1904-014 Chancery Causes Thomas W. Godwin v Company VS James River Railway v Lumber Company

Dsle of Wright County

other surnames: Godwin, Woodworth

Godwin & Co: T. W.

v. Bell

The James River Rail-
road & Lumber Co

Filed May 2d 1904

June Term 1904 Trial

45

In the Circuit Court of the County of Isle of Wight.

To the Hon Robert R. Prentis

Judge of the Circuit Court of the County of Isle of Wight in Chancery sitting.

Complaining, showeth unto the Court, your orators Thomas W. Godwin and Albert L Woodworth, partners doing business and conducting the Virginia Iron Works under the name and style of Thomas W. Godwin & Co

That the James River Railway and Lumber Company doing business in the counties of Isle of Wight, Surry and Southampton with its chief and general office at Ferguson's Wharf in the County of Isle of Wight is indebted to them, the said Thomas W. Godwin & Co in the sum of Thirteen Hundred and Fifty one dollars and twenty two cents ($1351.22) as mechanics and persons who did labor and furnished supplies necessary for the operation of the said James River Railway and Lumber Company. That the said sum of $1351.22 is due for work done and materials furnished and supplied by your aforesaid orators to the said defendant company at their instance and request upon a single contract to a locomotive engine

belonging to the said Defendant-Company which was necessary for the operation of the said Rail-way and Lumber Company.

2 That the said James River Railway and Lumber Company owes to Jno aforesaid Orators the said sum of Thirteen Hundred and fifty one Dollars and twenty two cents #1351.22 with interest thereon from 19th Day of January 1904 when it became due, and payable: that the same is just and true and has not been paid in full, nor in any part thereof.

3 That Jno Orators filed their claim of Lien as mechanics, and as persons who had furnished supplies, necessary for the Operation of the said James River Rail way and Lumber Company for work and labor done and materials furnished and supplied to the said Defendant-Company at their special instance and request in the Clerks Office of the Circuit Court of Isle of Wight County on the 11th Day of February 1904 at 8.45 o'clock A.M. of that day with an account shewing the items of each charge, and the cost of the whole which was within ninety days after the last item of their bill became due and payable for the work and labor done and materials

and supplies furnished to the said Defendant-
Company as aforesaid as will appear by a Copy
of the said account and Lien herewith filed
as Exhibit "A", and prayed to be taken as a part of
this Bill of Complaint:

In tender consideration whereof and forasmuch as your Orators are ~~[illegible]~~ remediless save
by the aid of a Court of Equity, where matters of this
kind are alone, and properly Cognizable, they
pray that the said James River Railroad and
Lumber Company may be made parties De-
fendant to this Bill, and be required to answer
the same - not on oath - an answer on oath
being especially waived: that they may be de-
creed to have a prior Lien on the franchises
gross Earnings, and all of the real and perso-
nal Estate property of the said James River
Railway and Lumber Company which is used
in operating the same to the extent of the mon-
eys due them by the said Company for such
wages, and supplies: that all of the franchi-
ses, and all of the real and personal proper-
ty of the said Railway and Lumber Company
used in operating the same, or so much thereof
as may be necessary, may be sold to pay the
aforesaid Debt of your said orators: that the
gross Earnings of the said James River Rail-
way and Lumber Company, may be sequestered

to the extent of the money Due them by the said and aforesaid Company for the and wages and supplies as aforesaid: that proper parties may come: that all proper orders and decrees may be made & proper inquiries may be Directed, and that all such other, further and general relief may afforded to Your orators as the nature of their case may require and to Equity shall seem meet. And Your orators will ever pray &c

R. S. Thomas p.q.

Thomas W. Godwin & Co.

vs. { SUBPOENA IN CHANCERY.

The James River Railway and Lumber Co.

R. S. Thomas ..... p. q

To First Wm ..... Rules,

Circuit ..... Court.

1904

B 33119

Served the within named R. S. Thomas personally for the James River Railway & Lumber Co. in Rockbridge Co. this 2nd day of Feb. 1904.

C. W. Anderson Sh'ff

The Commonwealth of Virginia,

To the Sheriff of the County of Isle of Wight, Greeting:

WE COMMAND YOU that you summon The James River Railway and Lumber Co. chartered by the laws of the State of Virginia

to appear at the Clerk's office of the Circuit Court of the County of Isle of Wight at the rules to be held for the said Court, on the First Monday in May 1904, to answer a bill in chancery, exhibited against them in our said court ~~for~~ by Thomas W. Godwin and Albert L. Wadsworth partners doing business and conducting The Virginia Iron Works under the name and style of Thomas W. Godwin & Co.

And have then there this writ. Witness NATHANIEL F. YOUNG, Clerk of our said court, at the court-house, the 26th day of April 1904, and in the 128 year of the Commonwealth.

N. F. Young C.C.

Godwin & Co

v. Decree

The James River Rail-
way and Lumber Co

June Term 1904

Enter This
June 6 1904

Robert W. Hutchs

Recorded in C.O.B
61 page 341

T. W. Godwin & Co v. The James R. R & L. Co

Dismiss at the costs of the Plaintiffs

R. L. Thomas Jr

Thomas W. Godwin & Albert L. Woodworth
partners doing business as
Thomas W. Godwin & Co Plaintiffs
against In Chancery.
The James River Railway and Lumber Com-
-pany Defendants

On motion of the plaintiffs and for good
Cause shown it is ordered and decreed
that this cause be stricken from the
docket at their cost

Exhibit "A"

Filed May 2d 1904

T. W. Godwin and Co,.

vs.

James River Railway and Lumber Co.,

Claim of Lien,

Thomas W.. Godwin and Albert L. Woodworth, partners doing business as T. W. Godwin and Company, Manufacturers and repairers of machinery, plaintiffs herein, do hereby claim against the James River Railway and Lumber Co., which is a Railway Company, chartered under the laws of the State of Virginia, and doing business within the limits of said State, a prior lien on the franchises, gross earnings, and all the real and personal property of said defendant Company, which is used in the operation of the same, to the extent of the money, towit: thirteen hundred and fifty-one dollars and twenty-two cents, (1351. 22) which is due the said plaintiffs, as mechanics and persons furnishing supplies necessary to the pperation of said James River Railway and, Lumber Co., by said defendant Company, the same being for work and material done and supplied, at the special instance and request of said defendant Company and upon a single contract to a locomotive engine of said defendant Company.

And the said plaintiffs in accordance with the statute in such case made and provided, and within ninety days after the last item of their bill became due and payable for which supplies were furnished, and service rendered, file this their memorandumof the amount and consideration of thir said claim, , Whidb is as follows, towit:

Folio #750.

Norfolk, Virginia , Jan. 22nd. 1904,

The James River Railway and Lumber Company per. W. T. Fergusson Mgr.

Repair to Locomotive 9 x 16

To Virginia Iron Works, Dr.

Thos. W. Godwin and Co, Proprietors Manufacture and repair Machinery of all kinds.

Terms cash. Cor. Water and Madison Street.

November the 1st, 1903 To January the 19th, 1904.

To-B/Mhrs. 1197 1/2 hrs.in shop and @Mill re-building Locomotive and boiler___$ 479.00

" Helpers, 755 1/2 hrs. on same ;---------- 226.65

" Smith & H.59 hrs. Repairing Loco. frame &c,--------- 47.7o

" Helpers, 531/2 hrs." " " "---------- 16.05

" Machts. 126 hrs. & Mill, Connect'g up Loco.-------- 50.40

" do- 141 1/2 hrs. Lathe, Planer& Dr-Press, on Loco, frames, tube-hd, rings & bolts,---------- 99.05

" " 106 hrs. fitting on same,---------- 42.40

" Expenses of men, frghts, drays & Exp.on work ------- 53.02

" 122. 1 1/2"x6' 6 1/2" B/tubes=798 1/12' (net)------- 172.39
40.45 15.64 13.85

" 922# B/Plate-- 391# Iron-- 220# Rivets,-------- 69.94

" 119- 1" x 5" "- 38-7/8"x4" & 4- 1 1/4"x9"stay bolts, 56.05

" 40- 5/8"x3" bolts & washers-- 1- 3/4 fuse-plug,--- 4.40
5.75 1.50

" Mak'g Pattern for mud-ring-- 2- sacks Coal.-------- 7.25
7.05 300

" 1- Mud-ring castg, (235#) 4- Mud-plugs, (10# Br) --- 10.05
2.40 75

" 4 doz. Crown-bar Washers. --6-1"x5" frame- bolts.--- 3.15

" 42- 3/4" x 21/2" spec, Loco, studs & hex nuts,----- 5.50

" 4- 2 1/2" split key--5- 1" x 2" tap-bolts.---------- 1.15
20 95

" 3 doz, 1" & 7/8" hex nuts, &-8- 2" plugs.---------- 2.22

" 17 1/2 lbs, (Lewis) Red lead,---------- 1.75

" Freight & dray on tools &c, returned.---------- 3.10

$1351.22

I, Albert L. Woodworth, one of the plaintiff firm do hereby make affidavit , that the foregoing account in favor of the firm of T. W.Godwin and Co., against the James River Railway and Lumber Co, for $ 1351.22, with interest from the 19th. day of Jan. 1904. is just and true, due and owing, and has not been paid, nor any part thereof.

Witness my hand this 5th. day of Feb.1904,

Albert L. Woodworth.

Subscribed and sworn to fefore me in my City of Norfolk, State of Virginia, by Albert L. Woodworth this 5th. day of Feb 1904.

Robert W.Tomlin, N .P.

State of Virginia,

Corporation of the City of Norfolk towit:

I, Robert W. Tomlin, a Notary Public, for the Corporation aforesaid, in the said State, whose Commission expires on the 17th. day of Oct. 1906, do hereby certify that Albert L. Woodworth whose name is signed to the writing above bearing date on the 5th. day of Feb. 1904, has acknowledged same before me corporation aforesaid.

Given under my hand this 5th. day of Feb.1904.

Robert W. Tomlin, N.P.

In the Clerks office of the Circuit Court of Isle of Wight Co., Feb.11th. 1904 at 8-45 o'clock A.M. this Claimof Lien was received , and with the certificate annexed, admitted to record.

TESTE:N.F.Young, Clerk,

A Copy Teste N. F. Young C.C.