1908- 005
Nansemond Co(Suffolk) Chancery Causes: Camp Manufacturing Co vs Josie Savage, widow et al

Lewis, Kitchen, Etheridge

Circuit Court.

Tuesday after the Second Monday in April and October.

HON. ROBERT R. PRENTIS, Judge.
AZRA P. GOMER, Clerk.

County Court.

Second Monday in each month.

HON. WILBUR J. KILBY, Judge.
ROBERT R. SMITH, Clerk.
E. E. HOLLAND, Commonwealth's Attorney.
ALEX. H. BAKER, Sheriff.
SYDNEY T. ELLIS, County Treasurer.
JOHN B. PINNER, Commissioner of Accounts.

Nansemond County Clerks' Office.

Suffolk, Va., ... 190....

VIRGINIA—IN THE CLERK'S OFfice of the Circuit Court of Nansemond county, in vacation, on Monday, November 10, 1902:

Camp Manufacturing Company, a corporation.....Complainant,

AGAINST

Josie Savage, widow of Edward W, Savage, and the same Josie Savage, administratrix of Edward W. Savage, deceased; Martha J. Lewis and J. H. Lewis, her husband; Mary O. Kitchen and W. M. Kitchen, her husband; Etta S. Etheridge and E. E. Etheridge, her husband, Defendants.

IN CHANCERY.

The object of this suit is to subject the personal property and the real estate of which Edward W. Savage died seized, consisting of a certain tract of land near Whaley Station, in the county of Nansemond, on the Atlantic Coast Line railroad, containing eighty-three acres, more or less, and bounded on the south by the lands of William H. Harrell, on the north by the lands of John W. Harrell of Oliver, and being the same property upon which Josie Savage now resides, and known as the "Oliver Harrell" tract, to the payment of a certain debt of $425, with interest on $225, a part thereof, from December 1st, 1896, until paid, together with the costs of these proceedings, claimed to be due to the plaintiff by the estate of the said Edward W. Savage by reason of the said decedent's having sold in his lifetime, with general warranty, certain standing timber on the "Washington Weatherly" tract of land conveyed by his deed of September 3d, 1896, duly recorded in Nansemond County Court Clerk's office, which standing timber the Circuit Court of Nansemond county has decided did not belong to the said Edward W. Savage.

And affidavit having been filed that the defendants Martha J. Lewis and J. H. Lewis, her husband, and Etta S. Etheridge and E. E. Etheridge, her husband, are non-residents of the State of Virginia, it is ordered that they appear here within fifteen days after due publication of this order and do what is necessary to protect their interest in this suit.

A copy—Teste:

A. P. GOMER, Clerk.

McLEMORE & CORBITT, p. q. no14-4t

I A P Gomer Clerk of the Circuit Court of Nansemond County do hereby Certify that the above order of publication was posted at the Court house door of Nansemond County on Monday the 14th day of December 1902 it being the first day of the December Term of said Court.

A P Gomer Clerk

Papers in hand
1/11/2006.

1111111

To A. P. Gomer,

Clerk of the Circuit Court of Nansemond County.

Please issue process in chancery in the following case:

Camp Manufacturing Company, a Corporation,

v.

Josie Savage, widow of Edward W. Savage, Martha J. Lewis and J. H. Lewis, her husband, Mary O. Kitchen and W. M. Kitchen, her husband, Etta S. Etheredge and C. E. Etheredge, her husband.

Summons in chancery to Second November Rules, 1902, Circuit Court of Mamsemond County.

McLemore & Corbitt p.q.

Pay $1.50

Camp Manufacturing
Company
vs } In Chancery
Josie Savage et al

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Josie Savage widow of Edward W Savage Martha J Lewis and J N Lewis her husband Mary O Ketchen and W M Ketchen her husband Etta S Etheredge and C E Etheredge her husband

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 Third Monday in November 1902, to answer a Bill in Chancery, exhibited against them in the said Court by Camp Manufacturing Company a Corporation

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 24th day of October, 1902, in the 127th year of the Commonwealth.

A copy—Teste: _____, CLERK.

Teste: C. P. Gomer, CLERK.

Executed this 8th day of Nov 1902 by delivering a true Copy of the within process on Josie Savage widow of Edward W Savage Mary O Kilchen and W M Kilchen her husband in person Martha J Lewis J H Lewis Etta S Etheridge and L E Etheridge Not found in My County

R E Norfleet Dep't
For A A Baker Sh'ff

McLemore Moorhead & Co. p. q.

vs. | In Chancery.

Josie Savage et als

1902

November Rules.

Term Held Monday.

Nansemond Circuit Court.

Process Book No. 21

Page

CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Josie Savage widow of Edward W Savage Martha J Lewis and J H Lewis her husband Mary O Kitchen and W M Kitchen her husband Ella S Etheredge and Le E Etheredge her husband

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 Third Monday in November 1902, to answer a Bill in Chancery, exhibited against them in the said Court by Camp Manufacturing Company a Corporation

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 24th day of October, 1902, in the 127th year of the Commonwealth.

A copy—Teste:
C. A. P. Gomer, CLERK.

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

Mc Lemore Corbitt p. q.

Ella S Etheredge

Nansemond Co

vs. | *In Chancery.*

1902

November *Rules.*

Third *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 Josie Savage widow of Edward W Savage Martha J Lewis and J H Lewis her husband Mary O Kitchen and W M Kitchen her husband Ella S Etheredge and L E Etheredge her husband

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 Third Monday in November 1902, to answer a Bill in Chancery, exhibited against them in the said Court by Camp Manufacturing Company a Corporation

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 24th day of October, 1902, in the 127th year of the Commonwealth.

A copy—Teste:
A P Gomer, CLERK.

Teste:
A P Gomer, CLERK.

M Lemore Corbitt p. q.

J J Lewis

vs. | *In Chancery.*

Sallie Mae Lee &c

1902

November *Rules.*

Thurd *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 Josie Savage, Widow of
& Edward W Savage and the same Josie Savage
Administratrix of Edward W Savage deceased
Martha J Lewis and J N Lewis her husband
Mary O Kitchen and W M Kitchen her husband
Ella S Etheridge and E E Etheridge her husband

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 Third Monday in November 1902, to answer a Bill in Chancery, exhibited against them in the said Court by Camp Manufacturing company a Corporation

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 11th day of November, 1902, in the 127th year of the Commonwealth.

A copy—Teste:

_____, CLERK.

Teste:

A. P. Gomer, CLERK.

Executed This 15th day of November 1902 by serving a true
Copy of the within Rule on Josie Savage Widow
and the same Mrs Josie Savage. Adminx Habbix &c of Edmund
W Savage deceased and a Copy on Mary O
Kitchens unto Wm Kitchens unto Wm Kitchens unto person

R & Ap Clerk Dpty
Fee 75¢ Paid Lower Shff

McLemore & Corbitt p. q.

Camp Manufacturing Co

vs. | In Chancery.

Josie Savage
Wdow &c

1902

November Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No.------

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CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Josie Savage widow of Edward W Savage Martha J Lewis and J N Lewis her husband Mary O Kitchen and Wm Kitchen her husband Ella S Etheredge and L E Etheredge her husband

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 Third Monday in November 1902, to answer a Bill in Chancery, exhibited against them in the said Court by Camp Manufacturing company a Corporation

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 24th day of October, 1902, in the 127th year of the Commonwealth.

A copy—Teste: A P Gomer, CLERK. } Teste: A P Gomer, CLERK.

McLemore Norbit p. q.

Martha J Lewis

vs. | In Chancery.

Scotland Neath N C

1902

November Rules.

Third Monday.

Nansemond Circuit Court.

Process Book No. 21

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CHANCERY SUMMONS.

The Commonwealth of Virginia,

TO THE SHERIFF OF NANSEMOND COUNTY—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Josie Savage widow of Edward W Savage Martha J Lewis and J N Lewis her husband Mary O Kitchen and W M Kitchen her husband Etta S Etheredge and L E Etheredge her husband

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 Third Monday in November 1902, to answer a Bill in Chancery, exhibited against them in the said Court by Camp Manufacturing company a Corporation

and have then and there this summons.

Witness, A. P. GOMER, Clerk of our said Court, at his office, this 24th day of October, 1902, in the 127th year of the Commonwealth.

A copy—Teste:
C. L. Gomer, CLERK.

Teste:
C. L. Gomer, CLERK.

N Lee Furniture
No 6

M Lemore Corbett p. q.

& E Etheredge

Andrew No 6

vs. | *In Chancery.*

1902

November *Rules.*

Third *Monday.*

Nansemond Circuit Court.

Process Book No. 2

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VIRGINIA:

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF NANSEMOND COUNTY, IN VACATION, on Monday, November 10th.,1902.

Camp Manufacturing Company, a Corporation,

v.

and the same Josie Savage Admx of Edw'd W. Savage dec'd.
Josie Savage, widow of Edward W. Savage, Martha J. Lewis and J. H. Lewis, her husband, Mary O. Kitchen and W. M. Kitchen, her husband, Etta S. Etheridge and E. E. Etheridge, her husband.

The object of this suit is to subject the personal property and the real estate of which Edward W. Savage died seized, consisting of a certain tract of land near Whaley Station in the County of Nansemond, on the Atlantic Coast Line Railroad, containing eighty-three acres, more or less, and bounded on the south by the lands of William H. Harrell, on the North by the lands of John W. Harrell of Oliver, and being the same property upon which Josie Savage now resides, and known as the "Oliver Harrell" tract, to the payment of a certain debt of $425.00 with interest on $225.00, a part thereof, from December 1st., 1896, until paid, together with the costs of these proceedings, claimed to be due to the plaintiff by the estate of the said Edward W. Savage by reason of the said decedent's having sold in his life time, with general warranty, certain standing timber on the "Washington Weatherly" tract of land, conveyed by his deed of September 3rd., 1896, duly recorded in Nansemond County Court Clerk's Office, which standing timber the Circuit Court of Nansemond County has decided did not beling to the said Edward W. Savage.

And the affidavit having been filed that the defendants, Martha J. Lewis and J. J. Lewis, and Etta S. ~~Savage~~ Etheridge and E. E.

E Thrudge
~~Savage~~, her husband, are non-residents of the State of Virginia. it is ordered that they appear here within fifteen days after due publication of this order, and do what is necessary to protect their interest in this suit.

Teste: A P Gomer Clerk C. C.

McLemore & Corbitt, p.q.

Mr Gomer:-

Please have the above order duly published.

McLemore & Corbitt.

Camp Meby Co
Du
Jesse Langelüddeke

Lieutenant U. Corps, U.S.A.

Letter

C. C.

"Arise, for prepared, for non-receipt of the letter of August
it to observed that this office files show a copy to
the Director of the Budget, and to this, is necessary to

Camp Manufacturing Company,

v.

Josie Savage et als.

This day this cause came on again to be heard upon the papers formerly read, and was argued by counsel.

On consideration whereof, and it appearing to the Court from statement of plaintiffs counsel that all matters in controversy in these proceedings have been settled by the parties and that nothing further remaining to be done in the cause, it is ordered that same be removed from the docket.

Camp Mfg Co

v Decree

Dixie Savage et al.

1908 ~~January 31st~~

~~Entered~~

Enter this decree

J. F. W.

Feb 1. 1908.

Entered in Chancery
Order Book No. 4.
Page 222.

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

-----O-----

Camp Manufacturing Company, a Corporation,

v.

Josie Savage, widow of Edward W. Savage, deceased, and the same Josie Savage as Administrator of Edward W. Savage, deceased, Martha J. Lewis and J. H. Lewis, her husband, Mary O. Kitchen and W. M. Kitchen, her husband, Etta S. Etheridge and E. E. Etheridge, her husband,

-----O-----

Your complainants, the Camp Manufacturing Company, complaining showeth unto the court the following case:

That on the 3rd. day of September, 1896, your orators bought from Edward W. Savage and Josie Savage, his wife, certain standing pine and poplar timber on the tract of land known as the "Washington Weatherly" tract, containing one hundred and seventy-four (174) acres, more or less, situated in Holy Neck District, and adjoining the lands of Elisha Davidson, Turner Howell, the Gay tract and the Hayes land, paying therefor the sum of Four Hundred and Twenty-five ($425.00) Dollars, Two Hundred dollars of which was paid on the day of the execution of the said deed, to-wit, on the 3rd. day of September, 1896, and the remaining Two Hundred and Twenty-five dollars was paid December 1st., 1896, in which deed, duly recorded in the Clerk's Office of Nansemond County Court on the day of , certain privileges, rights, and the usual covenants of general warranty were inserted, as will appear by reference to the copy of same filed herewith as Exhibit "A"; that after the execution of the said deed by the said Edward

W. Savage and wife, and before the time limit given for the cutting and removing of said timber, the said Edward W. Savage departed this life, and your orators, in attempting to remove the timber which they had purchased aforesaid, were, to-wit, on the day of , , enjoined from so doing by a decree entered in the chancery cause of C. O. Harrell et als. v. John L. Savage et als. pending in the Circuit Court of Nansemond County, which will appear by reference to the papers of said cause, and by a subsequent decree entered therein, to-wit, on the day of October, 1902, it was adjudged, ordered and decreed that the conveyance made by the said Edward W. Savage and wife to your orators was void, and that the property attempted to be conveyed therein was not the property of Edward W. Savage, and that he had no authority to sell or otherwise dispose of same, And the injunction against your orators for cutting the standing timber, for which they had paid the sum of Four Hundred and Twenty-five ($425.00) Dollars, as aforesaid, was made perpetual; that at the September term, 1898, of the County Court of Nansemond County, Josephine Savage (sometimes known as Josie Savage) qualified as administratrix of the said Edward W. Savage, deceased, but the said decedent, as your orators are advised, left scarcelyany personal property, certainly not more than sufficient to pay the funeral expenses and costs of administration: that upon the death of the said Edward W. Savage, a certain tract of land of which he was seized and possessed in fee simple, known as the "Oliver Harrell" tract and known and described as containing eighty-three½ acres, more or less, bounded South by the lands of William H. Harrell, North by the lands of John W. Harrell of Oliver, and described in the will of Simon Savage as containing one hundred and fifty acres, descended and passed to his father, Simon Savage, who, since the death of the said Edward

W. Savage, has also died, having left his will and testament in which he devised the said tract of land to Josie Savage for life, and at her death to Martha J. Lewis, wife of J. H. Lewis, Mary O. Horton, now Kitchen, wife of W. M. Kitchen, and Etta S. Etheridge, wife of E. E. Etheridge, who still hold the said real estate, as will appear from a copy of said will herewith filed as Exhibit "B".

Your complainants aver and charge that by reason of the failure of the title guaranteed by the said Edward W. Savage and wife, to it, that the said Edward W. Savage's estate is liable to it for the amount of money paid to him in his life time for the said standing timber, together with interest on same, and other expenses incident to the suit which it has just defended of Harrell et als. v. Savage et als., and there being, as your orators are advised scarcely anything in the way of personal property left by the said Edward W. Savage, that the real estate herein above described should be subjected to the payment of the indebtedness due your orators, by reason of a breach of covenants of warranty contained in the said contract of sale of the standing timber, and all such damages as the said complainants may have received.

In consideration whereof, and forasmuch as your orator is remediless in the premises, save by the aid of a court of equity, where matters of this kind are alone and properly cognizable, to the end, therefore, that justice may be done your orators pray that Josie Savage, widow of Edward W. Savage, deceased, and the same Josie Savage as administratrix of Edward W. Savage, deceased, Martha J. Lewis and J. H. Lewis, her husband, Mary O. Kitchen and W. M. Kitchen, her husband, Etta S. Etheridge and E. E. Etheridge, her husband, may be made parties defendants to this bill, and required to answer the same, but answers under oath are hereby waived: that the amount of money paid by your orators to Edward W. Savage, to-

gether with interest on same, and the costs of defending the suit of Harrell et als. v. Savage et als., may be decreed to your orators with the force and effect of a judgment; that the personal estate, if any, left by the said Edward W. Savage, and that being insufficient, the lands owned by him and described in the above bill, may be subjected to the payment of your orators' indebtedness; that all such accounts may be taken and decrees and inquiries directed, and all such other, further, general and special relief granted as the nature of their case may require or to equity shall seem meet.

And notice is hereby given that the court will be asked to allow reasonable attorney's fees to the plaintiffs counsel conducting this cause. And your orators will ever pray&c.

McLemore & Corbitt.
P.Q.

Camp Mfg Co.
v. Bill Lee
Savage et al.

McLemore & Corbitt.
Attys.

Circuit Court.

Tuesday after the Second Monday in April and October.

HON. ROBERT R. PRENTIS, Judge.
AZRA P. GOMER, Clerk.

County Court.

Second Monday in each month.

HON. WILBUR J. KILEY, Judge.
ROBERT R. SMITH, Clerk.
E. E. HOLLAND, Commonwealth's Attorney.
ALEX. H. BAKER, Sheriff.
SYDNEY T. ELLIS, County Treasurer.
JOHN B. PINNER, Commissioner of Accounts.

Nansemond County Clerks' Office.

Suffolk, Va., ... 190....

Camp Mfg Co
Vs In Chancery
Josie Savage widow &c.

1902 Octo 24th. Process issued returnable November Rules third Monday.

" Novr 10th Order of Publication as to non resident defendants

" " 17th Process returned executed on resident defendant. Bill filed and decree nisi vs her

" Decr 1st Decree nisi Confirmed and cause set for hearing as to her.

1903 Jany 5 Cause set for hearing in order of Publication,

Chancery
Notes.

Lamp Mfg Co
vs In Chancery
Josie Savage et al

1908

February 1st

Final Decree.

Costs
Clerk 4.53
Tax 1.50
Shff 1.50
attys 15.00
$22.53