

1875-22

Southampton County Chancery - Seaboard & Roanoke Rail Road vs Cornwell, John

recover value of cow that
was killed by train

Walton, J. A.
Bryant, J. H.

& Barnes
R. Mack
Constable

Seaboard & RR Road Co.

to } Papers

Cornwell &

In the Circuit Court of Southampton
- For County -

The Seaboard & Roanoke Rail Road
Company - Plaintiff
against

John Connell and R. Mark Barnes
Countable re Defendants

To the Hon. Judge of said Court
Humbly complaining, the plain-
tiff, "The Seaboard & Roanoke Rail
Road Company", ~~presente~~ the
following case:

1. On the 18th of April 1871, J. F. Dyer,
a justice of the Peace of said
County, upon the complaint
of the defendant John Connell
issued a summons, which
was served upon your
complainant's agent, in the
said County, to answer on
"Wed & Sat - the 21st & 22nd of May"
the Bill of Part-
iculars filed, however
shows that the cause of
complaint was the killing
of a cow, by one John Clark
an engineer in your com-
plainant's employ - Upon
the return of said summons,
Judgment was granted the plain-

off for the sum of nine ²³/₁₀₀ dollars & cents - and upon the 2d judgment, execution issued against your complainant - all the proceedings, as far as they were intended to be against your complainant, were irregular, as an inspection of the papers show - copies of which marked Exhibits A & B, are filed and prayed to be considered a part of this bill.

2. The said justice had no jurisdiction to hear & determine the matter in controversy, & although this defense was made at the trial before him, the objection was overruled -

3. Your complainant denies that before any judicial tribunal having jurisdiction to hear & determine the matter they could be held liable and, deny the right of the said defendant to recover damages of them - as the liability of the defendant to cover was not through any wilful misconduct & negligence on their part, but the result of the 2d defendant's own misconduct in committing

his call to run on their
tract where their claims
were constantly harassing.

4 Your complainant has no
remedy at law & unless
this honorable Court will
interpose by injunction restrain-
ing the execution of the judg-
ment aforesaid, (which is
null & void) they must suf-
fer this wrong, and be con-
tinually annoyed by such
irregular & illegal proceedings.

Your complainant therefore
prays that the aforesaid
John Cornwell and R. McK.
Barnes, complainant may be
made parties defendant to this
Bill & required to answer
the same, that an injunction
may be awarded inhibiting
& restraining the said R. McK.
Barnes complainant from any
further proceeding under the
execution issued as aforesaid
by the said J. L. Beget against
your complainant - that your
honor would declare the
judgment aforesaid null
& void, & grant your complain-
ant all such other & further
relief in the premises which

the circumstances of their
case name & every way
just - May a summons
issue in

Halladay House

R.G.

I, E. G. Ohio, Superintendent of the
Seaboard & Roanoke Rail Road
do certify that the matters set
forth in the foregoing Bill is
true & correct - I do further
certify that, I procured the
exhibits A, & B, filed therewith
& believe they are true copies

E. G. Ohio

Given to before me

MON STANT a Notary Public
Public for the City of
Richmond, ~~May 31~~ June 30 1871

MON STANT

Notary Public

The Seaboard &
Roanoke Rail
Road Co.
vs
Carmichael & Co.
Bill & Exhibits

1871 June 20

The Seaboard

& Roanoke

R. R. Co

vs

Cornwall &c

Order of Injunction

In the Clerk of the Circuit Court
of Southampton County =
The Seaboard & Roanoke
Rail Road Company = P^l
against

John Cornwell & R. McK.

Barnes, constable & D^{ft}.
An injunction is awarded the
plaintiff according to the
prayer of their Bill, to enjoin
& prohibit the defendant
R. McK Barnes, constable
from any further proceeding
whatever under the execution
& judgment referred to in the
plaintiffs Bill, issued & ren-
dered on the 13th of May 1871
by J. L. Berger, a justice of the
Peace for said County,
against the plaintiff =

This order however not
to be effectual until the
plaintiff or some one for
them execute bond in
the penalty of one hundred dollars
payable to the Commonwealth
& conditioned according to Law,
June 2^d 1871 - C. W. Hill

The Seaboard & Ro-
anoke Rail Rd.
Company

No 3

Comwell del

Injunction Bond

KNOW ALL MEN BY THESE PRESENTS, That we

J. A. Walton & J. H. Bogart

are held and firmly bound unto the COMMONWEALTH OF VIRGINIA in the sum of *One*
Hundred

Dollars; for the payment thereof, well and truly to be made to the said Commonwealth, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this *20* day of *June* 18*71*, in the *24th* year of the Commonwealth.

The Condition of this Obligation is, That if ~~the said~~ whereas in a suit in chancery pending in the Circuit Court of Southampton County wherein the Seaboard & Roanoke Rail Road Company is plaintiff & John Cornwell & R. McRae are defendants are plaintiffs, and order of injunction has been granted in favor of the defendants R. McRae & Cornwell from any further proceedings whatever under the execution & judgment rendered on the 13th of May 1871 by J. J. Ogletree, a Justice of the Peace for said County against the said John Cornwell, the said R. McRae and Roanoke Rail Road Company - Now therefore if the said, the Seaboard & Roanoke Rail Road Company shall faithfully discharge the duties of office of ~~pay the said judgment and all such costs as may be awarded against them and all such damages as shall be incurred in case of injunction being~~ *pay the said judgment and all such costs as may be awarded against them and all such damages as shall be incurred in case of injunction being* then this Obligation to be void, else to remain in full force. *discharged*

Acknowledged in presence of

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

[SEAL.]

J. A. Walton
J. H. Bogart

Seaboard VRR Road 6.

2 } Stat. Rules

Cornwall 8⁰



In Southampton Circuit Court

The Seaboard & Roanoke Rail Road Co.

To
John Cornwall & R. Mack Barnes Constables

1871 June 22 Bill & filed. Injuri: awarded
" 20 Bond & given Subpo & Injuri: issued
" July R. Subpo. & Ex. D. Nisi in Off.
" Aug Bill taken for Confessed
" Sep Cause set for hearing &

S. A. R. R. R. R. R. R.

is 3

Commell & e

Exhibit B.

Seaboard & R R R L

1870

July 8 To 1 lion killed by Jack

Engineer of said R R R L

This is a
correct copy

Judges

13

may

of the

act

\$9.99

of the

act

Southampton County, to-wit: **To R. Mck. BARNES, Constable.**

SUMMON *I Darden apt of S Y R R R*
to appear before me or some other Justice of the Peace of this County, at *Newmans Depot Va*
on the *18th* day of *April* 1871, to answer the complaint of *John Cornwell*
of a plea of debt, for non payment of

nine dollars *and ninety nine* cents, with interest due by
accrued and then and there make due return of this warrant.
Given under my hand, this *18th* day of *April* 1871

J. J. Dyer J. P.

JUDGMENT IS GRANTED the *Plaintiff* for the sum of *nine*
dollars & *ninety nine* cents, with interest from the *18th* day of *April* 1871
till paid, and *12.5* cents costs. Given under my hand this *18th* day of
May 1871.

Signed by J. J. Dyer J. P.

Southampton County, to-wit: **To R. Mck. BARNES, Constable.**

I COMMAND YOU, That of the Goods and Chattels of *The Lumber & R R R*
you cause to be made the sum of *nine* dollars & *ninety nine* cents, with interest from
the *18th* day of *April* 1871, till paid, and *12.5* cents, costs which

John Cornwell recovered before me *J. J. Dyer* a Justice of the Peace for the
County aforesaid, and that you render to the said *John Cornwell*
the debt aforesaid, and then make due return thereof within sixty days. Given under my hand this *18th*
day of *May* 1871.

DEBT. *98.9*...

INTEREST.....

COSTS. *12.5*...

COMMISSIONS *4.25* / 100 cents

J. P.

This is a copy of the papers

Seaboard RR Co
in 3 Diene
Cornwall

Nov Dec 1895.

~~To be sent~~

Geo: Blow-

Seaboard Roanoke Rail Road Co.

¹⁴ 3 Decr -
Cornwall -

On motion of the pleff, this cause is
ordered to be removed from the docket.

J. R. R. R. R. R.

20
Cornwall ny

Mem: to clerk
of Circuit Ct.
Sullivan Co.

In the Circuit Court of Southampton Co

The Seaboard & Roanoke Rail
Road Company

vs

John Cornwell & R. McK Rames,
debtor.

Issue summons in chancery
& endorse thereon the order
of execution granted by Judge
Heller.

To the clerk of said court

Holladay Hays
Per

To inform & prohibit the Defendant R Mack Barnes Constable from
any further proceedings whatever under the execution & judgment
referred to in the bill of the plaintiff issued & rendered on the 13th
May 1871 by J J Dyer a Justice of the Peace for Said County
(Southampton) against the plaintiff until the further Order of the
Court Bond with security in the penalty of One hundred dollars
being executed Conditioned according to law

Teste P White Clk

Holladay & Gale p. g

Seaboard & R R Co.

} Sp. & Dyer.

Cornwall J. P.

1871 July Rules

Executed

W C Briggs off

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon

John Cornwall & R Mack Barnes Constable

if ~~they~~ be found within your bailiwick, to appear at the Clerk's Office of our *Circuit*
Court of Southampton County, at the Rules to be holden for the said Court, on the first
Monday in *July next* to answer a bill in Chancery exhibited against them in our
said Court by the *Board of Roanoke Rail Road Company*

And have then there this writ. Witness, OSWIN WHITE, Clerk of our said Court, at the
Courthouse, this *20* day of *June* A. D., 187/ , in the *95* year of
the Commonwealth.

O. White Clk

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you to summon

John Cornwall & R. Mack Barnes Constable

if ~~they~~ be found within your bailiwick, to appear at the Clerk's Office of our Circuit Court of Southampton County, at the Rules to be holden for the said Court, on the first Monday in *July next* to answer a bill in Chancery exhibited against them in our said Court by the Seaboard & Roanoke Rail Road Company

And have then there this writ.
Courthouse, this 20 day of
the Commonwealth.

Witness, OSWIN WHITE, Clerk of our said Court, at the
June A. D., 187/ , in the 95 year of

O. White
