioner, \$5.00 for
fee as stenographer and notary for services in taking depositions
in chancery suit of Philhower & Son vs. Cornelius Goodman.

Emma King

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

July Term, 1907.

J . B. Philhower & Son.....Complainants.

vs. Report of Special Commissioner.

Cornelius Goodman.....Defendant.

To the Honorable James L. McLeMORE, Judge of the Circuit Court
of Nansemond County.

The undersigned special commissioner appointed by the decree
made in the above cause on the 14th day of January, 1907, proceeded
to execute the duties enjoined upon him by a further decree in said
cause entered on the 11th day of March, 1907,

Your commissioner reports that he has made and
delivered a deed conveying the property described in the bill and
sold, at the special commissioner's sale heretofore reported and
confirmed in these proceedings, to J. B. Philhower and that he has
exhausted the funds deposited to the credit of this cause and
exhibits vouchers therefor, which are returned herewith in the
following manner.

Net proceeds of sale.....	\$150.50
Disbursements.	
Cost of suit to Clerk & Sheriff.....	\$10.14
W. J. Kilby, Special Commissioner fee.....	7.50
Taxed attorney fee.....	15.00
Fee for writing Commissioner's deed.....	5.00
Judgment of Andrew Taylor.....	9.18
Fee to stenographer and notary.....	5.00
Paid J. B. Philhower & Son on judgment.....	98.68
	\$150.50

Respectfully submitted,

W. H. Hatcher
Spcl. Commr.

J. R. Philhower & Son

vs.

Cornelius Goodman.

Report of Special Commissioner

filed July 12th, 1904
J.L.M.

825

Duffock Va 3/11/07



Received of Robt. W.
Mithers, Special Commissioner
in Philhower v. Goodman
Eight $\frac{7}{100}$ Dollars, Commission
on sale.

Robt. W. Mithers

ESTABLISHED 1873

Suffolk, Va., March 11 1907

11 Robert W. Withers, Special Commissioner

TO SUFFOLK HERALD CO., DR.
NEWSPAPER AND JOB PRINTING.

No. 912 WASHINGTON STREET.

TERMS OF THIS BILL—NET CASH

July 1 To Bills Philhaver vs Goodman 125

Paid March 11/07.
Suffolk Herald Co
K.

SUFFOLK, VA., Feb 25th, 1907 190

M R.W. Withers, Special Commissioner

TO J. WALTER HOSIER, DR.
REAL ESTATE, RENTS, LOANS, INVESTMENTS, GENERAL INSURANCE
NOTARY PUBLIC, COMMISSIONER OF ACCOUNTS FOR NORTH CAROLINA

Insurance, Cash. Rents Payable on First of Each Month. Tenants Must be Responsible for Freezing of Water Pipes, Breaking of Windows, and Other Damages Caused by Carelessness on Their Part.

T selling land in suit of Philhower vs Goodman, Feb 23, 1907 -----\$5.00

Dr
J. Walter Hosier
Dr

PAID

Suffolk, Va 3/11/07

I have withdrawn from these
papers a certificate of deposit
of the bank of Suffolk for one
hundred and fifty dollars and
fifty cents., to be cashed and
distributed as directed by court

Robt. H. Wether
Skl. Comm.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

MARCH TERM, 1907.

J. B. PHILHOWER & SON.....COMPLAINANTS

VS.

REPORT OF SALE

CORNELIUS GOODMAN.....DEFENDANT.

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

The undersigned special commissioner appointed by the
decree made in the above cause on the 14th day of January, 1907,
proceeded to execute the duties thereby enjoined upon him.
After advertising the time, place and terms of sale by bills
posted in the Town of Suffolk, as directed by said decree, your
Commissioner preceeded to sell at public auction to the highest
bidder on the premises on the 23rd day of February, 1907, at
12:30 P. M. o'clock the said land in the bill and proceedings
mentioned. At which auction sale J. B. Philhower being the
highest bidder the same was struck off to him and he became the
purchaser at One Hundred and Sixty Five (\$165.00) Dollars. The
said purchaser availing himself of the option in the said last
mentioned decree paid cash for the same.

Your Commissioner has paid the cost and expense of the
sale as follows:

Amount collected.....	\$165.00	
Paid Suffolk Herald for printing notices.....	\$1.25	
Paid J. Walter Hosier, Auctioneer.....	5.00	
Commissions of Commissioner.....	8.25	
	<u>\$14.50</u>	<u>14.50</u>
		\$150.50

Your Commissioner has deposited the residue of the said installment amounting to One Hundred and Fifty Dollars and Fifty Cents (\$150.50) in the Bank of Suffolk to the credit of the court in this cause and return herewith a certificate of such deposit.

Your Commissioner has given the bond required by the decree directing the sale.

Respectfully submitted,

Robert W. Wilkes
Spl. Commr.

J. B. PHILHOWER & SON

VS.

CORNELIUS GOODMAN.

SPECIAL COMMISSIONER'S

REPORT OF SALE.

Cypress Chapel Va

A H Baker Shiff 10/15/06
Suffolk Va

Dear Sir:-

I served the
papers you sent me on
Carpenter Goodenough in person
at his home on the 13th. He
said he would be in Suffolk
by the 15th. I send you
the Originals with my returns
by mail. Hope you will
find it all OK

Yours very truly

O L. Harrell
Clerk

Commissioner's Office, Suffolk, Va., 15 October 1906.

To J. B. Philhower and J. C. Philhower trading
as J. B. Philhower and Son Complainants

and

Cornelius Goodman

Defendant

You are hereby notified that on the 15th day of October 1906,
at my office, in Suffolk, Va., (at which time and place you are required to attend), I
shall take, state and settle the following accounts which are to be taken, stated and settled and
reported to Court in pursuance of the decree of the Circuit Court of Mansemond County
Va., rendered the 10th day of October, 1906, in the suit in chancery
pending in said Court to which you are parties plaintiffs and defendant, to-wit:

- (1) What are the liens, with their respective priorities, upon the real property in the bill mentioned and described.
- (2) Whether or not the land has ever been sold for delinquent taxes.
- (3) Any other matters deemed pertinent by the parties or the Commissioner in this case, which inquiries the Commissioner is required to make and report to Court.

Given under my hand, as Commissioner in Chancery of said Court, the 12th day of
October, 1906

Wilbur J. Kilby

Commissioner in Chancery per B. H.

I have executed the within notice by serving
a true copy thereof on Cornelius Goodman
in person in the County of Nansemond, this
13th day of October 1906,

A. K. Harrell
Constable

~~Virginia,~~

~~Nansemond County, to wit: —~~

~~This day of October 1906,~~

~~appeared before me and made oath
that he has served the within notice as set forth
in his return thereof. Signed under my hand
this day and date above.~~

Legal service of the within notice is
hereby accepted. J. B. Philhower
By Rott, W. Rott
P. J.

Form No. 400.

J. B. Philhower Son

COMMISSIONER'S NOTICE.

vs.

Cornelius Goodman.

Virginia,

Circuit Court for the County of Nansemond, to-wit:

J. B. Philhower and Son,

Complainants.

VS.

In Chancery

Cornelius Goodman,

Defendant.

Commissioner's Office,

Suffolk, Va.

October 15, 1906.

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

In pursuance of the decree of the Circuit Court for the County of Nansemond, pronounced on the 10th. day of October, 1906, in the Chancery Cause pending in said Court between J. B. Philhower and J.C. Philhower, partners trading as J. B. Philhower and Son, Complainants, and Cornelius Goodman, Defendant, the undersigned, Wilbur J. Kilby, one of the commissioners in chancery in said court, respectfully reports as follows:

That, on the 12th. day of October, 1906, after the papers in said cause had been placed in his hands with the request that he proceed to execute said decree, he gave notice to the parties to said cause that he would proceed on the 15th. day of October, 1906, at his office in Suffolk, Virginia, to take, state and settle the several accounts required by said decree to be taken, stated and reported to court by one of the commissioners of said court.

That said notice was duly executed on said Cornelius Goodman and service thereof accepted by ^{Robert W. Withers, Attorney for} said complainants, as will appear by the endorsements on the notice which is herewith returned.

That, on said 15th. day of October, 1906, in pursuance of said notice, your commissioner proceeded to execute said decree, and, having fully done so, respectfully submits the result as follows:

ACCOUNT NO. I.

An account of the liens with their respective priorities upon the real property in the bill in said cause mentioned and described.

FIRST LIEN.

A judgment recovered by Andrew Taylor against said Cornelius Goodman before Joshua B. Harrell, a Justice of the Peace of Nansemond County, on the 29th. day of December, 1903, and docketed on the 29th. day of December, 1904, in the Clerk's Office of the Circuit Court of said county, for the sum of six dollars and forty-five cents with interest thereon from the 29th. of December, 1903, till paid, and one dollar and forty-five cents costs.

SECOND LIEN.

The Mechanics Lien perfected by said J. B. Philhower and Son in their own favor on the 20th. day of May, 1906, in pursuance of the requirements of the law in such case made and provided, as alleged and claimed in their bill in said cause, for the sum of \$123.06, subject to a credit of \$21.21 since admitted by them, leaving said lien in full force and effect for a balance of \$102.85 with interest thereon from the second day of May, 1906, till paid.

The property subject to said liens consists of a certain lot with the improvements thereon fronting on the East side of Culloden Street, in the Town of Suffolk, fifty feet and running back Eastwardly from the said Street between parallel lines to a lane running North and South in the rear of said lot. The property was sold and conveyed by East Suffolk Land Company to said Cornelius Goodman by deed dated 27th. day of February, 1905, and recorded on the 26th. day of September, 1905, on page 598 in deed-book 58 in the Clerk's Office of said Circuit Court. The fee-simple value is from \$200. to \$300.

ACCOUNT NO. 2.

An account showing whether or not the said lot, or land, has ever been sold for delinquent taxes.

Under this head the commissioner reports that the said lot, or land, has never been sold for delinquent **taxes**. It is subject only to taxes for year, 1906, the amount of which is unknown and not yet payable.

ACCOUNT NO. 3.

An account of any other matters deemed pertinent by the parties, or the commissioner.

Under this head the commissioner ~~does~~ reports that the said Cornelius Goodman executed his homestead deed on the 11th. day of May, 1906, and caused the same to be recorded the next day on page 549 in deed-book No. 60 ^{in said clerk's office,} setting apart and claiming said lot, or land, as exempt from levy, seizure or sale under any order of court etc.

Respectfully submitted this 15th. day of October, 1906.

Wilbur J. Kilby

Commissioner in Chancery.

Commissioner's fee \$7.50

Philhower & Son

vs. } In Chy.

Goodman

Report of liens 15th.
October 1906 under
decree of 10th. October
1906

1906 Oct 15th Filed APG 06

WILBUR J. KILBY,
ATTORNEY AT LAW,
SUFFOLK, VIRGINIA.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

MARCH TERM, 1907.

J. B. PHILHOWER & SON.....COMPLAINANTS.

VS.

CORNELIUS GOODMAN.....DEFENDANT.

DECREE.

This cause came on this day to be again heard on the papers formerly read and ^{on the report of sale made by the special commissioner, Robert W. Withers, *this day filed*} to which report no exceptions have been filed and was argued by counsel . On consideration whereof, the court doth approve and confirm the said report and said sale and the court doth adjudge, order and decree that the said Robert W. Withers, special Commissioner, who made the sale shall convey by good and sufficient deed with special warranty unto the said J. B. Philhower the lot of land in the bill and proceedings mentioned, being a lot of land fronting fifty (50) feet on the East side of Coloden Street in Suffolk, Virginia, and running back between parallel lines to an alley way.

And the court doth further adjudge, order and decree, that, Robert W. Withers, the special commissioner, shall, after the payment of the costs of this suit therefrom, pay from the funds in this cause to J. B. and J. C. Philhower, partners trading as Philhower & Son, who are the complainants in this suit, the sum of One Hundred and Two Dollars and Eighty-five Cents (\$102.85) with interest thereon from the 2nd day of May, 1906, till paid,

it being the amount found to be due them in these proceedings ^{*the taxes on said land for 1906, the judgment due to Andrew Taylor as reported and the residue to the defendant.*} And the said Commissioner is directed to report his

preocceings hereunder to this court.

J. B. PHILHOWER & SON

vs. Decree

CORNELIUS GOODMAN

Enter 11, day of March, 1907.

Robert H. Smith

*Entered in Chancery
Order Book No. 4
Page 127.*

J. B. Philhower and J. C. Philhower, partners trading as
J. B. Philhower and Son.....Complainants.
vs. In Chancery.
Cornelius Goodman.....Defendant.

DECREE.

This cause came on this day to be further heard upon the papers formerly read, and upon the report of the Commissioner, dated the 15th day of *October* 1906, which report was filed the 15th day of *October*, 1906, and to which report there have been filed no exceptions, and was argued by counsel.

On consideration, whereof, the court doth adjudge, order and decree that the complainants have and are entitled to enforce a lien upon the property in these proceedings mentioned for the sum of One Hundred and Two Dollars and eighty-five Cents (\$102.85) with interest thereon from the second day of May, 1906, till paid and the cost of these proceedings. And the court doth order that Robert W. Withers, who is hereby appointed a special Commissioner for the purpose, do, after having advertised the time and place of sale for three weeks by hand bills posted in Suffolk, Virginia, expose to sale, on the premises, at public auction, to the highest bidder, the said house and lot of land, on the following terms, to-wit, one-third cash and the balance in two equal installments, payable in one and two years from the date of sale, the title to the property to be retained until all of the purchase money has been paid, but the purchaser may pay the whole in cash if he so desires, and out of the proceeds of sale, after defraying the expenses attending the same,

do deposit the residue of the cash installment of said purchase money aforesaid in one of the banks in Suffolk, Virginia, and file among the papers of this court a certificate of such deposit, and return, with his report of his proceedings under this decree, the bonds given for credit installments of said purchase money . But the said Robert W. Withers is not to proceed to act under this decree as such commissioner, until he shall have entered into bond, for \$600.- , with sufficient surety, in the Clerk's Office of this court, payable to the Commonwealth of Virginia, conditioned for the faithful discharge by him of his duties as such commissioner. And the said commissioner is directed to report his proceedings under this decree to this court.

And it appearing that the mechanic's lien asserted in these proceedings was filed and perfected according to law, and by the depositions of witnesses is shown to be upon a claim for the purchase price of the material and all of the material going into the construction of the said house and for labor, the court doth further adjudge, order and decree, that the homestead deed recorded by Cornelius Goodman and dated the 11th day of May, 1906, claiming the house and lot in these proceedings mentioned as exempt from levy, seizure, garnishment or sale, is , so far as the claim asserted in these proceedings and the cost of this suit are concerned, null and void and without effect. And this case is continued.

Phil lower & Son

vs.

Cornelius Goodman.

Decree.

Enter this 14 day of ~~January~~

~~1906~~, 1906

Robert R. Dentis

Entered in Chy. O. B. # 4

page 111.

IN THE CIRCUIT COURT OF NANSIMOND COUNTY, VIRGINIA.

OCTOBER TERM, 1906.

J. B. Philhower and J. C. Philhower, partners trading
as J. B. Philhower & Son.....Complainants.

vs. In Chancery.

Cornelius Goodman.....Defendant.

CONSENT DECREE.

By consent of parties, by counsel, in term time here
entered of record, this chancery cause is submitted to the
Judge of this court for such decision and decree therein
in vacation as might be made in term.

PHILHOWER & SON

VS.

CORNELIUS GOODMAN.

DECRE

ENTER THIS 24th DAY OF

OCTOBER, 1906.

OCTOBER, 1906.

Arthur C. Hays

Entered in Chy. O. R. # 4

page 96.

We consent to this decree.

J. K. Rogers atty
 For Samuel E. Foxman -
 Capt. M. Watkins
 atty for plaintiffs

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

OCTOBER TERM, 1906.

J. B. Philhower and J. C. Philhower, partners trading as
J. B. Philhower and Son.....Complainants.

Vs. In Chancery.

Cornelius Goodman.....Defendant.

DECREE.

This cause came on this day to be heard on the bill and exhibits;
upon the bill taken for confessed as to the defendant, Cornelius
and he still failing to appear and plead, answer or demur
Goodman, upon whom it appears that process was personally served;
upon the depositions of witnesses, 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 required to inquire
into and report to court:

(1)

What are the liens, with their respective priorities, upon the
real property in the bill mentioned and described.

(2)

Whether or not the land has ever been sold for delinquent taxes.

(3)

Any other matters deemed pertinent by the parties or the
Commissioner in this case. Which inquiries the Commissioner
is required to make and report to court. And this cause
is continued.

PHILHOWER & SON

VS.

CORNELIUS GOODMAN.

DECREE.

ENTER THIS 10th DAY OF

OCTOBER, 1906.

Robert H. Hentis

Entered in Chy. O. B. # 14

page 93.

The depositions of J. B. Philhower, taken before me, Emma King, a Notary Public for the County of Nansemond, pursuant to notice hereto annexed, at the office of Robert W. Withers, in the Town of Suffolk, on the 22nd day of September, 1906, between the hours of 9 o'clock, A. M., and 6 o'clock, P. M., to be read in evidence in behalf of the plaintiff, in a certain suit depending in the Circuit Court of Nansemond County, wherein J. B. Philhower and Son are plaintiffs and Cornelius Goodman is defendant.

Present, Robert W. Withers, counsel for plaintiffs.
No counsel for defendant.

J. B. Philhower, a witness of lawful age, being duly sworn, deposeth and saith as follows:

Q.- Please state your name, age and occupation and if you are a party to this suit.

A.- J. B. Philhower, 53 years, Suffolk, Virginia, lumber manufacturer and contractor and I am one of the parties to this suit.

Q.- Who are the members of your firm?

A.- My son, J. C. Philhower, and J. B. Philhower.

Q.- Please state what claim you hold against Cornelius Goodman.

A.- It is this bill \$123.06 less \$21.21, which leaves \$102.85.

Q.- Is the account filed with the bill which you now hold in your hand correct?

A.- Yes sir.

Q.- Who ordered the material specified there?

A.- Cornelius Goodman through his agents.

Q.- Did the bill of lumber and other material supplied by you go into the construction of the house on which you now claim a mechanic's lien?

A.- Every piece of it.

Q.- When was the last item of your bill delivered?

A.- May 2nd, 1906.

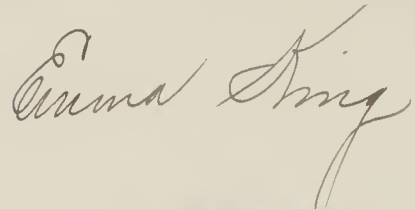
Q.- Did you file your mechanic's lien within sixty days of that time?

A.- Yes sir.

Further than the deponent saith not.

J. B. Philhower

I, Emma King, a Notary Public for the County of Nansemond, in the State of Virginia, do hereby certify that the foregoing depositions of J. B. Philhower were duly taken, sworn to and subscribed before me at the place and time mentioned therein and in the caption thereto, pursuant to the annexed notice. In witness whereof I have hereto set my hand on this 22nd day of September, 1906,

A handwritten signature in cursive script, reading "Emma King". The signature is written in dark ink and is positioned to the right of the main text block.

Notary Public.

My term of office expires Nov. 5th, 1908.

Take notice, that on the 22nd day of September, 1906
at the office of *Att. G. W. Wickes*, in the town of *Suffolk, Va*
between the hours of 9 o'clock, A. M., and 6 o'clock P. M.,
of that day, I shall proceed to take the depositions of
J. B. Philhower and others, to be read in evidence in
my behalf in the suit in equity depending in the *circuit*
court of *Nauasmond* county, in which I am plaintiff and
you are defendant; and if from any cause the taking of
the said depositions be not commenced on that day, or if
commenced, if they be not completed on that day, the taking
of the said depositions will be adjourned and continued
from time to time at the same place and between the same
hours until they are completed.

Respectfully,

To Cornelius Goodman.

J. B. Philhower
By counsel

J. B. Philkewer & son
to
Cornelius Goodman

Notice to take depositions

Deposition —

Original

Rev. H. H. Nichols, p. q.

Executed this the 13th day of Sept-1906. by delivering a true
copy of the within papers to Cornelius Goodman
his person.

Attest Robert Smith
My J. B. Philkewer & son Deputy

~~IN THE CIRCUIT COURT OF HANSEMOND COUNTY, VIRGINIA.~~

July Term, 1907.

J. E. Philhower & Son.....Complainants.

vs.

Cornelius Goodman.....Defendant.

DECREE .

This cause came on this day to be again heard on the papers formerly read, and on the final report made by the special commissioner, Robert W. Withers, ^{filed July 12th, 1907} ~~this day filed~~, to which report no exceptions have been filed, and was argued by counsel. On consideration whereof, the court doth approve and confirm the said report. And there being nothing further to be done in this cause it is ordered to be stricken from the docket.

J. B. PHILHOWER & SON

VS.

CORNELIUS GOODMAN

DÉCREE.

Enter this 12th day of July,

1907.

for S. M. Moore
Entered in Chancery
Order Book No. 4.
Page 164.

IN THE CIRCUIT COURT OF NANSEMOND COUNTY, VIRGINIA.

First August Rules, 1906.

J. B. PHILHOWER & SON..... Complainants

vs. Bill

CORNELIUS GOODMAN..... Defendant.

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

Humbly complaining, your orators, James B. Philhower and
James C. Philhower, partners trading as J. B. Philhower and Son,
of Suffolk, Virginia, show unto your honor the following facts:

First. That your orators are lumber dealers and
contractors in Suffolk, Virginia, that sometime in December, 1905,
they contracted to supply one Cornelius Goodman with certain
materials and labor, hereinafter set forth, for the construction
of a building or structure permanently annexed to the freehold;
from that time, to-wit, December 1st, 1905, on to and including
May 2nd, 1906, from time to time, your orators performed labor
about and furnished materials for the construction of said building,
at the special instance and request of the said Cornelius Goodman,
the defendant. Such work and materials amount to the sum of
\$123.06, as will appear from the itemized account filed as an
exhibit with this bill, which amount with six per cent interest
whereon from May 2nd, 1906, till paid, the complainants claim
is justly due them, from the said defendant for the said labor and
materials.

Second. Your orators aver that after the work was done
and the materials furnished as aforesaid, and before the expiration
of sixty days from the time said building was completed or the

work thereon otherwise terminated, to-wit, on May 26th, 1906, they filed in the Clerk's Office of the Circuit Court of Nansemond County, in which county the said building is, an account showing the amount and character of the work done and materials furnished, the prices charged therefor, the payments made, if any, and the balance due, to-wit, \$123.06, verified by the oath of the claimants, with a statement attached, declaring their intention to claim the benefit of a mechanic's or supply lien, and giving a brief description of the property on which they claim the said lien, which account and statement were duly admitted to record on the 29th day of May, 1906, and properly recorded and indexed in "Mechanics Lien Record " No. 1. p. 300, according to the statute in such case made and provided, A copy of said account and statement are herewith filed as "Exhibit A" and prayed to be read as a part of this bill.

Third. Your orators aver that the defendant is the owner in fee simple of the following lot of land upon which said building is located and that such described lot of land is necessary for the convenient use and enjoyment of the said building so situated thereon, to-wit: Situated on the ~~East~~ side of Colloden Street in Nansemond County, Virginia, near the Town of Suffolk, on which it fronts fifty feet and runs back or Eastwardly between parallel lines to the lane running North and South in the rear of said lot, being the same lot of land shown as lot #4 in block # 2 in the plat of the East Suffolk Land Company's First addition to the Town of Suffolk, duly recorded in Deed Book 24, page 539, in Nansemond County Circuit Court Clerk's Office, and being the same lot conveyed to said Cornelius Goodman by East Suffolk Land Company by deed dated February 27th, 1905, and recorded in Deed Book 58, page ⁵⁹⁸~~599~~ in said Clerk's Office.

In tender consideration whereof, and for as much as your complainants are remediless in the premises, save in a court of equity, your complainants pray that the said Cornelius Goodman may be made a party defendant to this bill and required to answer the same, though not under oath, the oath being expressly waived; that all proper orders and decrees may be made, inquiries directed and accounts taken; that the mechanics' lien of your orators upon the property of the defendant above described may be declared and enforced; that, to that end, a commissioner be appointed for the purpose and a sale of the property ordered to satisfy said lien; that the claim of your orators against the defendant be established with the force and effect of a judgment; and that your complainants may have all such other and further and general relief in the premises as the nature of the case may require, or to equity shall seem meet. And your orators will ever pray etc.

Robt. W. Withers, p. q.

*J. B. Philhower
J. C. Philhower,
by counsel.*

"Exhibit A"

An account showing the amount and character of the work done and materials furnished by J. B. Philhower and J. C. Philhower, partners trading as J. B. Philhower and Son, the prices charged therefor, the payments made, if any, and the amount due:

Cornelius Goodman, Dr. to J. B. Philhower and Son.

1905.

Dec. 1	32 ft. window cap.	\$1.29
" 5	300 ft. #2 resawn W. B.	3.75
" 5	780 " #3 flooring	12.48
" "	400 " #3 resawn W. B.	4.00
" "	1 pc 4x4x16 Dus	.33
" "	1500 " 26 " sap shingles	9.00
" "	20 pcs 1 X 3 X 16 R.	1.08
" 13	7 " 2 x 4 x 18	1.22
" "	10 pcs 2 x 4 x 12	1.08
" "	350 ft. #36 " resawn W. B.	3.50
" "	3 pcs 3 x 6 x 12 Ht Dus	1.64
" "	1 pcs 3 x 6 x 16 " "	.72
" "	12 pcs 7/8 x 8 x 16	3.20
" "	192 ft 3 " Crown	173
" "	200 ft # 3 flooring	3.20
" "	1 pc 4 x 4 x 16 H. Dus	.34
1906 Mar. 10	50 ft. #3 resawn W. B.	.60
" "	5 pcs. 7/8 x 10 x 16 #3	1.67
" "	6 pcs 7/8 x 8 x 16 #2	1.92
" "	2 pcs 7/8 x 6 x 16 # 3	.40
" "	1500 red cedar shingles	6.75
Mar. 30	2000 red cedar shingles---	3.25
Mar. 30	Drayage on bricks	1.25
" "	500 hard bricks	3.75
May 2	500 ft. # 3 3/8 ceiling	5.75

May	2	1104 ft # 2 3/8 ceiling	\$15.46
"	"	130 ft. # 3 flooring	2.86
"	"	7 pcs. 7/8 x 4 1/4 x 16	.92
"	"	10 pcs 2 x 4 x 16	1.02
"	"	600 shingles	2.70
"	"	122 ft. 1/2 x 1 1/4 plain stop	.45
"	"	150 ft. 1/2 x 7/8 Beed stop	.45
"	"	Cash paid Brick mason	2.50
"	"	Cash paid Carpenters	11.70

1906.

Mar.	23	1 bbl. lime	1.05
"	23	5 Doors 2.5 x 6.6	6.00
"	"	5 windows 10 x 12	4.00
"	"	2 Windows 9 x 12	1.00
"	"	5 locks	1.00
"	"	5 prs. hinges	.40
"	"	15 lbs. 10 cut nails	.38
"	"	25 "8 fin. nails	.63
"	"	5 lbs. # 6 Fin. nails	.15
"	"	5 lbs. 5 cur nails	.15
"	"	7 sash props	.09
			\$123.06

Virginia, County of Nansemond, to-wit:

I, Robert W. Withers, a Commissioner in Chancery in and for the county aforesaid in the State of Virginia, do certify that J. B. Philhower personally appeared before me in my said county and made oath to the correctness of the foregoing account.

Given under my hand this 26th day of May, 1906.

Robert W. Withers
Commissioner

J. B. Philhower and J. C. Philhower, partners trading as J. B. Philhower and Son, lumber dealers and contractors, do hereby declare their intention of claiming a mechanic's lien on all that certain frame building situate and being in the Town of Suffolk on Colloden Street and the lot or piece of ground and curtilage appurtenant to the said building, fronting on said Colloden Street *50'* feet and running back feet, more or less, to secure the payment of One Hundred and Twenty Three Dollars and Six Cents (\$123.06), with interest from the 2nd day of May, 1906, being a debt contracted for work done and materials furnished, as shown by the account to which this statement is attached, for the construction, repair, and improvement of the said building and appurtenances, of which Cornelius Goodman is the owner, or reputed owner, and at the instance and request of Conelius Goodman, the said J. B. Philhower and Son being the lumber dealer or persons performing labor about or furnishing materials for the construction of a building; which said building, situated as aforesaid, was completed or the work thereon otherwise terminated within the sixty days next preceding the filing of this claim. And the said J. B. Philhower and Son claim to have a lien on the said building and the lot or piece of ground and curtilage appurtenant to the said building from the commencement thereof for the aforesaid sum and interest according to the statute in such case made and provided; and the said claimant herewith files an account showing the nature and character of the work done, and the materials furnished, the prices charged therefor, the payments made, and the balance due, verified by oath.

Witness their hands this 26th day of May, 1906.

*J. B. Philhower
J. C. Philhower
partners trading as
J. B. Philhower & Son*

J. B. Philkner & Son
vs.

Louise Goodman

Gill

ROBT. W. WITHERS,

ATTORNEY AT LAW,

SUFFOLK, VA.

PRACTICING IN ALL COURTS IN
FIRST JUDICIAL CIRCUIT.

JEWELL & COMPANY, PHILADELPHIA.

J B Phelhower & Son
Pls In Chancery
Cornelius Goodman

1906 July 11th Process issued returnable
August Rules 1st Monday

" Aug 6th Process returned executed
on defendant.

But filed and Decree nisi
against him.

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

Chancery Notes.

Costs

Clerk 5.89¹⁰
 Day 1.50 P
 Supp. 1.00¹⁰
 City 15.00
 Comm. 7.50

\$30.89
 cl. Exp. 1.75⁰⁰
\$32.64

5.89
 1.75
 1.00
8.64
 1.50
10.14

R. W. Withers 1907.

J. B. Philhower Sen
W. In Chancery
Cornelius Goodman.

1907
July 12th
Final Decree.