

1883 - 04

Southampton County Chancery -

Darden, James J., vs Sykes, Miles

to recover a "crop lien"

Morris, W. H. & Sons.

To the Honorable George Blow, Judge of  
the Circuit Court of Southampton County  
in Chancery--

Your Complainant, James  
S. Darden, of the said County of Southamp-  
ton, humbly complaining, sheweth to your  
honor,

That your complainant, on the 3<sup>rd</sup>  
day of April A. D., 1880, in pursuance of what  
is known as the "Crop Lien Law", Chap. 116, § 12  
seq., of the Code of Va., 1873, at the said County  
of Southampton, entered into a written Agree-  
ment with one Miles Sykes, of the said County  
of Southampton, whereby your complainant  
promised and agreed that, if the said Miles  
Sykes would give him a "crop Lien" on "one  
bale of middling cotton to weigh not less than  
four hundred and fifty pounds", he would  
furnish the said Miles Sykes, for the pur-  
pose of enabling him to make a crop the  
year 1880, aforesaid, supplies to an amount  
not exceeding the sum of forty dollars,

That the said Miles Sykes assented to the  
terms of said Agreement and did give to  
your complainant a "crop Lien" on one  
bale of middling cotton of the crop to be  
made by him during the year 1880, which  
Agreement was, by virtue of the "Crop Lien Law",



duly recorded in the Clerk's Office of Southampton County, as will more fully appear by the original of the same, herewith filed, marked A, and made a part of this bill.

That your Complainant fully performed his part of said Agreement, which was to furnish to the said Miles Sykes supplies to an amount not exceeding the sum of forty dollars; but that, the said Miles Sykes wholly failed and neglected to perform his part of the same, which was to deliver to your Complainant one bale of middling cotton, on the contrary, however, the said Miles Sykes, knowingly and willfully, and in fraud of your Complainant's rights, on or about the 19<sup>th</sup> day of October, 1880, shipped the said bale of middling cotton to a certain firm in Norfolk, composed of W. H. Morris, Frank Morris, Virginius Morris and Sam'l B. Morris, partners trading and doing business under the name, firm and style of W. H. Morris and Sons.

And your Complainant charges expressly, that the recording of the aforesaid Agreement, in pursuance of the Statute - Chap. 116 & 12 of the Code of Va., 1873, - requiring liens on crops to be recorded, was notice to

the said M. H. Morris and Sons, of the lien,  
of your Complainant on the said bale  
of middling Cotton, and that, the pur-  
chase of the same, <sup>by them</sup> was a fraud on his  
rights, and made subject to the lien of his  
said Agreement. And your Complainant further  
charges that the said Miles Sykes had no  
other crop nor did he make any other, which  
was subject to the satisfaction of his lien.  
In tender consideration of all which, and as  
your Complainant is remediless save in a  
Court of Chancery where matters of this kind  
are properly cognizable, your Complainant  
prays that Miles Sykes, and M. H. Morris,  
Frank Morris, Virginius Morris and Sam'l  
B. Morris, partners in trade and doing busi-  
ness under the name, firm and style of M.  
H. Morris and Sons, be made parties defend-  
ant to this bill and compelled to answer  
its allegations; That your honor will enter  
a decree requiring the said Miles Sykes  
to pay, within a reasonable time, to your  
Complainant the sum of forty dollars with  
interest thereon from the 1<sup>st</sup> day of December  
1880, and, upon his failure to do so within  
the time appointed by your honor, that the  
same shall be paid by the said M. H. Morris  
and Sons. And that your honor will grant



such other, general and special relief as  
to equity may seem meet and the nature  
of the case demand.

And your Complainant will ever  
pray &c., May it please the Court &c.,  
W<sup>m</sup> H. Parker jr. qf.

James J. Daviden  
vs  
E. B. Bell &c.,  
Miles Sykes and  
J. H. Morris & sons

1880 April Rules.

1882 April Rules

Darden

vs  $\frac{1}{2}$

Sykes + Morris + sons

### Notice

Executed this 25th day  
of October A.D. 1888 by  
serving a copy hereof  
on Frank Morris & the  
firm of M. H. Morris & Son  
no fees having been  
received for serving the  
the remaining copies  
they are herewith  
returned

P. G. L. Quinn Deputy  
for J. L. Blade Clerk

Sergeants fee for serving  
one copy fifty cents paid



To W. H. Morris, Frank Morris, Virginia  
Morris and Samuel Morris. Partners  
Trading under the firm style of W. H. Morris  
& Sons and Miles Bykes.

You are hereby notified, that on the 3<sup>d</sup> day  
of November, in the year 1883 at Newsom's  
Depot Va between the hours of 10<sup>o</sup> A. M.,  
and 6<sup>o</sup> P. M., of that day, I shall proceed  
to take the deposition of Miles Bykes &  
others, to be read as evidence in my behalf  
in a certain suit in Chancery, depending  
in the Circuit Court for the County of  
Southampton, wherein I am Plaintiff and  
you are Defendants. And, if from any  
cause, the taking of the said Depositions  
be not commenced, or if commenced, be  
not concluded on that day, the taking  
thereof will be adjourned from day to day,  
at the same place and between the same  
hours until the same shall be com-  
pleted.

James J. Darden,  
By Counsel.

Executed by delivering Miles Sykes and Frank  
Merritt each a copy of this summons on the  
22<sup>nd</sup> day of February & the 4<sup>th</sup> day of March  
1882

W. W. Briggs Siff  
Deleg. Baron by for  
W. W. Briggs Siff

Merritt & Sykes

1882 Apr Rully

Garden

W. W. Briggs Siff



**The Commonwealth of Virginia,**

**To the Sheriff of Southampton County—Greeting:**

We command you to summon Miles Sykes, W. H. Morris, Frank Morris, Virginius Morris and Saml B. Morris partners trading and doing business under the name, firm & style of W. H. Morris & sons.

if ~~the~~ be found within your bailiwick to appear, at the Clerk's Office of our Circuit Court of said county at the next to be holden for the said Court on the first Monday in April next to answer a bill in Chancery exhibited against them in our said Court by James J. Larden.

And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court house this 22<sup>nd</sup> day of February 1892, in the 106<sup>th</sup> year of the Commonwealth.

L. R. Edwards Clk

Mr. J. Turner

TO THE CLERK OF THE COURT OF COMMONS

to appear before the  
Court of Commons  
to testify and the truth

Executed

J. W. Williams by  
J. W. Briggs

shall in witness omit under the penalty of the law.

Witness, THOMAS, Clerk of our said Court at the Court-House

this day of ... 188...



# The Commonwealth of Virginia:

TO THE SHERIFF OF SOUTHAMPTON COUNTY---GREETING:

We command you to summon John S. Turner E. M.  
Darden and Miles Sykes-

McLemore Comr in Chancery <sup>B. F.</sup> to appear before <sup>the</sup>  
~~Judge of our~~ <sup>new and 22<sup>nd</sup> year</sup> Court of Southampton County, at the Court-House  
~~thereof~~, on the 3<sup>rd</sup> day of Nov<sup>r</sup>: 1883 to testify and the truth  
to speak on behalf of Ja<sup>s</sup>. J. Darden in a  
<sup>chancery suit</sup> ~~certain matter of controversy~~ in our said Court depending and undetermined  
between Ja<sup>s</sup>. J. Darden plaintiff and Miles Sykes & others  
defendant, and this they shall in nowise omit under the penalty of the law.  
And have then ~~there~~ this writ.

B. F. McLemore, Comr

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court-House  
this 22<sup>d</sup> day of Oct<sup>r</sup>: , 1883, in the 108<sup>th</sup> year of the Commonwealth.

B. F. McLemore, Comr Chancery

This agreement entered into this <sup>3<sup>rd</sup></sup> Day of April 1880 between Jas. J. Darden, of the first

part and Miles Sykes  
of the other part witnesseth as follows, That whereas the said Miles Sykes  
is about to engage in the cultivation of the soil, and is desirous to obtain supplies during the year 1880 from the said Jas.  
J. Darden for the amount of Forty Dollars and for taking the acknowledgement and for recording this  
agreement, and the said Jas. J. Darden, having on his part agreed to furnish said supplies, Now the said Miles

Sykes on his part and in consideration of the above provisions doth hereby grant a Lien to the said Jas. J. Darden, on  
one Bale of middling cotton to weigh not less than  
Four hundred and fifty Pounds to be made this year  
and for the payment of which the said Sykes waives  
the benefit of his Exemptions

For the amount advanced to him this year which has been or was intended to have been expended, and the said Sykes  
binds himself agreeable to law to deliver said cotton above mentioned to Jas, J. Darden, at Newsoms Depot  
Va., by or before the 1<sup>st</sup> Day of Decr 1880 This Lien is granted under an Act of the General Assembly  
of Virginia approved April 2nd. 1873 entitled an act to secure the advances for agricultural purposes, Witness the follow-  
ing Signatures and Seals

Witness

Jas. J. Darden ✓  
B. C. Bunn ✓

Jas. J. Darden  
Miles Sykes  
mark

(Seal)

(Seal)

(Seal)



Southampton County: In the Clerk's Office April 7<sup>th</sup> 1880  
This Writing between James J. Dorden and Miles  
Sykes was this day received and partly proved by  
the oath of James R. Dorden one of the subscribing  
witnesses thereto, and on the 8<sup>th</sup> day of April <sup>1880</sup> said  
writing was fully proved by the oath of B. C. Bunn  
the other subscribing witness, and admitted  
to record.

Test:

S. R. Edwards C. C.

1880 April 7<sup>th</sup> proved  
by Jas R. Dorden, Apr  
8<sup>th</sup> fully proved by  
B. C. Bunn & A. R.

Recorded  
Page 570

Exam?  
(Fee 75<sup>¢</sup> paid)

Darden

v } Sum. in Copy

Morris & Sons

1882 April Rules

N. H. Morris

Saul B. Morris

Executed this 11<sup>th</sup> day of March A.D. 1882 by serving copies hereof on N. H. Morris, Samuel B. Morris, and on the 13<sup>th</sup> day of March A.D. 1882 by serving a copy hereof on Virginia Morris, partners, trading and doing business under the name firm and style of N. H. Morris and Sons.

Wiles Dykes & Frank Morris not found.

R. R. Ball Deputy for Atty. Dalton Sergt.

Attest  
Jus. paid for service on N. H. Morris, Saul B. Morris & Virginia Morris. R. R. Ball Deputy

of the Constitution  
The Constitution of the State of Virginia  
The Constitution of the State of Virginia  
The Constitution of the State of Virginia



The Commonwealth of Virginia,

Sergeant of the City of Norfolk  
To the Sheriff of Southampton County GREETING

WE COMMAND YOU TO SUMMON

Miles Sykes, & W. St. Morris  
Frank Morris, Virginia Morris & Saml. B. Morris partners  
trading and doing business under the name, firm & style of  
W. St. Morris Sons

to appear at the Clerks Office of our Circuit Court of Southampton County  
at the Rules to be holden for the said Court on the first Monday in April  
next to answer a bill in chancery exhibited against them in our  
said Court by

James J. Dandridge

and have then there this writ.

Witness, LITTLETON R. EDWARDS, Clerk of our said Court at the Court  
House, this 24<sup>th</sup> day of February 1882, in the 106<sup>th</sup> year  
of the Commonwealth.

L. R. Edwards

The Demurrer and Answer of W. H. Morris, Frank Morris, Virginia Morris and Samuel Morris parties in trade doing business under the name and style of W. H. Morris Sons to a bill of complaint exhibited against them and Miles Sykes in the Circuit Court of the County of Southampton by James J. Darden, Complainant.

The defendants W. H. Morris Sons say that the bill is not sufficient in law.

These respondents reserving to themselves the benefit of all just exceptions to the said bill for answer thereto, or to so much thereof as they are advised that it is material they should answer, answer and say, that, True it is that on or about the 20. day of October 1880 these respondents received from Miles Sykes one bale of cotton in satisfaction of a certain indebtedness of the said Sykes then due to these respondents, that the said cotton was shipped from Newsoms Depot over the line of the Seaboard and Roanoke Rail Road Company, and consigned by the said Sykes to these respondents with the knowledge and through the agency of the said Complainant James J. Darden who was at that time the agent of the said rail road company at Newsoms Depot. That the said cotton was on the



22<sup>nd</sup> day of October 1880 sold ~~to~~ and delivered to Messrs. M. Rigg & Co. Cotton buyers of the City of Norfolk, and the proceeds of such sale accounted for to the satisfaction of the said Sykes. And these respondents aver that they never heard that the Complainant asserted or claimed any lien on the said bale of cotton until more than twelve months after it passed out of their possession to wit, on the 7. day of December 1881. These respondents submit as a question of law that even if the allegations of the bill should be admitted as true, the Complainant has no right of action against these respondents, who have acted with the most transparent good faith. If the allegations of this bill be true then the Complainant may <sup>possibly</sup> have a lien upon the said bale of cotton, and the Statute in such case made and provided, distinctly indicates the method by which his lien may be asserted, and nowhere gives any right of action against an innocent purchaser for value, who has parted with possession of the property to which the lien attaches. The remedy as provided by the Statute for the enforcement of a "Crop Lien" is in the nature of a proceeding in rem against the property wherever it may be found in the State of Virginia. -

These respondents answering further, deny that the Complainant has or ever did have any lien

upon the bale of cotton shipped to these respondents as aforesaid, and they deny expressly that the recording of the Agreement [Exhibit A with the Bill] ~~was~~ <sup>was</sup> any notice to these respondents of the alleged lien of the Complainant on the said bale of cotton, or that the purchase of the same by them was a fraud on the Complainant's rights, or made subject to the lien of the said Agreement. And these respondents further deny that they had any notice whatever, legal, actual or constructive that the Complainant had any claim for money against Miles Sykes or the said bale of cotton, on the contrary, the action of the Complainant (the depot agent at Newton's Depot) in permitting the said Miles Sykes to ship the said cotton to these respondents, and in permitting these respondents to dispose of the same, indicates very clearly that the Complainant had no such claim.

And these respondents aver that the gross neglect and laches of the Complainant's former bars ~~of him~~ <sup>from</sup> asserting any claim whatever against these respondents by reason of anything in his bill alleged.

And these respondents expressly deny that it is true that the said Miles Sykes made no other crop save the said bale of cotton which was subject to the satisfaction of the Complainant's alleged lien, on the contrary, these respondents are advised, believe,



and they therefore charged that the said Miles Sykes made other crops upon the land cultivated by him during the year 1880, equally liable to the satisfaction of the Complainants alleged him.

And these respondents deny all fraud, unlawful combination and confederacy; and having fully answered the Complainants bill, pray to be hence dismissed with their reasonable costs by them in this behalf expended, and they will ever pray &c.

Witnesses Present.  
—  
P.A.

(W. H. Morris & Sons)

State of Virginia,  
City of Norfolk, to wit.

This day Wm H. Morris — a member of the firm of W. H. Morris & Sons personally appeared before me and made oath that the statements contained in the foregoing answer so far as made of his own knowledge are true, and so far as made upon information derived from others he believes them to be true. Given under my hand this 2nd day of December 1882.

Geo. W. Day  
Notary Public.

Jan. 9. 1883

Declarer of  
Answer of  
W. H. Morris & Sons.

Miles Sykes and  
Morris & Sons.

1883 May 4<sup>th</sup>  
filed

Darden

"vs" } Notico

By Kes & Morris & Sons

Notico

Executed Oct 24<sup>th</sup> 1890  
by delivering a copy of this  
Notico to the wife of Miles  
Lykus and explaining its  
purport to her she being a  
female member of his fam-  
ily over sixteen years of  
age.

J. C. Williams by  
or W. W. Briggs & Sons



To M. H. Morris, Frank Morris, Virginia Morris  
and Samuel Morris - partners -  
Trading under the firm style of W. H. Morris  
& Sons, and Miles Lykes -

You are hereby notified that on the 3<sup>d</sup> day of  
November, in the year 1883, at Newsoms Depot,  
Southampton County Va. between the hours of  
10<sup>o</sup> A.M. and 6<sup>o</sup> P.M. of that day, I shall  
proceed to take the depositions of Miles  
Lykes & others, to be read as evidence in  
my behalf in a certain suit in Chancery  
depending in the Circuit Court for the County  
of Southampton, wherein I am Plaintiff  
and you are Defendants - And if from  
any cause, the taking of the said dep-  
ositions be not commenced, or if commenced  
be not concluded on that day, the tak-  
ing thereof will be adjourned from  
day to day, at the same place and  
between the same hours until the same  
shall be completed.

James J. Darden  
By Counsel

Darwin

vs } Dep of  
Witnesses

By His & others



Virginia

Southampton County, To wit:

J. B. F. McLemons, Commissioner in Chancery  
for the County Court, in the said State, do hereby  
certify that the foregoing depositions of Jas  
J. Darden, Miles Lykes and E. M. Darden  
were duly taken taken, sworn to and  
subscribed before me at the time and  
place, and for the purpose therein men-  
tioned.

Given under my hand the 3<sup>rd</sup> day of  
November, in the year 1883.

Com<sup>rs</sup> for  
S<sup>er</sup> Ch<sup>y</sup> Cliff

J. B. F. McLemons  
Com<sup>r</sup> in Ch<sup>y</sup>

The Depositions of Miles by Res. E. M.  
Darden & others, taken before me, B. A.  
McLeman, a Commissioner in Chancery, for the  
County Court of Southampton, pursuant to  
Notices hereto annexed, at News and Depot  
in Southampton County, on the 3<sup>rd</sup> day of November  
1883, between the hours of 10<sup>o</sup> A.M. and 4<sup>o</sup> P.M.  
of that day - to be read as evidence in behalf  
of Jas. J. Darden, in a certain Chancery  
suit, depending in the Circuit Court of South-  
ampton, State of Virginia, wherein Miles by Res.  
& H. H. Morrisons are Defendants, and  
Jas. J. Darden, is Plaintiff.

Present:

W. H. Parker —

Attorney for Defendants

Attorney for Plaintiff

The witness Jas. J. Darden, being duly  
sworn, deposed as follows: —

First question, by Plaintiff's Counsel —

What is your age - where do you reside  
& do you know the parties to this suit?

Answer: I am 52, fifty-two years old, reside in  
Southampton County, and know the  
parties to this suit - I am the Plaintiff  
to this suit.

Question: Can you state upon the best of your  
knowledge & belief, that the facts con-  
tained in the bill of the Complainant





the Plaintiff in this suit?

Answer: I have not.

Question: Why did you not say delivery to the Plaintiff, the bale of Cotton as provided?

Answer: Because Mr. Barkham & Turner told me that the claim for Fertilizers must be settled first.

Question: Did Barkham & Turner have any claim or Lien on your Crop?

Answer: They did not; They simply told me to deliver the Cotton by the 1<sup>st</sup> day of November 1880.

And further, this Deponent says etc not!

Miles <sup>his</sup> S. S. Kes  
mark

The witness, E. M. Darden being duly sworn, deposes as follows:

Question: What is your age, where do you live and do you know the parties to this suit?

Answer: I am twenty six years of age, reside in Southampton County and know all the parties of this suit.

Question: Do you remember ever having shipped



any Cotton for Miles Lykes, to Messrs  
W. H. Morris & Sons?

Answer: Yes; I shipped some Cotton to W. H.  
Morris & Sons in the fall of 1880. Do  
not remember, positively whether it was  
one or more bales.

Question: By what authority did you ship  
the Cotton?

Answer: I shipped it as Acting Agent of  
the Seaboard & Roanoke Railroad,  
in the absence of my father, Jas. J.  
Darden, the Agent, proper, of said  
Railroad.

Question: Did you know of the existence  
of the Lien your father held on the  
Crop of said Lykes?

Answer: I knew nothing of it at the time.  
My father, Jas. J. Darden, told me after  
the Cotton had been shipped, that he  
would not have allowed it, if he  
had known it in time, as he had  
a Lien on his (Lykes) Crop.  
And further, this deponent says etc  
noted.

E. J. Darden

~~107~~ +28 +11 105

Dardin

v. } Stat. Rules

Sykes & Co



In Southampton Circuit Court

James I Darden

Plaintiff

<sup>vs</sup>  
Niles Lykes, W H Morris, Virginius Morris, & Saml  
B Morris, partners in trade and doing business under the name  
firm style of W H Morris & Sons Defendants

1882 Febry 22. Summons issued

" April Rules - Summons returned Executed Bill  
filed - Deceit Nisi vs Defendants

" " " Bill taken for confessed & cause set for  
hearing &c

James J. Darden

v.  
Miles Sykes and W. H. Morris, Frank  
Morris, Virginius Morris and Samuel  
B. Morris partners in trade doing  
business under the name, firm and  
style of W. H. Morris and Sons.

This cause, which has been  
regularly matured and set for hearing  
at rules according to law, came  
on this day to be heard on the  
Bill and the exhibit therewith filed,  
and the demurrer and answer of  
the defendants W. H. Morris & Sons,  
with joinder in said demurrer, and  
general replication to said answer,  
and was argued by counsel:

On consideration whereof, the Court  
being of opinion that the Complainant's  
bill is not sufficient in law, as to  
the defendants W. H. Morris & Sons doth  
sustain the said demurrer, and doth  
adjudge, order and decree that the  
said bill be dismissed as to W. H.  
Morris & Sons, and that they recover of  
the complainant <sup>James J. Darden</sup> their costs by them  
~~above~~ in this behalf expended.  
It is further adjudged, ordered and



Ordered that the complainant recover  
of the defendant Miles Sykes the  
sum of Forty Dollars, with legal  
interest thereon from the 1<sup>st</sup> day of  
December 1880, until paid, and his  
costs by him in this behalf expen-  
ded. -

And the cause is ordered to be  
stricken from the docket. -

Jus. J. Darden

~~W. D. DAVIS~~  
W. DAVIS

Miles Sykes vs. Darden.

To be entered,  
Nov. 8. 1883. -

Wm. T. Blevins.  
W. T. Blevins.