

1884 - 10

Southampton County - Chancery

Brown, Baggs & Co. vs Barden, C. L.

"Creditor's Suit"

To pay off Judgments

Brown, John  
Baggs, F. Henry &  
Carlin, A. W.

Brown, Boggs & Co  
vs

Le L. Barden

Bill & Exhibits

To the Hon George Blair -

Judge of the Circuit Court of Southampton County  
in Chancery -

Humbly complaining your orators, John Brown, F.  
Henry Boggs and J. W. Corbin  
merchants & partners trading under the name & style of  
Brown, Boggs & Co (who due for themselves and all other  
judgment creditors of C. L. Borden & who will come  
in & contribute to the cost of this suit) respectfully  
represent to your honor -

That at the May term 1880 of the Circuit Court of  
said County, on the law side thereof, your orators obtained  
an judgment against said C. L. Borden a judgment for the  
principal sum of \$209.90 cents  
with legal interest thereon, that is to say, on \$52.48 cents, part  
thereof from November 21<sup>st</sup> 1879; on \$52.48 cents, part thereof, from  
December 23<sup>rd</sup> 1879; on \$52.47 cents, part thereof from October 22<sup>nd</sup> 1879;  
and on \$52.47 cents the residue thereof, from October 22<sup>nd</sup> 1879 & costs  
that an execution of fieri facias was issued on said  
judgment and returned "no effects" - a certified copy  
of which judgment and execution is herewith filed  
as part of this Bill & is marked A & B. Said judgment is  
still unpaid and is still due to ~~your~~ orators.  
Your orators are advised that by reason of their  
said judgment there is a lien on the real estate of  
which said C. L. Borden is seized & possessed -

That said Borden is so seized & possessed of real es-  
tate situated in said County of considerable value, of  
~~the~~ about the value of five thousand dollars, in the

opinion of your orators - That is to say, of a lot, with  
store houses, and other buildings, thereon, situated in the vil-  
lage of Boykin's, in said County, and a farm of two  
or three hundred acres, more or less, lying near said Boy-  
kin's, with buildings thereon &c.

Your orators are without remedy save in a  
Court of equity as this Honorable Court is -

they therefore, in consideration of the premises, humbly  
pray your Honor that said Co. L. Barden may be  
made a party defendant to this Bill & required to an-  
swer its allegations fully & specially -

that all proper accounts may be taken -  
and that your Honor would grant such other and gen-  
eral relief, the premises considered, as equity may dic-  
tate and the nature of the case may require -

And, as in duty bound, your orators will ever pray &c  
May it please the Court &c

Mo J. Kindred

h9

And said Counsel hereby gives notice to all concerned  
that he will ask the Judge of said Court to allow to him,  
out of the proceeds ~~that~~ may come under the control  
of said Court, a reasonable Attorney's fee for  
his services in this suit.

I Kindred

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Exhibit "A"

Southampton Circuit Court, May Term 1880.

John T. Brown, T. Henry Bogg, & John W. Cortin,  
Merchants & partners trading under the name  
& style of Brown, Bogg & Co. Plffs  
against  
C. J. Bardick Deft

The judgment obtained in the Office against  
defendant not having been set aside and the  
plaintiffs being now entitled to a final  
judgment, it is therefore considered that the  
plaintiffs recover against the defendant  
the sum of Two hundred & nine 9/100  
dollars the debt in the declaration  
mentioned, with legal interest on fifty-  
two 48/100 dollars payable thereof from ~~Mar. 21~~ 1879,  
Nov. 21<sup>st</sup> 1879, on fifty-two 48/100 dollars, another  
payable thereof from Dec. 23<sup>rd</sup> 1879, on fifty-  
two 47/100 dollars, another payable thereof, from  
Oct. 22<sup>nd</sup> 1879, (and on fifty <sup>two</sup> 47/100 dollars another  
payable thereof from Oct. 22<sup>nd</sup> 1879, & their  
costs by them about their suit in this behalf  
expended. But this judgment is to be  
Creditor for two dollars, paid Feb 9. 1880.

A Copy

Teste James K. Tyler Clk

Brown, Briggs & Co.  
vs. *[Signature]*  
Barden

1883 April Rates.

Executed by deliver-  
ing C. E. Barden a  
Copy of this Summons  
on the 2<sup>nd</sup> day of  
April 1883

W. W. Briggs S. H.

# The Commonwealth of Virginia,

To the Sheriff of Southampton County---Greeting:

WE COMMAND YOU TO SUMMON *C. L. Borden*

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 *April next* next, to answer a bill in Chancery exhibited against *him* in our said Court by *John Brown, J. Henry Boggs & J. W. Corbin, merchants & partners trading under the name and style of Brown, Boggs & Co*

And this *he* shall in no wise omit; and have then there this writ.

*James R. Tyler*  
Witness, *James R. Tyler* Clerk of our said Court this *31<sup>st</sup>* day of *March*

1883, in the *107<sup>th</sup>* year of the Commonwealth.

*James R. Tyler* Clerk

<sup>72</sup>  
Borden B. & Co.

W. J. Tinsley

Borden

1880. August 1880

Chk \$ 3.40

Chk .50

Law 40 3.50

\$ 7.40

Shiff's Return,

etc property

W.W. Binger Chk

A Copy,

Inte, Jack T. Co.,  
etc

Given to entering as to Credit for use of  
from Oct 9<sup>th</sup> 1880.

J. H. G. Smith. 1880

# The Commonwealth of Virginia,

TO THE SHERIFF OF SOUTHAMPTON COUNTY.... GREETING :

We command you that of the Goods and Chattels of C. L. Borden,

late of your bailiwick, you cause to be made *Two hundred & ninety nine dollars with legal interest*  
*on fifty-two 48/100 <sup>dollars</sup> parcel stored from Nov. 21<sup>st</sup> 1879. on fifty-two 48/100 dollars*  
*another parcel stored from Dec. 25 1879, on fifty-two 47/100 dollars another*  
*parcel stored from Oct. 22<sup>nd</sup> 1879, & on fifty-two 47/100 dollars another parcel*  
*stored from Oct. 22<sup>nd</sup> 1879, which Jno. F. Brown, Henry B. Bigger & Jno. W. Coburn*  
*Merchants & Partners trading under the name & style of Brown, Bigger & Co.*  
lately in our *Circuit* — Court of Southampton County have recovered against *them* *as well*  
for a certain debt as for interest thereon, also the sum of *Seven* Dollars and *forty*  
Cents, which to the said *Brown, Bigger & Co.*  
in the same Court were adjudged for *their Debt*

Borden is *convict* in that suit expended, whereof the said  
convict as appears to us of record : and how  
you shall have executed this writ make known at the Clerk's Office of our said Court, at the rules to be holden for said Court on  
the first Monday in *August* next, and have then there this writ.

WITNESS, LITTLETON R. EDWARDS, Clerk of our said Court, at the Courthouse, this *11<sup>th</sup>*  
day of *May* 1880, in the *104<sup>th</sup>* year of the Commonwealth.

*L. R. Edwards*

Brown, Boggs & Co.,  
vs ~~the~~ Report  
Barden

Filed during Term

Brown, Briggs & Co.,  
vs } Report.  
Ex. L. Garden

In this cause the undersigned respectfully reports to the Court, that a short time before this suit was instituted judgment was recovered against the defendant in action at law, on which execution issued, which was collected and the money paid to plaintiff's attorney; and that the execution, <sup>with their receipt thereon filed</sup> was returned satisfied.

Respectfully  
W. W. Briggs Shff

~~131~~

~~131~~ 132

Brown Bogg & Co  
or Statement Rules

Barden

Southampton Circuit Court

John Brown, F Henry Boggs and J. W.  
Corbin merchants vs

vs

C. L. Farden

1883

March 31<sup>st</sup>

Summons issued

April Rules

Summons return executed deems nisi

May Rules

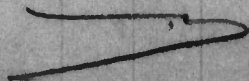
Cause set for hearing

Brown, Boggs & Co.,  
vs  $\frac{3}{4}$  Deere  
Bardew

May Term 1884.

To be entered.

Geo. B. Low.



✓

Brown, Boygs & Co.,

vs

~~W~~  
~~B~~

Decree.

Le. L. Barden

This day this cause came on to be heard on the Complainants' bill taken for confessed, the report of W. W. Briggs, <sup>being pursuant to the terms</sup> showing payment in full of the plaintiffs' demand, which said report is confirmed by the Court, there being no exceptions to the same, and nothing further remaining to be done, the Court doth order that this cause be removed from the docket.